



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 25 MAY 2023 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

| | |
|-----------------------------------|------------------------|
| Councillor Guest | Councillor Cox |
| Councillor C Wyatt-Lowe | Councillor Link |
| Councillor Durrant | Councillor Mottershead |
| Councillor Hobson (Vice-Chairman) | Councillor Patterson |
| Councillor Maddern | Councillor Riddick |
| Councillor Stevens (Chairman) | Councillor Silwal |
| Councillor Bristow | Councillor Mitchell |

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 21/04038/FUL Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping. 10 Church End, Markyate, St Albans, Hertfordshire, AL3 8PY (Pages 6 - 29)
- (b) 23/00367/FHA Removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom. 14 Trooper Road Aldbury Tring Hertfordshire HP23 5RW (Pages 30 - 47)

6. APPEALS UPDATE (Pages 48 - 67)

INDEX TO PLANNING APPLICATIONS

| Item No. No. | Application No. | Description and Address | Page |
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| 5a. | 21/04038/FUL | Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping. 10 Church End, Markyate, St Albans, Hertfordshire | |
| 5b. | 23/00367/FHA | Removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom. 14 Trooper Road, Aldbury, Tring, Hertfordshire | |

Agenda Item 5a

ITEM NUMBER: 5a

| | | |
|------------------------|--|----------------|
| 21/04038/FUL | Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping. | |
| Site Address: | 10 Church End, Markyate, St Albans, Hertfordshire, AL3 8PY | |
| Applicant/Agent: | K Bailey | Mr David Lomas |
| Case Officer: | Joan Reid | |
| Parish/Ward: | Markyate Parish Council | Watling |
| Referral to Committee: | Objection from the Parish Council | |

1. RECOMMENDATION

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to 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 Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The site is situated in the Green Belt and the land proposed for development is considered to be previously developed. The proposal would reuse an existing commercial unit into a single dwelling and would contribute to the existing housing stock of a small residential unit. An existing extension would be demolished and replaced with a more compact extension over two floors. The proposals would not have a greater impact on the openness of the Green Belt, complying with the requirements of Paragraphs 149 and 150 of the National Planning Policy Framework (2021) and the aims of Policy CS5 of the Core Strategy (2013), subject to conditions.

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the original building, and would not result in any harm to the character or appearance of the street scene or surrounding 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 significant loss of light or privacy. The scheme would have a neutral effect on the setting of the listed buildings, and would preserve the setting of the grade II listed heritage assets near the site in accordance with the NPPF and policy CS27.

2.3 Furthermore, the scheme would not have an adverse impact on the road network or create significant parking stress in the area given the location, scale and existing use of the building.

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 site is located on Church End, which is to the north east of the Village of Markyate and within the Green Belt. The site comprises an extended two storey detached building originating from 1880s which is in commercial use, most recently in the retail trade of motor vehicle parts. The property is situated opposite St. Johns Church (Grade II*), Cell Lodge its gates and gate piers (Grade II), and Markyate Cell and its Parkland beyond that (Grade II* and Grade II respectively). The Scout Hall is located to the east, and a building known as the Homestead (Grade II) is located south. Immediately to the west of the application site is a property known as 'the Factory' or formerly the 'Promotional Centre' which is presently undergoing conversion from commercial use to 4 residential

units. The site can be accessed from the High Street via a pedestrian link under the A5183 or via Luton Road for vehicle users. To the rear of the application building, there is small curtilage, which is heavily wooded and contains a large tree.

The planning statement states that the site is located within Flood zones 2 and 3 however, this does not accord with the LPAs or the Environment Agency's mapping systems which show the extent of the flood risk areas which are outline the application site. (xtend half way across the neighbouring site to the east). The LPA's and EA's mapping system indicates that the site is at high risk of surface water flooding but not from rivers.

4. PROPOSAL

4.1 The application seeks full planning permission to demolish, extend and convert the existing commercial building (Use Class E1) to a two bedroom dwellinghouse (C3). One parking space will be provided forward the side projection and a small garden will be created at the rear.

The proposed plans have been amended during the course of the application to lessen the size and scale of the two-storey side enlargement and removal of the ground floor rear projection.

5. PLANNING HISTORY

No planning history in last 20 years.

6. CONSTRAINTS

Green Belt: Policy: CS5
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 - Green Belt
CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment.
CS29 - Sustainable Design and Construction

Local Plan 1991-2011 - Policy 99 and appendices 3, 5 and 7

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Chiltern Beechwoods Special Area of Conservation Mitigation Strategy
Refuse Storage guidance.

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The impact of the development to the Green Belt
- The quality of design and impact on visual amenity;
- The impact on residential amenity;
- The impact to Heritage Assets;
- The impact on highway safety and car parking and
- Other Material Planning Considerations.

Principle of Development

Green Belt

9.2 The application site is located within the Green Belt outside of the small village of Markyate boundary. 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 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.4 Paragraph 149 states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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 affordable housing need within the area of the local planning authority.

9.5 In addition, paragraph 150 of the NPPF states: “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);”

9.6 Policy CS5 of the Dacorum Core Strategy (2013) 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.

Policy CS5 clarifies that small-scale development – such as the redevelopment of previously developed sites – are acceptable provided 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.

9.7 The development would seek to extend and convert the existing building. These works are considered *appropriate development* in the Green Belt falling across two exceptions: paragraph 149 c) extension and alterations of existing buildings providing it does not result in disproportionate additional over and above the original building and paragraph 150 d) the reuse of buildings provided the buildings are of permanent construction. The existing original structure would remain and the side and rear wrap around section would be removed and replaced with a two storey side and rear extension. The resultant building would be similar in size (20sq.m difference) to the existing when taking a floorspace calculation:

| | GIA (sqm) | GEA (sqm) |
|----------|-----------|-----------|
| Existing | 100.98 | 120.91 |
| Proposed | 100.44 | 121.08 |

Table 1: Floorspace figures supplied by the planning agent

As existing side and rear wraparound extension would be demolished and replaced with a more compact extension, there would be a small improvement to the visual and spatial openness. The

development would accord with the requirements of the NPPF and would not reduce the overall openness of the Green Belt.

9.8 It is recommended to impose a condition removing permitted development rights for Class A (extensions), Class C (roof enlargements) and Class E (outbuildings) to restrict further built form in the Green belt.

Rural Economy/ Loss of E class use

Core Strategy policy CS5 in addition, small scale development must also support the rural economy and maintenance of the wider countryside. The commercial use of the site has scope to provide jobs in the rural area.

Policy CS14 and CS15 seek to promote economic development. Core Strategy Policy CS15 states that in employment areas, a minimum area of land will be retained for B class uses, including employment areas will be retained in the Green Belt and paragraph 12.16, of the supporting text to Policy CS15 suggests existing employment sites will normally be retained.

However, on balance, the site is located amongst a residential cluster of homes and given prevailing character of the locality and shortage of housing within the borough, the proposals are compliant with the objectives of the development when taken as a whole. Some, albeit limited weight is given to a potential fall-back position that the building could be converted to residential through permitted development rights.

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials. As outlined above, Policy CS5 states that small-scale development will be permitted within the Green Belt, provided that it has no significant impact on the character and appearance of the countryside.

The proposed alteration and extension of the property is considered to be of good quality, sympathetic to the overall scale and design of the original property and in keeping with the character and appearance of the locality.

Impact on Residential Amenity

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

9.5 The plans for the extension and conversion of the building to a single dwelling has been amended since the original application was submitted resulting in a reduction in the size of the two storey element and removal of the ground floor single storey rear projection. The most affected neighbouring properties have been considered below:

a) The Factory (formerly known as the Promotional Centre)

9.6 The amendments to the scheme requested to reduce the impact of the development on the residential amenities of the future occupiers of the adjacent building 'the Factory'. Permission has been granted to convert the Factory building and the subsequent building has 4 windows to the

elevation facing the application site which would serve bedrooms of the flats. In order to assess this, the application was supplemented with a Sunlight and Daylight Assessment (Prepared by BRE) which considers loss of daylight to the neighbouring property. The report considers the loss of the vertical sky component to the neighbouring windows and says that all these windows would sit comfortably within the BRE guidelines. Three of the windows would see an increase in the vertical sky component received because of the proposed change to the single storey part of the building sited further away. Three of the four rooms would also meet the daylight distribution guideline. One bedroom would sit below the recommended guidance however; as it would receive more than the existing amount of daylight to part of the room this would balance out the loss of the daylight distribution.

9.7 The report also states that the nearest windows of the neighbouring property 'the Factory' face northerly towards the development and therefore loss of sunlight would not be a reason for refusal.

9.8 In terms of visual overbearing impact, the existing situation between the buildings is poor (the principle of the conversion of the 'Factory building' was established through permitted development rights' and there is poor outlook for the windows at the Factory. This development would result in no greater harm to the outlook of the occupiers and would in part be a betterment.

9.9 The development would result in a better neighbour in land use terms to the residential properties, removing the unrestricted commercial use. Two windows proposed to the ground and first floor side elevation of the building nearest the Factory. The ground floor is serving a hallway behind the door and the second window would light a stairway. Given they do not serve habitable rooms, they are considered acceptable. It is recommended to impose a condition removing permitted development rights for all Class A, B and C development and one of the reasons (together with Green Belt) shall be to avoid future insertion of windows which could cause loss of privacy to the neighbours.

b) The Homestead, Church End.

9.10 An objection was received from the Homestead, which is a private residential property located to the south of the site. In response to this comment, there has been a number of exchanges between the applicant, the agent and the homeowner via the public access system. The Parish Council has also commented on the objections. A number of the points raised are considered to be non-material to the decision making process such as

9.11 The following points are material and weigh in the overall planning judgement:

Impact of the proposal to privacy and enjoyment of private amenity space. The rear elevation of the dwelling would be located approximately 24m from the nearest section of the front elevation of the Homestead. This would meet the dwellings spacing requirement of Appendix 3 of the Dacorum Borough Local Plan 1991-2011. In addition to meeting the minimum standard, privacy is enhanced with the extent of trees separating the two properties and a reason for refusal could not be substantiated on loss of privacy from the rear windows of the application site to the Homestead. It is noted that the plans have been amended since the original submission and there is now one large first floor window on the rear elevation.

The Homestead has raised objection to the loss of privacy to their amenity space nearest the site. Given the introduction of a new window to the rear of the building there is potential for some loss of privacy. At present there is a substantial tree located to the rear which would screen this. The potential loss of privacy to the amenity space would not warrant a refusal having regard to the distances and the screening that exists from the mature trees.

c) Markyate Cell lodge

9.12 This property is located directly opposite and appears to be in residential use. There would not be any significant harm to this property in terms of loss of privacy or overbearing impact as there is existing windows fronting the site and the extension and alterations would not interfere with its light or outlook.

Impact on Highway Safety and Parking

9.13 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers. Hertfordshire Highways were consulted on the application and raise no objection subject to the imposition of a surface water drainage condition and informatives.

9.14 In terms of parking, the scheme makes provision for 1 space located to the front of the dwelling. The adopted SPD seeks to secure a minimum of 1.5m for a 2-bedroom dwelling within Zone 3 which applies to Markyate.

9.15 Regard has been taken to a recent appeal decision, which allowed a new 3-bedroom dwelling at 93-95 High Street, Markyate Appeal Ref: APP/A1910/W/21/3279289. The Inspector considered whether the 3-bedroom dwelling which made provision for 1 space, would be of a scale to generate a harmful increase in vehicular movements, on and around the appeal site. He had regard to the distance between the proposal and the village shops and facilities including walkable access (including regular bus services would offer future occupants realistic alternatives to private car use in some circumstances). The Inspector has satisfied with the overall provision in a similar case albeit a larger house where there was not an existing commercial use. As such, given that the scheme is for a small 2-bedroom dwelling and replaces an existing use which would generate more parking demand, on balance it is considered that a reason for refusal on parking grounds could not be substantiated.

9.16 It is recommended to impose a condition requiring the space to be in place prior to the first occupation of the dwelling and to keep it available for the purposes of car parking thereafter. A condition for electric vehicle charging point is not now required as this will be subject to Building Regulation requirements.

Quality of residential accommodation

9.17 In terms of satisfactory standard of accommodation, the Technical housing standards (nationally described space standards) sets out a minimum floorspace standard for new dwellings which is a material consideration and an indicator if adequate floorspace is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers. A two-storey two bedroom property should be a minimum gross space of 70 sq.m and the proposed dwelling would be well in excess of minimum.

9.18 Appendix 3 of the local plan sets out guidance for garden sizes and recommends that a minimum depth of 11.5m be achieved, whilst a reduction can be made for smaller starter homes. The garden has a length in excess of 11.5m but the width of the garden tapers off (approximately 9m at the widest point to 2m at the narrowest point). Whilst the quality of the space is not ideal given the shading of the existing trees, the space would still serve a decent private amenity space for the small unit.

9.19 In terms of light to habitable spaces, the layout of the unit is reasonable given the conversion of the building. It is noted that the light and outlook to the rear of the property would be impacted by the existing tree however the living area is served by a window to the north also.

9.20 The environmental health team have been consulted on the scheme and acknowledge that due to the siting near to the A5183 and other road, there is potential to reduce traffic noise from the development and garden. A condition will be imposed requiring further details to limit noise and nuisance and air quality.

Impact to Heritage Assets

9.21 The property fronts on to Church End, opposite the lodge and gates to Cell Park (grade II listed). To the north of the lodge lies Cell Park (a grade II registered park and garden) and the church of St John the Baptist lies to the north-west. To the rear / south of the site lies The Homestead (grade II listed) and its garden extends up to the site boundary.

9.22 Policy CS27 Quality of Historic Environment states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed.

9.23 A Heritage Statement has been submitted with the application. The conservation officer has reviewed the application and feels that the proposal would preserve the setting of the designated heritage assets due to the relatively minor changes being made to the front of the property (in relation to the setting of Cell Park gate lodge/ gates) and the distance between the application site and The Homestead. She considers that Cell Park and the Church will not be impacted under the proposals.

9.24 The conservation officer has stated that the side and rear extension should tie in reasonably well with the existing property if appropriate materials are used, the use of sympathetically designed and detailed windows should provide an enhancement.

9.25 The proposal would have a neutral effect on the setting of the listed buildings, and would preserve the setting of the grade II listed heritage assets in the vicinity of the site in accordance with the NPPF and policy CS27 and the conservation officer has no objection. A condition will be imposed requiring the details of materials and window design. As such, the proposed development would accord with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2006-2031 (CS), which together seek to ensure that, among other things, development complements local character and conserves the historic environment. Furthermore, the proposal would accord with the approach of the Framework, taking account of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Material Planning Considerations

9.26 Environmental health officers raise no objection but state that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated. As such a contamination condition is considered necessary and reasonable and will be imposed on the decision.

Impact on Trees and Landscaping

9.27 Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.28 There are no Tree Preservation Orders or otherwise protected trees within the application site and the site is not located within a Conservation Area. There is a substantial tree located within the rear curtilage of the property which is shown for retention. These trees have been discussed with the Tree officer and it is their view that these trees would not be worthy of TPO having regard to their amenity value.

Waste Management

9.29 Waste Management 9.22 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The Highway Authority has commented that 'provision would need to be made for an on-site bin-refuse store within 30m of the new dwelling and within 25m of the kerbside/bin collection point. The plans show adequate space for the provision of domestic bin storage to the rear and there is sufficient width to take the bins along the side of the property. The applicant would be able to leave bins at the roadside on bin collection day.

Community Infrastructure Levy (CIL)

9.30 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 3.

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.24 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.25 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites

9.26 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.27 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.28 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected

local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.29 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.30 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.31 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

10. CONCLUSION

10.1 The proposals are complicit with the development plan when taken as a whole and material considerations are factored in, the application should be granted.

11. RECOMMENDATION

11.1 That the application 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 carried out in accordance with the following approved plans/documents:**

21.058 2A
21 058 1A
K0422-E-S1

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

- 3. The parking space shown on the approved plan shall be in place prior to the first occupation of the dwelling and kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose thereafter.**

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

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

A, B, C, E.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

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

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area and to preserve the setting of the Heritage Assets in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

6. **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

- 8. Development shall not begin until a detailed written scheme for protecting the development, including external amenity areas, from transport related noise has been submitted to and approved in writing by the Local Planning Authority. This scheme shall have due regard to the provision of appropriate levels of ventilation and air quality. All measures which form part of the scheme approved by the Authority shall be carried out prior to the first occupation of the development and shall thereafter be retained.**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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 |
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| Affinity Water - Three Valleys Water PLC | Thank you for forwarding this application. We have reviewed the development and do not have any comments to make. |
| Thames Water | WASTE COMMENTS: |

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| | <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>Thames Water 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>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER COMMENTS: With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000</p> |
| Hertfordshire Highways (HCC) | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Comments</p> |

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| | <p>The proposal is for conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping at 10 Church End, Markyate. Church Street is a dead end 60 mph unclassified local access route that is highway maintainable at public expense.</p> <p>Vehicle Access The site has an existing dropped kerb which serves the the exiting garage on site. This dropped kerb is proposed to be maintained to accommodate a single parking space for the dwelling. Parking is a matter for the Local Planning Authority and therefore any parking arrangements must be agreed by them. Electric vehicle parking is proposed, as stated within the planning statement, which is welcomed by HCC Highways. There is proposed to be no change to the adopted highway network.</p> <p>Drainage The proposed existing driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p> |
| <p>Conservation & Design (DBC)</p> | <p>10 Church Lane is a late 19th or early 20th century former store / workshop (now in commercial use). It is of brick construction with a slate roof but its window openings have been heavily altered / modernised.</p> <p>The application has been accompanied by a Heritage Statement which is helpful in understanding the building and its surrounding context. The property fronts on to Church End, opposite the lodge and gates to Cell Park (grade II listed). To the north of the lodge lies Cell Park (a grade II</p> |

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| | <p>registered park and garden) and the church of St John the Baptist lies to the north-west. To the rear / south of the site lies The Homestead (grade II listed) and its garden extends up to the site boundary.</p> <p>The proposal is considered to preserve the setting of these designated heritage assets due to the relatively minor changes being made to the front of the property (in relation to the setting of Cell Park gate lodge/ gates) and the distance between the application site and The Homestead. Cell Park and the Church will not be impacted under the proposals.</p> <p>The side / rear extension should tie in reasonably well with the existing property if appropriate materials are used, the use of sympathetically designed and detailed windows should provide an enhancement.</p> <p>The proposal is considered to preserve the setting of the grade II listed heritage assets in the vicinity of the site in accordance with the NPPF and policy CS27, no objection.</p> |
| <p>Environmental And Community Protection (DBC)</p> | <p>Noise</p> <p>With reference to the above planning application, please see comments below:</p> <p>It is not clear whether this application is made in connection with Permitted Development rights or not - my understanding is that Use Class E1 cannot (save for a very few exceptions) change to a dwelling house (C3) via PD. So, I assume that this is a standard application for planning permission; given the proximity of the development site to a heavily trafficked road, I think some form of noise assessment is in order so I suggest the following:</p> <p>The development site is situated in close proximity to the A5183 which is the main vehicular link between Dunstable and the M1 - it is therefore highly likely that the site is exposed to elevated levels of road traffic noise. I note that the application is not supported by any assessment of this noise or how the future occupiers of the dwelling and associated garden will be protected from it.</p> <p>Accordingly, I would recommend that the determination of the application is held in abeyance until such time the applicant has furnished the Local Planning Authority (LPA) with this information so that the suitability of the proposal can be assessed. If, however, the LPA is minded to determine the application on the information currently submitted I would recommend the following condition:</p> <p>Development shall not begin until a detailed written scheme for protecting the development, including external amenity areas, from</p> |

transport related noise has been submitted to and approved in writing by the Local Planning Authority. This scheme shall have due regard to the provision of appropriate levels of ventilation. All measures which form part of the scheme approved by the Authority shall be carried out prior to the first occupation of the development and shall thereafter be retained.

Reason: To protect the occupants of the new development from noise disturbance

Contaminated Land

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

This is considered necessary because the application is for a change of land use to a more sensitive receptor on a site which has been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

Informative:

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

Following a site visit and discussion with the developer, I can confirm that the proposed development is situated in a high noise environment due to its proximity to the A5183. Whilst an existing structure and the elevated positioning of the road do reduce noise levels to a limited degree as regards the amenity space associated with the application, the proposed dwelling house will be exposed to concerning levels of

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| | transportation noise. Accordingly, some form of mitigation is, in my opinion, clearly necessary and this should be based on an assessment undertaken by an experienced acoustic practitioner. The mitigation measures should permit adequate ventilation without compromising internal noise levels. |
| Environmental And Community Protection (DBC) | Informative inserted. |
| Trees and Woodlands | None |

APPENDIX B: NEIGHBOUR AND PARISH COUNCIL RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 7 | 4 | 0 | 1 | 1 |

Neighbour Responses

| Address | Comments |
|---|--|
| Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS | Original – No objection Revised - Objection (following review of neighbouring objection) Overlooking neighbouring property, intrusion of privacy. Insufficient parking. |

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| <p>The Promotional Centre</p> <p>Church End Markyate St Albans Hertfordshire AL3 8PY</p> | <ul style="list-style-type: none"> • I give my strong support in favour of the sympathetic design of the proposed old Gawley site, it will not spoil any aspect of the surrounding properties (see notes below) it will only bring benefit to the development of Church End as a whole. • The proposed old Gawley site, will sit nicely and enhance the surrounding area while also bringing benefit to Church End as a whole while making a lovely family home. <p><u>Comments from Promotional Centre on neighbours objection.</u></p> <p>Dear developer and the planning officer, can you please consider that the new gable end at the South east elevation would block out light to the factory roof lights in unit 3 and 4 I feel a small pitch in the roof at the top of the gable would allow the light to remain as it is into the roof windows.</p> <p>I would like assist with my view and local knowledge with the Comment submitted on Tue 23 Nov 2021 by the Homestead</p> <p>Comment I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property.</p> <p>Response GRADE 2 listed, More the reason that the public should be able to see in to this historic property grounds, its local history that people want to see and explore.</p> <p>Comment The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings. the front garden communal area with 3 large seating areas and a BBQ/Firepit</p> <p>Response This communal area, and the listed house can be seen from the highway through the wide double gates at the front and from all the front windows of the GRADE 2 Listed Cell Gate House, plus from units 3 and 4 next doors in the new residential development next door.</p> <p>Suggestion The back garden of this property with its dense woodland and out house/shed are hidden, except in the winter months when its in my view to cold and wet for a BBQ/Firepit.</p> <p>Comment The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy. Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties.</p> |
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| | <p>Response</p> <p>There has been a clear glazed window on that back wall since the property was first built, it has been (temporary) bricked over,with just one skin of brickwork-also,mesh bars were installed on the front at the same time as a security measure, after a break in at the premise through that-back window.</p> <p>Comment</p> <p>We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations.</p> <p>Response</p> <p>THE GRADE 2 Listed gate house looks directly in to the homestead from all 4 of its front windows as do the windows of unit 3 and 4 at the new development next door none of these windows are tinted.</p> <p>Please note Gawley's have now moved a great little company ,we now look forward to NO more Commerical activity in Church End what-so ever.</p> |
| <p>The Homestead 11 Church End Markyate St Albans Hertfordshire AL3 8PY</p> | <p>I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property .</p> <p>The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings .The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy .</p> <p>Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties.</p> <p>We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations.</p> <p>Further Comments</p> <p>First, I will address the comments submitted by 226 London Road (reference number 21/04247/FUL), and the information detailed that has now publicly come to light; that "The Promotional Centre" and "The Workshop, The Promotional Centre" are the same enterprise, more so that "The Promotional Centre" was dissolved on Companies House nearly 2 years ago in March of 2020 and that Mr A Garner, the owner, has passed away.</p> <p>As such, I would question the integrity of the comments made by both entities and question the legitimacy of their source, this being the</p> |

current developer and occupant of the said former property known as The Factory, now being developed into flats. (Reference number 19/02765/LIPA.)

There are currently no businesses or workshops running from this location, and the plans do not include any offices or workshops.

All of the following are in regards to comments made by "The Promotional Centre", dated 9/12/21:

An original comment from The Homestead read:

"I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property."

A follow-up comment from "The Promotional Centre" read:

"GRADE 2 listed,More the reason that the public should be able to see in to this historic property grounds,its local history that people want to see and explore."

In response to these comments:

Whilst The Homestead is a Grade II listed building, it is not a museum and is a residential dwelling, a house as listed on Historic England. It is my families' home, and whilst I keep and maintain the heritage and history of the building, it is primarily a place of solace, peace and tranquillity for both myself and my family. Everyone who wishes to see the property can do, from the public footpath on Church End, and from the public highway to the rear.

Many local residents have already commented on the restoration of the property which began in late 2020, and the significant high standards of work carried out and substantial improvement on the appearance of The Homestead and surrounding area whilst in keeping with the Grade II listing.- We are more than happy for walkers and commuters to have a glance at The Homestead whilst passing by and taking in other countryside views as it is of historical importance, but there is a defined line between having a glance and causing an unruly nuisance.

An original comment from The Homestead read:

"The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings. "

A follow-up comment from "The Promotional Centre" read:

"This communal area, and the listed house can be seen from the highway through the wide double gates at the front and from all the front windows of the GRADE 2 Listed Cell Gate House,plus from units 3 and 4 next doors in the new residential development next door."

In response to these comments:

The front gates to The Homestead are of a standard size, and are not as quoted, "wide", as stated to mislead people.

Visibility from the Cell Lodge windows to the aforementioned communal area are from a measurement of 104 ft away and across the street; two ground level windows are situated in the kitchen, and view into the parking area only. Views from both upper-level windows are obscured; the bathroom window being made of obscured glass, and the other a small window on the staircase from ground level - giving a very restricted view, and only if you wish to sit on a small staircase.

These comments are from personal knowledge, after being given access to the Cell Lodge by the current owners who are currently in the process of selling the property; who I may add are a lovely family. This sale has been impeded by the appearance of the immediate surrounding area, with waste building materials, a motor home, and old Rolls Royce blocking access to the property.

The windows in units 3 & 4 of the new development are both from an elevated view of 25 ft, are situated at the side of the front gardens/communal area and are close to the boundary fence. Despite being from an elevated level, there were no objections when this application was submitted as The Homestead was not occupied at the time. An awfully convenient occurrence, as if The Homestead was occupied at the time, I am sure an objection would have been made on grounds of overlooking.

The following suggestion was made by "The Promotional Centre":
"Suggestion

The back garden of this property with its dense woodland and out house/shed are hidden, except in the winter months when its in my view to cold and wet for a BBQ/Firepit."

In response to this suggestion:

The large front garden area of The Homestead contains a fire pit, BBQ area, patio area and decking section and were all in situ when it was purchased in December 2020, and can be seen in many photos from previous sales of the property going back many years. A Rightmove listing from 2015 clearly shows all the aforementioned. (Linked here: <https://www.rightmove.co.uk/house-prices/detailMatching.html?prop=72777186&sale=23894355&country=england>)

Local knowledge from those in the Scout hut situated next door has informed me that this area was actively used by past occupants in previous years. As such, I stand by this suggested precedent that all the previous occupants used these areas regularly for social activities and family gatherings. We wish to continue this precedent alongside the history of the property.

The comment that the back garden should be used instead is extremely unwelcome as alongside the garden being small, it also has a lot of overhanging trees and thorn bushes in the summer months. We purchased the property to use all available space and not to be confined to our back garden and be hidden away just to please the views of one person. The back garden is open to the elements for the majority of the

year, and has a major safety concern coming from the large section of crash barrier missing from a previous road traffic accident. Public Highways has already been alerted to this but have not yet resolved the issue.

With both the events of the last two years taking place alongside a warmer climate, the outdoor space in the front garden continues to be used on a regular basis to maintain personal well-being. We see no reason to not use this space for evening BBQ's or for the firepit to be used to keep warm if people wish.

An original comment from The Homestead read:

"The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy.

Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties."

A follow-up comment from "The Promotional Centre" read:

"There has been a clear glazed window on that back wall since the property was first built, it has been (temporary) bricked over,with just one skin of brickwork-also,mesh bars were installed on the front at the same time as a security measure, after a break in at the premise through that-back window."

In response to these comments:

After speaking to LR Gawley Ltd, I have it on first-hand knowledge and information that there was never a break-in through the rear window of the property. The facts instead being that the front window of the premises was smashed one evening as an act of vandalism. No offender was found but as a result, the decision was made to fit metal bars as a security measure. As such, one was fitted to the rear window. The decision was later made to brick up the window internally to add more shelf space as the upstairs was used for product storage.

An original comment from The Homestead read:

"We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations."

A follow-up comment from "The Promotional Centre" read:

"THE GRADE 2 Listed gate house looks directly in to the homestead from all 4 of its front windows as do the windows of unit 3 and 4 at the new development next door none of these windows are tinted.

Please note Gawley's have now moved a great little company ,we now look forward to NO more Commerical activity in Church End what-so ever.

In response to these comments:

The comments above clarify the location of the windows, but constraints were put in place regarding the windows in units 3 and 4 of the new development. In the planning application 4/01042/19/FUL, the

diagrams clearly show small non-opening stained-glass windows to be put in place.

Since this application has been approved, a large opening clear glass square window has appeared downstairs, with a non-opening upper window above. No stained glass or tint has been used on either of these windows, and they have and continue to be both intrusive and not on the plans submitted.

In particular response to comments stating "we now look forward to NO more Commerical activity in Church End what-so ever":

The only current commercial activities in Church End are that of the developer/builder; his vehicles and commercial waste building materials scattered across the local area, blocking the footpaths and verges. Public Highways, The Environmental Agency and the local council are all aware of this.

To summarise the above, I have serious concerns as to whether the developer/builder would stick to their current plans if approved, as previous applications at The Factory show several amendments. I have already been advised by said party that they will be putting scaffolding on my premises in The Homestead, and I quote, "will be leaving it there for years"

Our objections against this development are: from a loss of privacy from the overlooking windows, the need to curtail our use of the property, missing and misleading information in the application, the close proximity to property boundaries of an active residential Grade II listed dwelling,

Agenda Item 5b

ITEM NUMBER: 5b

| | | |
|------------------------|--|---------------------|
| 23/00367/FHA | Removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom. | |
| Site Address: | 14 Trooper Road Aldbury Tring Hertfordshire HP23 5RW | |
| Applicant/Agent: | Mr And Mrs Bolster | |
| Case Officer: | Jane Miller | |
| Parish/Ward: | Aldbury Parish Council | Aldbury & Wigginton |
| Referral to Committee: | Objection from Aldbury Parish Council | |

1. RECOMMENDATION

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

2. SUMMARY

2.1 The application site is located within the village of Aldbury within the designated Rural Area wherein the proposed development is acceptable in principle, in accordance with Policy CS7 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, appearance or historic significance of the Aldbury Conservation Area and adjacent Listed Building. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The proposals would not result in a significant loss of 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, CS7, CS8 CS11, CS12, CS24, CS27 of the Dacorum Borough Core Strategy (2013), Planning (Listed Buildings and Conservation Areas) Act 1990, Saved Appendices 3, 7, 97, 119 and 120 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 Trooper Road within the Aldbury Conservation Area to the south of the pond in the village centre. The site comprises a two storey attached dwelling with painted brick elevations under a slate roof and is locally listed. No. 18 & 20 adjacent to the south are Grade II listed.

3.2 Towards the end of the nineteenth century the gap between number 14 and 18 was infilled with a carriageway at ground floor and a room above. To the rear of the infill is an existing plexiglass covered lean-to.

3.3 The site sits within the Chilterns Area of Outstanding Natural Beauty and designated Rural Area.

3.4 The area is characterised by diversity in architectural design.

4. PROPOSAL

4.1 This application seeks permission for the removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom.

5. PLANNING HISTORY

Planning Applications:

4/0563/79 - Historic File Check DMS for Documents and Further Details
DET - 6th June 1979

4/805/88 - Historic File Check DMS for Documents and Further Details
DET - 8th September 1988

4/01358/17/TCA - Remove cypress tree
RNO - 29th June 2017

4/00370/98/FHA - Porch canopy
GRA - 21st April 1998

4/00690/95/FUL - Change of use from retail to residential
GRA - 30th June 1995

Appeals : None

6. CONSTRAINTS

Area of Archaeological Significance: 29
Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Aldbury Conservation Area
Former Land Use (Risk Zone):
Parish: Aldbury CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Rural Area: Policy: CS7
Small Village: Aldbury
Parking Standards: New Zone 3
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

Planning (Listed Buildings and Conservation Areas) Act 1990

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

CS7 - Rural Area

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 - The Chilterns Area of Outstanding Natural Beauty

CS27 - Quality of the Historic Environment.

CS29 - Sustainable Design and Construction

Dacorum Local Plan

Policy 120 – Development in conservation areas

Policy 119 – Development affecting Listed Buildings

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)

Parking SPD (November 2020)

9. CONSIDERATIONS

Principle of Development

9.1 The application site is located within the Rural Area, wherein in accordance with Policy CS7 of the Core Strategy (2013), small scale development will be permitted including for limited extensions to existing buildings provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy, subject to compliance with the relevant national and local policies.

9.2 The main issues of consideration relate to the impact of the proposal's character and appearance upon the Rural Area, Area of Outstanding Natural Beauty, Conservation Area, adjacent Listed building, existing dwelling house, immediate street scene, residential amenity of neighbouring properties and highway safety.

Impact on the Rural Area

9.3 The proposal is considered to accord with CS7.

9.4 This application seeks permission for the removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom. Overall, the proposed alterations are considered small scale, are sympathetic in their siting and design to this rural village location and would not have an unacceptable impact on the character and appearance of the countryside.

9.5 Furthermore, the proposals will have the potential to result in a small modest yet relevant contribution towards the rural economy through the employment of local professionals and materials suppliers and therefore accords with the above policy.

Impact on Chilterns Area of Outstanding Natural Beauty

9.6 The application site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). In the AONB the prime planning consideration will be the conservation of the beauty of the area. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Saved Policy 97 of the Dacorum Local Plan states that 'Building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings; there should be no adverse effect on skyline views.' Policy CS24 of the Dacorum Core Strategies states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. In addition, development is required to have regard to the policies and actions set out in Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Building Design Guide and associated technical notes.

9.7 The proposed extension is single storey, and will be seen against the backdrop of the existing building, such that there will be no adverse effects on the skyline view and the proposed use of materials, subject to condition are considered acceptable. To conclude it is considered that there will be no harm to the AONB as there is no real change to the character and appearance of the building.

9.8 The development is therefore in accordance with saved Policy 97 of the Dacorum Local Plan and Policy CS24 of the Dacorum Core Strategy.

Impact on the historic environment and street scene

9.9 The site is located within the Aldbury Conservation Area and as such we would have regard to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.10 Further, there is a chimney stack and existing wall between No. 14 and No.16 Trooper Road, which form part of the adjacent listed building, within the existing covered passageway, and hence the Planning (Listed Buildings and Conservation Areas) Act 1990 is given great weight which requires that local authorities should have special regard to preserving listed buildings.

9.11 The NPPF (2021) Section 16, paragraph 189 states that Heritage assets range from sites and buildings of local historic value to those of the highest significance These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.12 Conservation Areas are designated heritage assets.

9.13 Paragraph 199 goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.14 Policy CS27 of the Core Strategy (2013) and Saved Policy 120 (Development in Conservation Areas) of the Dacorum Local Plan (2004) reinforces this, seeking to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

9.15 Saved Policy 119 (Development affecting Listed Buildings) also states that there is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest.

9.15 More generally, Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states permission should be refused for development of poor design 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.

9.16 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.17 The proposal would result in the removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom.

9.18 Beyond the storage area there is an existing covered passageway, this is a plexiglass covered lean-to which will be removed and a new single storey side extension under a mono-pitched roof with three conservation style roof lights will be constructed as illustrated on drawing 2222/02 as a dining room. This side extension will be constructed within the existing garden boundary wall which is to remain with the new eaves sitting just above the height of the existing boundary wall as shown on section B-B of drawing 02. Given the building is locally listed (heritage asset) further details of the materials to be used are required by condition attached to the decision notice.

9.19 It is also proposed to convert the existing storage area into a lobby and WC as shown on drawing 02. Internally there is a chimney stack and existing wall (both retained) which forms the boundary between No. 14 and the adjoining property No16 Trooper Road, a grade II listed building. Given this, to safeguard the historic significance it is considered necessary and reasonable to include a condition requiring further details of the partitioning to be submitted to and approved in writing by the LPA, and requiring that no materials should be fixed in any way to the listed building.

9.20 It is also proposed to remove the existing roller shutter door which serves the existing storage area on the front elevation of the dwelling, and infill that existing aperture with a door, window and white brickwork to match the existing dwelling. It is also proposed to replace the existing side entrance door with a window and remove the external canopy above. Further details including that of the new entrance door, reveal, openings and glazing are required to be submitted to and approved in writing by the LPA in order to preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the conservation area in accordance with the above policy.

9.21 In conclusion, having given great weight to the proposed alterations and the impact these would have on the character and appearance of the Conservation Area and adjacent listed building,

and subject to approved conditions, it is considered that they would preserve its character. The development would therefore comply with The Planning (Listed Buildings and Conservation Areas) Act 1990, Saved Policies 119 and 120 of the Dacorum Local Plan, Policies CS12, CS12 and CS27 of the Dacorum Core Strategy (2013) and the NPPF (2021).

Impact on Residential Amenity

9.22 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.

9.23 A new first floor rear window is proposed within the link above the existing storage area. It is acknowledged that the window will face towards and provide views of the attached neighbour's garden, however there are several existing first floor side windows facing towards the neighbours such that the window is not considered to cause significant harm to the residential amenity of the neighbours when compared to the existing scenario.

9.24 The eaves of the proposed side extension will sit marginally above the existing garden wall, and the pitch of the new roof is steeper than the existing plexi-glass lean-to roof however due to their height and positioning this element is not considered to harm the residential amenity of the neighbours in terms of a loss of light or visual intrusion.

9.25 The existing entrance door on the side elevation is being replaced with a window which will face north towards the centre of the village. Due to the positioning of dwellings, including that the adjacent property, Pound Cottage 10-12 Trooper Road is set back far from the highway and that 12 Trooper Road has existing windows facing north, the new window is not considered to be significantly detrimental to the residential amenity of neighbours in terms of overlooking above the existing scenario and is therefore acceptable.

9.26 Overall, due to the height, positioning and separation distance between the proposed changes 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 The numbers of bedrooms will be reduced from a four to a three bed dwelling following the alterations and therefore as a result of the proposal no additional parking is required.

9.29 The alterations include removing the existing front shutter door serving the existing passage entrance / storage area as shown on the ground floor plan, drawing number 01 (plans / elevations as existing) and replacing it with new door and windows which will serve a lobby area and WC.

9.30 Aldbury Parish Council have objected to the application on parking issues, they 'object to this application on the grounds of loss of off-road parking. Whilst the applicant may choose not to use the garage and lean-to behind for vehicular parking, any permanent loss of off-road parking in a location where on-road parking is already hazardous and congested due to the narrow width of the road, exacerbated by the on-road parking for those properties nearby which do not have any off-road provision is detrimental to road safety for pedestrian, cycle and vehicle users'.

9.31 However, as stated in the design and access statement, until several years ago part of the building served as a retail until and the existing covered passageway / storage space as shown on drawing 01 (plans / elevations as existing) was used as a service entrance for the delivery of goods. It was not a garage for the parking or storage of motor vehicles.

9.32 Further, with a width of approximately 2.85m, reducing to a width of just 2.34m adjacent to the chimney stack, and length of 4.6m, the storage area as well as the lean-to structure beyond, do not constitute an area big enough to house most modern cars. Moreover, the dimensions do not meet the minimum internal dimensions required for a garage i.e. 3m x 6m in accordance with the Dacorum Borough Council Parking Standards as set out in the Parking SPD (November 2020) so it cannot be considered as a garage.

9.33 Also it was noted by the planning officer during her site visit that there is no dropped kerb outside the storage area, which further supports the claim that the garage has not been used for parking and that this is not a vehicle access point.

9.34 Currently there is no designated off street parking space serving the property. Vehicle parking is via on-road.

9.35 The proposal will not result in a net loss of any off street parking provision.

9.36 There are no parking restrictions outside of the property which is currently used for on street parking.

9.37 Overall, whilst it is accepted that Aldbury does suffer from parking stress, there is no net loss of off street parking provision and no additional bedrooms are being created therefore it is considered that this proposal would not result in an unacceptable impact on highway safety.

Tree and Hedges

9.38 Section 6 of the application form states that there are trees or hedges within falling distance of the proposed development but 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.

Former Land Use

9.39 Former land uses mean there is the potential for the site to be contaminated. Environmental Health were consulted and have no objection on the grounds of land contamination.

Response to Neighbour Comments

9.40 No neighbour comments have been received.

Response from Town Council

9.41 Objection addressed in report. See full objection at the bottom of the report.

CIL Liable

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

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

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

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

10. RECOMMENDATION

10.1 That planning permission is 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 constructed in accordance with the materials specified on the application form and approved documents/plans**

Reason: To preserve or enhance the character and appearance of the designated heritage asset area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. **No development (excluding demolition) shall take place until full details of the windows hereby approved, including details of position within the reveal, opening and glazing, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved**

details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **No development (excluding demolition) shall take place until details of the new entrance door hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **No development (excluding demolition) shall take place until details of the materials to be used for the side return elevation and roof hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

6. **Notwithstanding the details shown on drawing number 2222 /02, plans / elevations as proposed, no development (excluding demolition) shall take place until further details of the breathability of the partitioning, between numbers 14 and 16 Trooper Road within the carriageway, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Within the undercarriage, no materials should be fixed in any way to the listed building.

Reason: to safeguard the character, appearance and historic significance of the adjacent listed building in accordance with Section 16 of the NPPF and Policy CS27 of the Core Strategy 2013

7. **The new rooflights hereby approved shall be metal flush fitting conservation style rooflight (s), with black or dark grey framing and thereafter maintained as such.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

8. **The new windows hereby approved shall have painted timber frames and thereafter be retained as such.**

Reason: To preserve or enhance the character and appearance of the designated heritage asset area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

9. **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 194 of the National Planning Policy Framework (2021).

10. **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 9.**

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 194 of the National Planning Policy Framework (2021).

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

**site location plan
2222/02 plans / elevations as proposed
Design and Access Statement / Heritage Statement**

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

Informatives:

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

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

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

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|----------------------------|---|
| Historic Environment (HCC) | <p>The application site is in Area of Archaeological Significance no. 29, which includes the medieval settlement of Aldbury and its medieval parish church, earthworks indicating the former site of Albury manor house and gardens, and the site of an Iron Age cremation cemetery.</p> <p>No 14 Trooper Road is in the core of the historic settlement, and neighbours the Grade II listed buildings of Nos 18-20 Trooper Road [Historic Environment Record No 15734]. These were originally one house and a barn, built in c.1500. The northern part was a hall open from ground to roof, and the southern an unheated jettied block. In the late 16th century a chimney stack was built at the junction of the two blocks and a floor was inserted in the hall. In the early 18th century the barn was heightened and floored. In the 19th century the house was divided into three houses and a shop (Nos. 16, 18, 20 and 22), and combined again later in the 20th century.</p> <p>The Aldbury parish tithe map (1842) shows that No 14 is the successor to a building of unknown, but potentially late medieval or early post-medieval, date shown on the map at this location, since the southern</p> |

part of the house and the covered passageway are on the site of the northern end of the row of buildings shown on the map.

I believe that the location of the proposed development is such that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. The archaeological monitoring of all groundworks related to the development, including foundation trenches, service trenches, ground reduction, hard landscaping, access, and any other ground impact; this should include a contingency for preservation or further investigation of any remains encountered;
2. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
3. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2021), and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

| | |
|------------------------|--|
| | <p>3. Provision to be made for analysis of the site investigation and recording</p> <p>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</p> <p>5. Provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>Condition B</p> <p>i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).</p> <p>ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p> |
| Aldbury Parish Council | <p>Aldbury Parish Council object to this application on the grounds of loss of off-road parking. Whilst the applicant may choose not to use the garage and lean-to behind for vehicular parking, any permanent loss of off-road parking in a location where on-road parking is already hazardous and congested due to the narrow width of the road, exacerbated by the on-road parking for those properties nearby which do not have any off-road provision is detrimental to road safety for pedestrian, cycle and vehicle users.</p> |

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|---|--|
| <p>Environmental And Community Protection (DBC)</p> | <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> |
|---|--|

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the

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| | <p>steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p> |
| <p>Conservation & Design (DBC)</p> | <p>Number 14 Trooper Road is a two storey house with painted brick elevations and a slate roof. The houses to the north close to the green are set back so that its north elevation is prominent in views looking southwards along Trooper Road from the green. Numbers 18 & 20 adjacent to the south are both listed at grade II. Towards the end of the nineteenth century the gap between number 14 and 18 was infilled with a carriageway at ground floor and a room above, to the rear of this is a plexiglass covered lean-to. This was used for deliveries when number 14 had a commercial use but now has a roll shutter cover. The house is locally listed and within the Aldbury Conservation Area.</p> <p>The proposal seeks to create a new entrance out of the carriageway and build a side extension where the lean-to is now. The existing door on the north elevation will be infilled with a window and the canopy removed.</p> <p>The proposal is broadly acceptable. The door on the north elevation is clearly a later insert, ideally it would be simply bricked up but a well detailed window in its place with matching segmental arch and opening to the windows to either side will also be acceptable.</p> <p>The design and access statement highlights that number 16 which appears to be the north end of number 18 has an historic stack which is visible in the carriageway and is boxed in at first floor level. It is assumed that number 16 is actually part of the listing of number 18, they are one timber framed building, old photos show that it was once two cottages although now appears to be one hence the possible confusion. The proposal to box this in within the carriageway is acceptable subject to further detail.</p> <p>Recommendation: Acceptable with suggested conditions for:</p> <ul style="list-style-type: none"> -full details of the windows including details of position within the reveal, opening and glazing -full details of new entrance door -full details of materials for side return elevation and roof -full details of partitioning between number 14 and 16 within the carriageway -rooflights shall be of conservation type -windows to be of painted timber |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|--------------------------------|---------------------|----------------|-------------------|----------------|
| 4 | 0 | 0 | 0 | 0 |

Neighbour Responses

| Address | Comments |
|----------------|-----------------|
|----------------|-----------------|

Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------|--------------|---|----------------|
| 1 | 22/03007/FHA | W/23/3317033 | 49 Crouchfield, Hemel Hempstead | Fast Track |
| 2 | 22/03434/FHA | D/23/3316926 | 31 Cemetery Hill, Hemel Hempstead | Fast Track |
| 3 | 22/03131/RET | W/23/3316927 | 85-87 High Street, Berkhamsted | WREPS |
| 4 | 22/03773/TEL | W/23/3317771 | Site At Billet Lane, Gossoms End, Berkhamsted | WREPS |
| 5 | 22/01106/MFA | W/23/3317818 | Solar Array, Little Heath Lane, Little Heath, Berkhamsted | Public Inquiry |
| 6 | 22/00883/LDP | X/23/3318140 | Greymantle, Hempstead Road, Bovingdon | WREPS |
| 7 | 22/00869/FHA | D/23/3318147 | Greymantle, Hempstead Road, Bovingdon | Fast Track |
| 8 | 22/03691/FHA | D/23/3319249 | 5 The Shrubbery, Hemel Hempstead | Fast Track |
| 9 | 23/00139/FHA | | 31 Cemetery Hill, Hemel Hempstead | Fast Track |
| 10 | 22/03586/FHA | D/23/3319937 | 3 Chiltern Villas, Aylesbury Road, Tring | Fast Track |
| 11 | 22/02533/FHA | D/23/3320339 | Flinton, Lady Meadow, Kings Langley | Fast Track |
| 12 | 22/01080/FHA | | 5 Home Farm, Park Road, Tring | Fast Track |
| 13 | 23/00451/FHA | | 5 The Shrubbery, Hemel Hempstead | Fast Track |
| 14 | 22/01107/FUL | W/23/3321623 | Land Adjacent Lockers Cottage, Bury Hill, Hemel Hempstead | WREPS |

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|--------------------------------------|-------------|
| 1 | 22/02721/FHA | D/22/3310774 | Green Bank, Gossoms End, Berkhamsted | Householder |
| | Date of Decision: | | 21/03/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310774 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is a single storey side and rear extension. The proposed extension, due to its proximity with the shared boundary, height and significant length, would result in a visually dominant and overbearing structure when viewed from the rear ground floor of no. 87. Furthermore, this arrangement would also overshadow and thereby reduce the amount of daylight to the adjacent patio area and ground floor, rear facing habitable room at no. 87.</p> <p>I observed on my site visit that there is a ground floor side kitchen window at no. 87 that faces directly towards Green Bank. Whilst this window may experience some loss of daylight as a result of the proposed extension, the kitchen is also served by a second window. Due to the location and orientation of this second window, it would not be directly affected by the proposal. As a result of this arrangement, there would be no material loss of daylight to the kitchen as a result of the proposed development.</p> <p>The proposed extension would be within a line drawn at 45 degrees from the rear facing window of no. 87. This demonstrates that the amount of sunlight reaching that window would be reduced from what it receives at present. Having regards to the orientation of the properties, the sunlight would be most affected during the afternoons. Taking account of the extent of the conflict, I consider that the development would result in an unacceptable loss of sunlight to the room this window serves.</p> <p>For the above reasons, the proposed single storey side and rear extension would have a harmful effect on the living conditions of the occupiers of no. 87 Gossoms End, with regards to outlook and loss of sunlight and daylight.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 21/03561/VAR | Q/21/3292021 | Flaunden House Stables, Flaunden | Hearing |
| | Date of Decision: | | 12/04/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292021 | | | |
| | Inspector's Key conclusions: | | | |
| | This decision concerns 2 appeals (Q/21/3292021 and W/22/3296310) which relate to the same site, most of which supports an equestrian use. This appeal | | | |

| <p>concerns planning obligations contained within a Unilateral Undertaking presented in relation to the MFA.</p> <p>The existing obligations set out within clause 16 of the UU as modified by the DOV, collectively serve to restrict use of the stables, the conversion, and the grazing land, in connection to the broader equestrian use of the site. In so doing there is an obvious duplication of the controls imposed by Condition 9 of the MFA in relation to occupancy, by Condition 8 of the MFA in relation to permitted development rights, and in relation to normal planning controls governing changes of use. The only restriction not subject of some form of duplication is in relation to the specific use of the grazing land. The usefulness of the obligations is therefore limited, but no less so than when they were first drafted and/or modified.</p> <p>The appellant clearly aspires to pursue other development opportunities on the site, however the modification of planning obligations is not a means by which a change of use requiring planning permission can be obtained, no matter how the obligation is redrafted. Though the proposed wording indicates planning criteria against which such uses would need to be assessed, the correct context for such an assessment would be in relation to a planning application made for a change of use. Though various planning applications seeking to achieve this have been made in the past, and though others may be made in the future, this does not make the proposed modifications any more legitimate in themselves, or in relation to the existing obligations.</p> <p>I therefore conclude that whilst the usefulness of the existing obligations continues to be very limited, the proposed modifications would serve no obviously appropriate or useful purpose, and would clearly not achieve any kind of equivalence. The planning obligations shall therefore continue to have effect without modification.</p> | | | | |
|--|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 21/04414/ROC | W/22/3296310 | Honeysuckle Barn, Birch Lane, Flaunden | Written Representations |
| Date of Decision: | | | 12/04/2023 | |
| Link to full decision: | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296310 | |
| Inspector's Key conclusions: | | | | |
| <p>This decision concerns 2 appeals (Q/21/3292021 and W/22/3296310) which relate to the same site, most of which supports an equestrian use.</p> <p>The condition in dispute is No 9 which states that: The occupation of the two bed conversion shall be limited to a person solely or mainly working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.</p> <p>Based on the evidence presented the site has hosted various equestrian enterprises across several decades, save for a brief hiatus during the period 2015-2019. The latter provided the context for the MFA, in relation to which the conversion of buildings on the site was partly justified on the basis that this</p> | | | | |

would occur alongside a resumption of the equestrian use. The latter both was to be, and currently is facilitated by the tied accommodation and office space secured by Condition 9. Condition 9 serves to ensure the availability of accommodation in a context within which the availability of affordable accommodation is severely constrained by high property values.

The principal reason advanced by the appellant for removal of the tie is an envisaged change in the nature of the related equestrian use. In this regard it is claimed that a future focus on a small number of retired horses will remove the need for on-site accommodation. It is nonetheless accepted by the appellant that this will not remove the need for management of the use, or the requirement for an equestrian worker/manager. Thus, even if I was to accept that a 24-hour on-site presence was not required, which is itself a claim disputed by interested parties also in the equestrian business, the tie would still fulfil the function of providing necessary accommodation together with office space. The suggestion that outside contractors could alternatively be hired to do the work somewhat misses the point, and has not been fully evidenced.

Clearly, loss of any of the key components which support the equestrian use, including the tied accommodation with office space, would limit scope for anything other than downsizing. I have not been presented with any evidence which demonstrates that there is any separate need to downsize the equestrian use. . It remains the case that there is no basis upon which to require the appellant to manage the equestrian use in any particular way. However, there is equally no reason to accept that the long-term potential of the equestrian use to contribute to the rural economy should be permanently compromised on the basis of its current and/or proposed operation below potential. The fact that, in the absence of a change of use, the conversion would retain office space, means that it could continue to play some role in supporting the rural economy.

I conclude that Condition 9 continues to serve a necessary function in supporting the equestrian use at the site, and the contribution that this both makes and has the potential to make to the rural economy.

In the absence of Condition 9 the property could potentially be occupied by persons not employed at the stables, or without any other direct link to the equestrian use. Incoming occupants would obviously be aware of the stables, and it would seem unlikely that anyone would choose to live in such location unless they were comfortable around horses. The long-term implications of living directly adjacent to a working stables would however only become apparent over time. In this regard I agree with the Council that factors such as noise and odours may well give rise to nuisance, diminishing the quality of life for future occupants, and giving rise to conflict with the equestrian use.

I conclude that Condition 9 is not necessary to safeguard the character and appearance of the area or to preserve existing social infrastructure.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|---|--------------|--|-------------------------|
| 4 | 21/03229/FUL | W/22/3296750 | Startop Farm, Long Barn, Lower Icknield Way, Marsworth | Written Representations |
| | Date of Decision: | | 24/04/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296750 | | | |
| | Inspector's Key conclusions: | | | |
| <p>The development proposed is redevelopment of the existing farm complex at Startop Farm to enable two replacement farm buildings to be constructed with hard standing and parking areas together with 9no dwellings and their car parking provision following the demolition of the existing farm, commercial, and equestrian buildings, and the demolition and removal of the existing single storey bungalow.</p> <p>Startop Farmhouse is Grade II listed building. The significance of the farmhouse derives from its age, dating from the early 16th century, its traditional details and materials including its timber frame as well as its historic farmhouse use. The Farmhouse is located within the collection of buildings within the farmyard and retains its agricultural surroundings and appearance, notwithstanding that the farmyard is now in separate ownership. As such its agricultural origins and farmhouse significance remain apparent. The Long Barn was built before 1948 and is within the curtilage of Startop Farmhouse and is curtilage listed. Given their historic functional link with the farm on this site, the location of Startop Farmhouse and the Long Barn within the farmyard and the surrounding land in agricultural use make a positive contribution to the appreciation of these properties' historic function. The appearance of the farmhouse and barn are also related to their traditional agricultural setting. These features therefore make a positive contribution to the setting of the listed building.</p> <p>The proposed development would introduce 9 houses in 4 different styles into this location. The appearance of the dwellings with clearly domestic windows and doors along with the associated parking, access and residential gardens result in the proposed development being clearly residential in character. The size and scale of this domestic appearance would be an urbanising feature, which would be visually jarring with the countryside character and appearance of the site.</p> <p>The proposed houses and their gardens would also sever the connection between Startop Farmhouse and The Long Barn and the agricultural use. This would significantly undermine the important farmyard setting of the listed Startop Farmhouse and this ancillary building.</p> <p>The bungalow would be replaced by two single storey dwellings fronting the road. These would be lower in height than Startop Farmhouse. Nevertheless, the proposed dwellings would extend built footprint into an area of existing open space in a highly visible position, further undermining the open rural character.</p> | | | | |

| <p>There is a public footpath that links Lower Ickneild Way with Watery Lane from which the site is highly visible. Furthermore, there is public access at a raised level around the reservoir, directly opposite the site, as well as the public views from Lower Ickneild Way. The proposed development would be clearly visible from these locations and as such the harm identified above would be experienced.</p> <p>Consequently, the proposed development would have a harmful effect on the character and appearance of the area and on the setting of the Grade II Farmhouse at Startup Farm.</p> <p>The modest public benefits [of the development] would not outweigh the unacceptable harm I have found to the setting of the listed building.</p> | | | | |
|--|------------------------------|--------------|-----------------------------------|-------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 22/02580/FHA | D/23/3314460 | 6 The Poplars, Hemel Hempstead | Householder |
| Date of Decision: | | | 19/01/2023 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314460 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is a two-storey front, and a single storey rear, extension.</p> <p>The proposed front extension would extend across part of the host's face, and it would be finished in matching tiles and brickwork. However, as a result of this scheme, the resultant building's form would be markedly at odds with the other houses around the green, none of which have two storey front projections. Given that it would be set back only slightly from its attached neighbour at No.5 The Poplars, its layout, particularly at first floor, would also disrupt this terrace's distinctive and characteristic pattern of regularly stepped front faces. Whilst buildings in the wider area have a fairly diverse character, and the appellants have provided photographs of two storey and first floor front extensions elsewhere, for the above reasons, the scheme would significantly harm the character and appearance of this group.</p> <p>The proposed rear extension would abut the boundary with No 5 and would be around 5 metres deep in this location. However, it would have a modest height owing to its single storey, flat-roofed form, and only its upper section would be taller than the existing timber boundary fence. Moreover, no 5 is at a higher level compared to the appeal site, and its rear conservatory leads onto a raised area of decking. Consequently, whilst the scheme would slightly constrain the outlook looking out to the right from the rear of No 5 and its decking area, it would not be visually intrusive.</p> <p>The principal parties agree that the scheme would breach a 45-degree line drawn horizontally from the centre point of No 5's adjacent windows, contrary to the stance at Appendix 3 of the Dacorum Borough Local Plan 1991-2011 (2004). However, for similar reasons to those above, and on the basis of the limited available evidence, I am not persuaded that it would result in a</p> | | | | |

| | significant loss of natural light for those occupiers. The scheme would not therefore impact the living conditions at No 5 to a harmful degree. | | | |
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| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 6 | 22/03307/FHA | D/23/3315954 | 37 Cedar Walk, Hemel Hempstead | Householder |
| | Date of Decision: | | 26/04/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3315954 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is a roof extension with a gable and a rear dormer.</p> <p>The host property and No 39 form a semi-detached pair, which is prominently located on a corner of Cedar Walk. Although there are a few houses with a broadly single storey form in the road, the majority are two storeys high and semi-detached, and have a similar appearance in the streetscene to this pair. That appearance includes a shared two storey gable with bay windows, and one and a half storey side projections. Those side projections typically have a setdown hipped roof, along with a cat-slide over the front door. These characteristics, together with the buildings' common palette of facing materials, and their fairly regular spacing and set back from the highway, give the streetscene a pleasing sense of symmetry, rhythm and cohesion.</p> <p>As a result of the proposed infilling at first floor above the cat-slide roof, and the raising of the eaves in this location, the host would lose some of its articulation and locally distinctive form and character. This, together with the proposed raised section of main roof, which would not be set down from the principal roof line, and the introduction of a side facing gable, would significantly change the host's appearance and would substantially increase its scale and bulk. As a result, notwithstanding the proposed use of matching materials, the scheme would jar with the prevailing character of the similar style houses in Cedar Walk; and as No 39 has not been similarly altered, it would markedly unbalance the appearance of this semi-detached pair.</p> <p>The Council raises no objection to the proposed dormer. In the context of the area, and as it would be unobtrusively located to the rear, I agree that it would not be harmful. However, for the above reasons the scheme as a whole would cause significant harm to the character and appearance of this building and to the area.</p> | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|---|--------------|--|-------------|
| 7 | 21/03999/RET | D/22/3294559 | The Spinney, Hempstead Road, Bovingdon | Householder |
| | Date of Decision: | | 10/05/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294559 | | | |
| | Inspector's Key conclusions: | | | |
| <p>The development proposed is a pergola to the rear of the dwelling, and outbuildings to the rear of the existing detached garage.</p> <p>The pergola is a large metal and glass structure attached to the rear of the dwelling, this covers around half of the rear elevation and extends into the rear garden. Although the extension retracts to its sides, it is a substantial structure either open or closed. It is also likely to be largely closed during inclement weather and through the winter, extending its effect on the Green Belt throughout the year. This has a floor-area of around 56.6sqm and represents a volume increase to the existing dwelling of around 8.4%.</p> <p>The proposed pergola would be a modest and limited extension in comparison to the existing building. Nonetheless, it would further increase the mass of development on site when compared to the base line as set by the size of the original dwelling. On those terms, the proposed extension would result in a material degree of change in physical built development on site. This, in combination with former additions that were applied to the original dwelling, would result in a disproportionate increase in the quantum of built form on site. Consequently, the proposal would be a disproportionate addition to the size of the original dwelling.</p> <p>The pergola although well screened from the public realm, would result in limited to minor visual harm to the Green Belt. In spatial terms, the proposal adds a sizeable further mass to the dwelling causing moderate harm to the openness of the Green Belt.</p> <p>Due to its recessed location and having a low profile, the pergola is in scale with the main dwelling and would not represent a bulky addition. It would therefore retain the existing pleasant rural character of the area and complement the character and appearance of the surrounding area.</p> <p>The triple garage is a wide structure that faces the driveway. It is set some distance from the dwelling and is not deemed to be an extension but is rather a separate building in the Green Belt. Based on their scale and footprint, the extension and outbuilding combine to create a large structure that represents a disproportionate addition to the original garage. Accordingly, the rear extension and outbuilding would not meet an exception listed in Paragraph 149 of the Framework. These would also be inappropriate development in the Green Belt.</p> <p>The proposed extension to the garage and outbuilding would materially increase the footprint and size of this building, resulting in an encroachment of</p> | | | | |

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| | <p>built form and moderate spatial harm. As a result, although causing only minor visual harm, the proposed extension to the garage and its associate outbuilding, would also have a moderately harmful spatial effect. Consequently, the proposed extensions to the garage result in moderate harm to the openness of the Green Belt.</p> <p>I have concluded that the proposed pergola, garage extension and outbuilding would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that these additions would result in moderate harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.</p> <p>On the other hand, the other considerations, including finding no harm to the character and appearance of the area, are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies.</p> |
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|--|------------------|----------------------------------|------------------|
| 1 | 22/02066/FHA | D/22/3306349 | 4 Lombardy Drive, Berkhamsted | Householder |
| | Date of Decision: | | 14/02/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3306349 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is single and part two storey front extension and alterations. The proposed two storey front extension would project approximately 2.3m from the front elevation level with the front of the existing garage. The existing flat roof of the garage would be altered to a monopitch tiled roof. This would not be typical of the front elevations of the houses along the street. However, Nos. 4 and 6 are unusual in the immediate context as their roof ridges run parallel to the street in contrast to most of the rest of the houses on both sides of the street which have gables facing the street and garages more or less flush with the front elevation, apart from those at the far end to the north. I consider that although the proposed two storey projecting gable would not be typical, it would not be unacceptable.</p> <p>The proposal would respect the character of the existing house and of the street as a whole in terms of its scale, height, bulk and materials. Although it</p> | | | |

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|------------|--|------------------|--|------------------|
| | would be larger than normally considered acceptable in the context of the advice on front extensions in Appendix 7, I consider that it would not dominate the street scene and has the benefit of replacing an existing flat roof over the garage with a pitched roof. The proposed materials and fenestration would be appropriate. | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 22/00015/FHA | D/22/3305547 | 36 Belham Road, Kings Langley | Householder |
| | Date of Decision: | | 21/02/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3305547 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is first floor, part two storey side extension and a first floor rear extension, garage conversion. Work to also include erection of rear facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimney stack and infill of existing raised patio area.</p> <p>I consider that the proposed two storey side extension incorporating the existing garage and extending to the rear elevation of the main house would be of a scale, height, bulk and design in keeping with the character of the existing house itself and the prevailing pattern of development along the street. The extended hipped roof would reflect the existing roof pitch and would be a visual improvement over the existing side dormer when viewed from the street. The size of the plot is ample to accommodate the increase in built form.</p> <p>The proposed first floor rear extension over the existing single storey extension would be relatively modest in scale with a hipped roof and would be in keeping with the main house. It would be visible from the rear windows of properties in Hempstead Road over the long rear gardens but not from the street. I conclude that the proposed extensions, together with the minor alterations to the chimney and rooflights and other openings, would not harm the character and appearance of the street scene or the wider area</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 21/02968/FHA | D/22/3290876 | Greenbanks, Toms Hill Road, Aldbury | Householder |
| | Date of Decision: | | 17/04/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290876 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is erection of a part single storey, part two storey front, side and rear extension.</p> <p>The conservation area's significance, insofar as relevant to this case, is derived from the historic development around the medieval core of the village. This is affected by views into and out of the village, spaces around buildings, the permeable townscape and green planting.</p> | | | |

| <p>Greenbanks comprises a modern two-storey detached dwelling, with flat roof single storey garage. Greenbanks and the neighbouring properties, Trinity and Ridgeways, have broad front elevations. These properties are sited within wide plots, which are set back some distance from Toms Hill Road, behind predominately soft, green frontages. The scale and layout of these properties, together with the topography of the area, allows for views over and between these. Greenbanks therefore contributes to the character of the conservation area.</p> <p>The proposed two storey side extension reinforces the broad front elevation of Greenbanks. The front elevation at ground floor of the side extension would be in line with the frontage of the main property, with the first floor contained within the roofspace. The scale of the extension is further reduced through the low eaves to the front elevation. Due to the single storey height of the rear extension, this element of the proposal would be viewed against the backdrop of the existing property and would not affect views over or between Greenbanks and Trinity.</p> <p>The proposed extension is sited broadly on the same footprint as the existing garage it is to replace. Whilst the footprint of the proposed extension is slightly larger, it would still maintain a noticeable gap between the side of Greenbanks and the shared boundary with Trinity. This gap, the subservient design and scale of the extension, combined with the topography, ensures the development would not result in a continuous frontage along this section of Toms Hill Road.</p> <p>The overall design of the extension appears subservient to the main property. Subject to appropriate materials, the extension as a whole would not result in a prominent feature in the street scene and would maintain the soft, green frontage of Greenbanks. It would not therefore be detrimental to the character and appearance of the street scene. Similarly, the design and scale of the extension would maintain the permeability and existing views in and out of the village, including the view from the allotments and recreational ground. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the conservation area.</p> | | | | |
|--|------------------------------|--------------|---|-------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 4 | 22/02563/FHA | D/22/3313976 | 147 George Street, Berkhamsted | Householder |
| Date of Decision: | | | 18/04/2023 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313976 | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is the erection of a two storey rear extension.</p> <p>The property is situated within the extensive Berkhamsted Conservation Area where special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.</p> | | | | |

| <p>When viewed from Paxton Road and the rear footway access, there are clear variations in the appearance of the rear elevations of the dwellings in the Conservation Area and there is also a lack of consistency in design of the outriggers adjacent to the property. The proposed development would not disrupt any clear building line associated with the terraces of properties fronting George Street. This is particularly the case because the property is not an integral part of a terrace. By reason of the topography of Paxton Road, the appeal scheme would not unacceptably obstruct views towards the rear elevations of the terraced dwellings fronting George Street. The streetscape of Paxton Road would be protected. Subject to the use of appropriate external materials, which can be secured by condition, the scale, height and bulk of the proposed extension would harmonise with the original design and character of the property.</p> <p>For the reasons given, the proposed development would preserve the character and appearance of this part of the Conservation Area and, as such, it would not cause harm to the significance of this designated heritage asset.</p> | | | | |
|---|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 21/04768/FUL | W/22/3304045 | October Cottage, Barnes Lane, Kings Langley | Written Representations |
| Date of Decision: | | | 18/04/2023 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3304045 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is 'the change of use of land located to the west of October Cottage, from agricultural land (Sui Generis) to ancillary residential (Use Class C3) land, to be used as garden land for use by October Cottage'.</p> <p>Certain other forms of development are also identified at paragraph 150 which are not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Whilst the change of use to residential garden land is not explicitly mentioned, the list is not exhaustive and as such I am satisfied that it would constitute a form of development which would fall within paragraph 150 e).</p> <p>I note the Council's concern regarding the siting of domestic paraphernalia, such as furniture or play equipment in connection with the use of the land as garden, which would be more difficult to control. Nonetheless, in the event that this does occur, any such paraphernalia would be likely to be small scale and would not be permanent fixtures. Due to its size and position between the existing residential properties the appeal site benefits from a high degree of enclosure. Moreover, as a consequence of the narrowness of the lane, the site is only visible from a short section of Barnes Lane, from where it would be viewed within the context of the adjoining residential properties, rather than perceived as part of the agricultural land beyond. Nevertheless, the proposal would maintain the spatial separation between the properties and would be unlikely to have a significant impact upon views across the site from the lane</p> | | | | |

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|---|-----------------|------------------|------------------------------------|----------------------------|
| <p>to the front towards the open countryside. As such it would not harm the openness of the Green Belt having regard to the visual aspect.</p> <p>Permitted development rights for the erection of incidental buildings, as well as walls, fences and other means of enclosure could be controlled by a planning condition. Therefore, subject to a suitably worded condition to remove permitted development rights for incidental buildings and means of enclosure, the openness of the Green Belt would be preserved.</p> <p>Whilst it is possible that the change of use of the land would increase the potential for manicuring of the land, due to the location of the site between two residential properties, its limited size and the fact that it is not discernible as part of the open countryside beyond due to its existing and historical appearance, this would not have a significant effect on the countryside in terms of encroachment. I find that the proposal would not result in unacceptable encroachment into the countryside. I therefore conclude that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such it would constitute a type of development that is not inappropriate in the Green Belt.</p> <p>Whilst the appellant has not demonstrated that the proposal would not result in the loss of the best and most versatile agricultural land, the appeal site is modest in size and located between existing residential properties. As such the proposed change of use would be unlikely to have any significant effect on the provision of agricultural land as an important economic resource for the longer term.</p> <p>Previous enforcement matters on the site, historic boundary disputes or whether or not the site has been known as a different name have no bearing on my decision.</p> | | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 6 | 21/04777/RET | W/22/3305887 | 34 Coniston Road, Kings Langley | Written Representations |
| Date of Decision: | | | 18/04/2023 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3305887 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>Planning permission was granted for the erection of an outbuilding at the appeal site which included a condition removing permitted development rights for the erection of outbuildings under Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). The Council considers the condition is necessary to protect the Green Belt. The appellant objects to the condition as they consider that exceptional circumstances have not been demonstrated to justify the condition. The main issue is therefore whether the condition is reasonable or necessary in the interests of protecting the Green Belt.</p> <p>Schedule 2, Part 1 of the GPDO sets out the permitted development rights for development within the curtilage of a dwellinghouse. Whilst there are specific</p> | | | | |

exceptions for some classes where permitted development rights do not apply, the GPDO does not withdraw permitted development rights for land within the Green Belt. It can therefore be surmised that land within the Green Belt is regarded by the Government as being no different in terms of the application of permitted development rights to land outside of it. Moreover, the fact that permitted development rights have not been removed from land in the Green Belt suggests that the Government's fundamental Green Belt aim of preventing urban sprawl by keeping land permanently open does not extend to preventing permitted development within a domestic curtilage.

The National Planning Policy Framework (the Framework) sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance (PPG) also advises that conditions of this nature will rarely pass the test of necessity and should only be used in exceptional circumstances. Therefore, the starting point is that permitted development rights should remain in place, even in the Green Belt, unless clear justification for their removal is advanced which is specific to the site.

Having regard to the limitations of Class E of the GPDO in terms of the dimensions and position of permitted development, I am not persuaded that the erection of further ancillary buildings at the site would have such an effect on the openness of the Green Belt or its purposes that removal of permitted development rights is justified. Furthermore, I find that the permitted development fallback position itself would provide very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness to justify the granting of planning permission for the outbuilding. For the above reasons, it has not been shown that there is clear justification for the removal of permitted development rights under Class E as set out in the Framework and the PPG. I therefore conclude that condition 4 is not reasonable or necessary in the interests of protecting the Green Belt.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|---|------------------------------|--------------|--|-------------|
| 7 | 21/04643/FHA | D/22/3297951 | Felden Orchard, Bulstrode Lane, Felden | Householder |
| Date of Decision: | | | 19/04/2023 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297951 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is a single storey side extension.</p> <p>The proposed single storey extension would seem to be the first extension added to the dwelling. It would be recessed from the projecting frontage and would be narrower than the width of the dwelling. Due to its low-profile roof, and relatively modest size, the proposal would be a subservient and discreet addition. It would therefore be a limited extension that would not be disproportionate to the size of the original dwelling. Consequently, the proposal would comply with paragraph 149(c) of the Framework and would not amount to inappropriate development in the Green Belt.</p> | | | | |

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| | By virtue of being not inappropriate development, the proposal would not be regarded as being harmful to the openness of the Green Belt nor would it require to be justified by very special circumstances. |
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6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn or invalid between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|-------------------------------------|------------------|---|----------------------------|
| 1 | 22/00869/FHA | D/23/3318147 | Greymantle, Hempstead Road, Bovingdon | Householder |
| | Date of Decision: | | 21/03/2023 | |
| | Link to full decision: | | | |
| | n/a | | | |
| | Inspector's Key conclusions: | | | |
| | Turned away as late appeal. | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 22/03131/RET | W/23/3316927 | 85-87 High Street, Berkhamsted | Written Representations |
| | Date of Decision: | | 20/04/2023 | |
| | Link to full decision: | | | |
| | n/a | | | |
| | Inspector's Key conclusions: | | | |
| | Turned away as late appeal. | | | |

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|-----------------|------------------|--|----------------------------|
| 1 | E/22/00293/NAP | C/23/3316713 | Martlets, The Common, Chipperfield | Written Representations |
| 2 | E/19/00229 | C/23/3316925 | 85-87 High Street, Berkhamsted | Written Representations |
| 3 | E/20/00157/NAP | C/23/3317404 | Plot 1 Cupid Green Lane, Hemel Hempstead | Written Representations |

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 14 February 2023 and 12 May 2023.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 14 February 2023 and 12 May 2023.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 14 February 2023 and 12 May 2023.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2023 (up to 12 May 2023).

| APPEALS LODGED IN 2022 | |
|-------------------------------|----|
| PLANNING APPEALS LODGED | 24 |
| ENFORCEMENT APPEALS LODGED | 6 |
| TOTAL APPEALS LODGED | 30 |

| APPEALS DECIDED IN 2022 (excl. invalid appeals) | TOTAL | % |
|--|--------------|----------|
| TOTAL | 17 | 100 |
| APPEALS DISMISSED | 9 | 52.9 |
| APPEALS ALLOWED | 8 | 47.1 |
| APPEALS PART ALLOWED / PART DISMISSED | 0 | 0 |
| APPEALS WITHDRAWN | 0 | 0 |

| | TOTAL | % |
|---|--------------|----------|
| APPEALS DISMISSED IN 2023 | | |
| Total | 9 | 100 |
| Non-determination | 3 | 33.3 |
| Delegated | 5 | 55.5 |
| DMC decision with Officer recommendation | 1 | 11.1 |
| DMC decision contrary to Officer recommendation | 0 | 0 |

| APPEALS ALLOWED IN 2023 | TOTAL | % |
|---|--------------|----------|
| Total | 8 | 100 |
| Non-determination | 0 | 0 |
| Delegated | 6 | 75 |
| DMC decision with Officer recommendation | 1 | 12.5 |
| DMC decision contrary to Officer recommendation | 1 | 12.5 |

6.10 UPCOMING HEARINGS

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|------------------------------|--------------|---|---------------------------|
| 1 | 22/00456/FUL | W/23/3316262 | Former Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring | tbc – may not be required |

6.11 UPCOMING INQUIRIES

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|--------------------------------|--------------|---|-------------------------|
| 1 | E/21/00041/NPP | C/22/3290614 | The Old Oak, Hogpits Bottom Flaunden | tbc |
| 2 | 22/01106/MFA | W/23/3317818 | Solar Array, Little Heath Lane, Little Heath, Berkhamsted | 18-20 July & 25-26 July |

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 14 February 2023 and 12 May 2023.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 14 February 2023 and 12 May 2023.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|--|-------------------------|
| 1 | 21/04414/ROC | W/22/3296310 | Honeysuckle Barn, Birch Lane, Flaunden | Written Representations |
| | Date of Decision: | | 12/04/2023 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296310 | | | |
| | Inspector's Key conclusions: | | | |
| | The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal | | | |

process. Both the costs application and the Council's response were submitted in writing in advance of the Hearing. Neither party made any further addition.

The applicant asserts that the Council acted unreasonably on a number of grounds which I shall consider below with reference to the bullets used to order them within the application.

Grounds (i) and (ii): The applicant claims that there is no evidence that occupation of the conversion as an open market dwelling would conflict with Policy CS5 of the Core Strategy 2013 (the CS), and that the Council failed to evidence its view that Condition 9 served a useful planning purpose. Whilst Ground (i) is based on both a misreading of Policy CS5, and an incorrect identification of the existing use as Class C3, it was for the applicant to provide sound economic justification for removal of the tie. I have otherwise found that Condition 9, whose imposition ensured compliance with Policy CS5(d)(ii) of the CS, continues to serve a necessary economic purpose. Grounds (i) and (ii) therefore fail.

Grounds (iii) and (iv) each identify the drop-in permissions subsequently granted as being indicative of the acceptability of open market housing, and thus the acceptability of the proposal to remove Condition 9. Whilst misidentification of the existing use as Class C3 again underpins Grounds (iii) and (iv), the relevant question was not whether open market housing would be acceptable, but whether the explicit tie that Condition 9 imposed between occupancy of the conversion and employment at the stables was necessary. Grounds (iii) and (iv) therefore fail.

Grounds (v) and (vi): Neither of these Grounds are properly explained. Indeed, whilst they state that the Council misunderstood the main issue, and focused on irrelevant considerations, they say little more. It is not otherwise obvious what is meant. Grounds (v) and (vi) therefore fail.

Ground (vii) takes issue with the Council's implied suggestion that a holistic application, or one applicable to the whole of the site subject of the original planning permission, would have been more appropriate. This was not an unreasonable suggestion in itself, and how or why the applicant incurred any related expense in the appeal process is unclear. Ground (vii) therefore fails.

Ground (viii): The applicant claims that the Council acted unreasonably in introducing an additional reason for refusal at appeal based on social infrastructure. I agree that this was unreasonable. Nonetheless, as set out in my main Decision, the reasons for imposing Condition 9 included 'to ensure the stables opposite will be retained and offered to local people for the stabling of their horses'. This was therefore a matter which broadly fell to be considered and addressed. Therefore, even though I do not share the Council's view that Condition 9 serves a necessary purpose in relation to the preservation of social

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| | <p>infrastructure, the applicant did not incur unnecessary expense in dealing with the matter within the context of the appeal.</p> <p>My findings above indicate that though the Council unacted unreasonably in relation to Ground (viii), the applicant did not incur any unnecessary or wasted expense in the appeal process.</p> <p>For the reasons set out above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated, and that an award of costs is not therefore justified.</p> |
|--|--|

6.14 FURTHER SUMMARY OF APPEALS IN 2023

| APPEALS LODGED IN 2023 | TOTAL | % OF TOTAL |
|--------------------------------|--------------|-------------------|
| HOUSEHOLDER | 12 | 40 |
| MINOR | 7 | 23.3 |
| MAJOR | 1 | 3.3 |
| LISTED BUILDING | 0 | 0 |
| CONDITIONS | 0 | 0 |
| TELECOMMUNICATIONS | 1 | 3.3 |
| LAWFUL DEVELOPMENT CERTIFICATE | 1 | 3.3 |
| PRIOR APPROVAL | 2 | 6.7 |
| LEGAL AGREEMENT | 0 | 0 |
| ENFORCEMENT | 6 | 20 |
| TOTAL APPEALS LODGED | 30 | 100 |

| APPEALS DECIDED IN 2023 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| HOUSEHOLDER | 10 | 58.8 |
| MINOR | 4 | 23.5 |
| MAJOR | 1 | 5.9 |
| LISTED BUILDING | 0 | 0 |
| CONDITIONS | 1 | 5.9 |
| TELECOMMUNICATIONS | 0 | 0 |
| LAWFUL DEVELOPMENT CERTIFICATE | 0 | 0 |
| PRIOR APPROVAL | 0 | 0 |
| LEGAL AGREEMENT | 1 | 5.9 |
| ENFORCEMENT | 0 | 0 |
| TOTAL APPEALS DECIDED | 17 | 100 |