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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 22 JUNE 2023 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

### Membership

Councillor Guest	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](mailto:Member.support@dacorum.gov.uk)

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

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

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

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

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

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

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

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

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

## 5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 22/02531/FUL - Proposed new Residential Dwelling - Land Between 33 And 39 Pickford Road Markyate St Albans Hertfordshire AL3 8RS (Pages 6 - 30)
- (b) 22/02538/FUL - Replacement Dwelling - Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD (Pages 31 - 138)
- (c) 22/03037/FUL - Demolition of existing building and the development of the site to provide 1 additional dwelling (Use Class C3) - The Croft Northchurch Common Berkhamsted Hertfordshire HP4 1LR (Pages 139 - 173)
- (d) 23/00768/FHA - Extension over and behind existing adjacent garage. - Chiltern Summit Chesham Road Wigginton Tring Hertfordshire HP23 6HX (Pages 174 - 181)
- (e) 23/00807/FHA - Installation of trellis fencing and two gates - 22 Ashlyns Road Berkhamsted Hertfordshire HP4 3BN (Pages 182 - 192)

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No</b>
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<b>5b.</b>	22/02538/FUL	Replacement Dwelling Frithsden Vineyard, Frithsden Lane, Frithsden, Hemel Hempstead	
<b>5c.</b>	22/03037/FUL	Demolition of existing building and the development of the site to provide 1 additional dwelling (Use Class C3) The Croft, Northchurch Common, Berkhamsted, Hertfordshire	
<b>5d.</b>	23/00768/FHA	Extension over and behind existing adjacent garage. Chiltern Summit, Chesham Road, Wigginton, Tring	
<b>5e.</b>	23/00807/FHA	Installation of trellis fencing and two gates. 22 Ashlyns Road, Berkhamsted, Hertfordshire, HP4 3BN	

# Agenda Item 5a

ITEM NUMBER: 5a

22/02531/FUL	Proposed new Residential Dwelling	
Site Address:	Land Between 33 And 39 Pickford Road Markyate St Albans Hertfordshire AL3 8RS	
Applicant/Agent:	Miss Charlwood	Mr Andrew Whiteley
Case Officer:	Sally Robbins	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Parish Council	

## 1. RECOMMENDATION

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

## 2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal comprises the demolition of existing outbuildings on site and the construction of a two storey detached dwelling in between 33 and 39 Pickford Road in Markyate. The proposed development would optimise the use of available land within an established residential area and the design would sit comfortably within the surrounding area, noting the prevailing form of development within the streetscene. The amenity space and parking provision are considered acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

## 3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Pickford Road in Markyate. The site comprises a vacant plot with a number of outbuildings.

3.2 The surrounding area comprises residential development and is characterised by a mix of predominantly two-storey semi-detached and detached dwellings in a range of architectural styles and material finishes.

3.3 The site is relatively close to Markyate Conservation Area, which comprises mostly Victorian or older historic properties.

## 4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the outbuildings on site and the construction of a detached two storey dwelling with associated car parking and amenity space.

## 5. PLANNING HISTORY

None

## 6. CONSTRAINTS

CIL Zone: CIL3  
Former Land Use (Risk Zone):  
Large Village: Markyate  
Parish: Markyate CP  
Residential Area (Town/Village): Residential Area in Town Village (Markyate)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

Dacorum Borough Core Strategy:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS26 – Green Infrastructure  
CS27 – Quality of Historic Environment  
CS29 - Sustainable Design and Construction

Dacorum Borough Local Plan:

Appendix 3  
Saved Policy 129

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

Principle of Development  
Quality of Design / Impact on Visual Amenity  
Impact on Heritage Assets  
Impact on Residential Amenity  
Impact on Highway Safety and Parking  
Other Material Planning Considerations.

#### Principle of Development

9.2 Core Strategy Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 119 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

9.3 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Dacorum Borough Local Plan and the NPPF.

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

9.4 Policies CS10, 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.

9.5 The surrounding area comprises a wide variety of architectural styles and property types. The adjoining properties comprise of no. 33 Pickford Road, which is a Georgian property, and no. 39 Pickford Road, which is modern detached house. No. 33 forms part of a row of historic terraced properties that are characteristic of this part of Pickford Road and the High Street, which is located a short distance away. Dwelling density within the vicinity falls within the medium to high range, with the prevailing pattern of development comprising narrow plots and small gardens.

9.6 The proposed dwelling would be detached comprising two storeys. The main roof form would be a gable-end facing onto Pickford Road. The dwelling would be finished in natural slate roof tiles, Flemish bond facing brickwork white painted timber framed windows with black cills. Spatially, the proposed dwelling would fill a gap within a built up frontage. However, the resultant layout and density would correspond with the surrounding area and would not be incongruous with the overall pattern of development.

9.7 The main ridge of the dwelling would be higher than the extension on the side of no. 33 but lower than the main ridge of no. 39. It would follow the increase in levels along Pickford Road towards the southwest. In terms of build line, the proposed dwelling would be set back from Pickford, in line with the side extension of no. 33. The existing site comprises dense, mature vegetation that contributes positively to the character of the area. Some trees and vegetation would be lost as a result of the proposed dwelling, however the proposed set-back from Pickford Road, in addition to further landscaping and planting, would mitigate against the increase in built form.

9.8 Taking all of the above into account, it is considered that the layout, architectural style and built form of the proposed dwelling will not have a detrimental impact upon the character and appearance



of the surrounding area. The proposed development will integrate with the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

#### Impact on Heritage Assets

9.9 As outlined above, the site lies within close proximity to Markyate Conservation Area. There are also a number of nearby listed buildings, including nos. 27, 29 and 31 Pickford Road, which form part of the neighbouring terrace of mixed properties.

9.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving or enhancing the character and appearance of Conservation Areas. Consideration must also be given to Section 66 of the Act, which requires local authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest that it possesses.

9.11 Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development and Core Strategy Policy CS27 requires new development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.12 Concerns were initially raised by the Conservation Officer in relation to the design, as the original scheme proposed a barn-style timber clad building. The scheme has gone through a number of amendments during the course of the application, resulting in a more traditional design, along with the build line being set back further from the historic terraced properties to lessen its visual impact.

9.13 The Conservation Officer is now happy with the proposal from a heritage perspective, subject to a condition requiring further details of external materials and finished to be submitted. There would be no harm caused to nearby heritage assets, therefore the balancing exercise outlined in paragraph 202 of the NPPF need not be undertaken. The proposal complies with the above-mentioned policies in terms of its impact on heritage assets, subject to the inclusion of the above-mentioned materials condition.

#### Impact on Residential Amenity

9.14 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. The minimum distance of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to preserve privacy. This does however assume a direct back-to-back (or front) relationship, rather than an oblique angle.

9.15 In relation to 39 Pickford Road, the proposed dwelling would introduce built form where there was once open space. However, due to the separation distance between properties (4m) in addition to the difference in levels (1.3m) it is not considered that the proposed dwelling would be overbearing to an unacceptable degree. Furthermore, the orientation of the site would mean that there would be some impact on light provision to the rear garden in the morning, however it would not be significant due to the difference in levels (the application site is lower than no. 39). The proposed dwelling would slightly infringe upon a line drawn at 45 degrees from the nearest habitable window of no. 39, however given that there is intervening boundary treatment, it is not considered that the impact on light provision would be significant. A first-floor side facing window is proposed,

however this would serve a bathroom and would therefore be obscure glazed. This would be secured by condition in order for it to be retained as such in perpetuity.

9.16 In relation to 33 Pickford Road, the separation distance and relative build lines do not give rise to any significant concerns in terms of the proposed dwelling being visually overbearing or impacting upon light provision. Again, there would be a side-facing window at first floor level, however this would serve a hallway and would be obscure glazed in perpetuity.

9.17 Turning to 4 Bartholomew Green, which is located to the rear of the site, the proposed dwelling would be situated 18.3m away from the rear elevation. This falls short of the minimum separation distance of 23m, however as the angle would be oblique it is not considered that there would be significant direct overlooking or loss of privacy. Nonetheless, concerns were raised by the neighbouring occupants regarding the potential loss of privacy. Liaising with the neighbour resulted in the plans being amended to include mitigation measures, consisting of a higher trellis above the fence closest to the proposed dwelling and obscure glazing on the rear-facing first floor window closest to the common boundary with 4 Bartholomew Green. These measures would be secured by condition, should permission be granted. It is considered that the oblique angle of the properties, in addition to the above mitigation measures, would be sufficient in order to alleviate these concerns.

9.18 In addition, it is recommended that Permitted Development Rights be removed by condition, should planning permission be granted. This would ensure that extensions (including upward extension), roof enlargements or alteration and fences, walls etc. could not be carried out without applying for planning permission. This includes alterations to windows. Subject to the above conditions, it is considered that the proposed dwelling would not cause detrimental harm to the residential amenity of existing occupants in terms of privacy, overlooking, light provision or noise and disturbance.

#### Impact on Highway Safety and Parking

9.19 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.

9.20 The parking requirement set out in Appendix A of the Parking Standards SPD is 1.5 allocated spaces for a two-bedroom dwelling within Accessibility Zone 3. The development proposed 2 allocated spaces and 1 visitor space (total of 3 spaces) to the rear of the dwelling. This meets the parking requirement set out above.

9.21 In terms of access, the proposed dwelling would utilise an existing highways access with gate, which has been in use for over 10 years. The proposal is to keep this access and gate to serve the new dwelling. The gate is set back 5m, which is deemed acceptable. No alterations are proposed that would affect the safety and operation of the adjoining highway network.

9.22 An objection has been received from the occupants of 33 Pickford Road, who currently use the application site to park their vehicle/s. The applicant has clarified that the owners at no. 33 do benefit from an historic single-track vehicular right of way to the rear of their property. This right of way continued to their original garage, which they blocked off by building a brick wall along their southwest boundary. Originally, they would have driven into the rear of no. 33 and turned round within the garden, before driving back out onto the carriageway. However, the garage does not seem to be used for vehicles any longer and there is no longer vehicular access to the garage. The garden has been blocked off with a brick wall.

9.23 The applicant has, for a number of years, granted the owners of no. 33 an informal right to park on the land. However, this arrangement would no longer be able to continue should the site be developed. The applicant has confirmed that there is no objection regarding any right of way.

However, if the owners of no. 33 wish to park vehicles to the rear of their property, rather than on the public highway, it may be necessary to reinstate the gap in the boundary wall to allow vehicular access to the rear of no. 33 and its associated garage. This is however, a civil matter between the two neighbours and has no bearing on the current planning application. Moreover, in terms of parking on-street, there do not appear to be any parking restrictions evident on this part of Pickford Road.

9.24 Taking all of the above into account, the proposed development complies with the above policies in terms of parking, access and highway safety.

### Other Material Planning Considerations

#### *Impact on Trees and Landscaping*

9.25 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.

9.26 The Council's Trees & Woodlands Officer has been consulted and raised no objection to the proposal, noting that no trees of significant landscape value or amenity will be detrimentally affected by the development.

9.27 The proposed scheme has the potential to provide further soft landscaping on site, as well as appropriate screening. The submitted site plan does outline boundary treatment and landscaping, however should planning permission be granted a condition would be recommended requesting further details of hard surfacing materials, soft landscaping and boundary treatment.

9.28 Subject to the above landscaping condition, the proposal is considered to accord with Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy.

#### *Contaminated Land*

9.29 Core Strategy Policy CS32 seeks to maintain soil quality standards, remediate contaminated land and maintain air quality standards throughout the area. The site does not reside within an area of known land contamination, however the Council's Environmental Health Officer has recommended a contaminated land 'discovery' planning condition. This would be added should permission be granted. The Environmental Health Officer also suggested that the applicant should propose measures to support sustainable travel and air quality improvements. However, given the small-scale of the development, it is not considered that such a condition would meet the tests set out in paragraph 57 of the NPPF, specifically that it would not be 'fairly and reasonably related in scale and kind to the development'.

#### *Waste Management*

9.30 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. This information has not been provided on the submitted site plan, however it is considered that there would be sufficient space within the site to store wheelie bins. The development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

#### *Response to Markyate Parish Council Objection*

9.31 The Parish Council have objected on the grounds that the proposed development constitutes infilling, which is contrary to the Parish Plan. Markyate does not have a neighbourhood plan that has been adopted by Dacorum Borough Council, as Local Planning Authority. Therefore, limited to no

weight can be attributed to the Parish Plan, as it is not currently part of the statutory development plan for the designated area. The proposed development has been assessed against the relevant policies of the statutory development plan, i.e. the Core Strategy and Local Plan Policies as detailed above. There are no policies within the development plan that restrict infilling within residential areas, rather optimising the use of urban land is encouraged.

9.32 The Parish Council has also objected on the grounds that the proposed development would restrict access for vehicles which will lead to an increase in road parking in a dangerous location. As outlined above, there appears to be a civil arrangement between neighbours whereby vehicle access and parking has historically been permitted within the site. This is not a planning matter and, in terms of highway safety, the Highway Authority has been consulted and raised no objection to the proposal.

9.33 The Parish Council has also objected on the grounds of residential amenity, however this has been addressed in the relevant section above. The views of the Parish Council have been taken into consideration, however, given the above assessment, it is not considered that the objections can be sustained.

#### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.34 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.

9.35 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.

9.36 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.

9.37 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).

9.38 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.

9.39 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.

9.40 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.

9.41 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.

#### Community Infrastructure Levy (CIL)

9.42 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.

### **10. CONCLUSION**

10.1 By virtue of its layout, design and scale the proposed dwelling will integrate with the street scape character and will not adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

### **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 and the imposition of the proposed conditions.

#### **Conditions and Reasons:**

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

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

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

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

3. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o all external hard surfaces within the site;**
  - o other surfacing materials;**
  - o means of enclosure;**
  - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
  - o refuse and recycling storage units.**

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

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

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

4. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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

5. **The windows annotated as 'window to be obscurely glazed' on drawing no. BURG/22302/PLAN1N at first floor level on the southwest, northwest and southeast elevations of the dwelling hereby permitted, shall be non-opening below a level of 1.7m above internal floor level and permanently fitted with obscured glass, and retained as such in perpetuity.**

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

6. **The 600mm high decorative trellis between points A and B shown on the extended northwest elevation on drawing no. BURG/22306/PLAN1N, shall be retained as such in perpetuity.**

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

7. **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:**

**Schedule 2, Part 1, Classes A, and C  
Schedule 2, Part 2, Class A**

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

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

**BURG/22208/SITE1  
BURG/22302/PLAN1N**

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

#### **Informatives:**

1. 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](mailto: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.

2. 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.

3. 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.
4. 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.

5. 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>
6. Informative: Identifying Potentially Contaminated Material: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>



7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
9. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
10. 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
Trees & Woodlands	According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved
Strategic Planning & Regeneration (DBC)	I've reviewed this planning application and I do not believe it is necessary for Strategic Planning to formally comment on it. Its likely that the key issues relate to technical details, including the relationship of the site to neighbouring properties and private amenity space, rather than the principle of development in this location.
Parish/Town Council	Objection on ground of overdevelopment of site, that the development constitutes infilling contrary to the Parish Plan, it restricts access for

	vehicles which will lead to an increase in road parking in a dangerous location, It overlooks neighbouring garden and conservatory causing loss of light and privacy.
Parish/Town Council	<p>The Parish Council object to this application as follows:</p> <ol style="list-style-type: none"> <li>1. Over-development of site</li> <li>2. Constitutes infilling</li> <li>3. Contrary to policies laid down in our Parish Plan</li> </ol>
Environmental And Community Protection (DBC)	<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. I would also be minded to advise the developer of the distance from the existing railway line (200m) when considering glazing and insulation specifications.</p> <p>Please note the construction working hours have been updated since the previously granted applications and I would therefore request that you draw this to the attention of the applicant.</p> <p><b>Working Hours Informative</b> 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 <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> 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><b>Construction Dust Informative</b></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.

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#### 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.

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In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40

	<p>mg NOx/Kwh or consideration of alternative heat sources.</p> <p>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 <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Conservation &amp; Design (DBC)</p>	<p>Amended plans have been submitted for this application. These comments follow on from conservation comments dated 7th September 2022.</p> <p>The amended plans have sited the house slightly further back, closer to the front of the rendered extension to number 33 as requested. However, the front elevation does still jut in front marginally and would be improved further by siting it in line.</p> <p>The materials are now more in keeping with the prevailing character of the road, brick elevations and slate roof tiles. There is no information on the windows but these should be painted timber. The rendered lean-to bike shed appears to be a little incongruous on the side elevation facing the drive. The design would be improved if this were removed and bike storage provided separately to the rear.</p> <p>The plans now include a drawing showing the proposed house in relation to number 33 and number 39. The ridge height is slightly higher than number 33 but in the context of the rising land is acceptable.</p> <p>The proposal now sits more quietly within its context and providing the minor amendments are made should not impact negatively on the setting of the listed buildings and should harmonise better with the prevailing character of the street.</p> <p>If the application is approved it should have a materials condition, full details on hard and soft landscaping, require timber windows and Flemish bond brickwork.</p> <p>Recommendation: Broadly acceptable in terms of design and conservation but minor amendments needed (setting front elevation in line with side extension of number 33, removal of bike shed)</p>

<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the documentation submitted with the above planning application, with particular consideration to and having considered the information held the by ECP team I have the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land:</p> <p>Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material</p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is</p>
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	<p>significantly different Informative: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
Hertfordshire Highways (HCC)	<p><b>AMENDED PROPOSAL</b></p> <p>Proposed new Residential Dwelling</p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their</p>

permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

#### Comments

The proposal is for the construction of a new Residential Dwelling at land Between 33 And 39 Pickford Road, Markyate. Pickford Road is a 30 mph unclassified local access route that is highway maintainable at public expense. The existing site serves as 3 storage units with a hardstanding.

#### Highway Matters

The site has an existing highways access with gate which has been in use for over 10 years. The proposal is to keep this access and gate to serve the new dwelling. The gate is set back 5 metres which is deemed acceptable. No alteration are proposed to the existing highway network. The new dwelling will be in an existing residential area which has adequate local transport facilities in terms of buses. Parking is a matter for the Local Planning Authority and therefore any parking arrangements will need to be agreed by them.

#### Drainage

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

#### Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle

	<p>access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highways informatives.</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England</p> <p>Page 2 of 6</p> <p>recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential</p>



properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

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

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

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

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

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

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

Other advice

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty

	<p>Page 3 of 6 (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Ryan Rees on 07425 617458 or by email <a href="mailto:ryan.rees@naturalengland.org.uk">ryan.rees@naturalengland.org.uk</a>.</p> <p>For any new consultations or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	3	0	3	0

## Neighbour Responses

Address	Comments
<p>Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>As infilling, objection on the same grounds as previous objections</p>
<p>4 Bartholomew Green Markyate St Albans Hertfordshire AL3 8RX</p>	<p>The current plan now has 2 windows intruding and overlooking straight into the rear windows &amp; amenity space of my home. If this plan is passed, then an appropriate planting scheme to be considered &amp; discussed as screening and consequently maintained. Objection to plan for 2 reasons: Loss of privacy &amp; possible visual intrusion from the top window overlooking into my property. The change of use of the land resulting in more noise, disturbance &amp; pollution from the parking area.</p>
<p>33 Pickford Road Markyate St Albans Hertfordshire AL3 8RS</p>	<p>We must object to the project for the following reasons:</p> <p>We are not happy with the way Town&amp;Country kept us informed about what is going on in this matter. On the 18th of June 2022 someone handed us in person an A4 copy of the draft plan asking us to think it through. On the 19th we formulated our tentative objections via email and requested a full A1 copy in order to establish the details. We got no answer, not even to our letter of the 1st of July. On the 1st of September, they brought us the requested A1 copy of the plan in person (the plan virtually unchanged) and told us that we could discuss the matter after his return from holiday. He did not tell us that the planning application had already been in and that "after his return from holiday" would coincide with the deadline for objecting to the application. That we learned from a sticker attached to a lamp post.</p> <p>The proposed dwelling is situated not in the upper and wider part of the driveway, but in the narrow lower end of it. The consequence of this decision is that the planned residential dwelling is squeezed into a very limited space. We do have an extensive Right of Way for this lower part of the driveway. Having a space to park our car was one of the reasons for acquiring no 33 Pickford Road. The other was the fact that no 33 is a beautiful Georgian building that together with its gardens has been maintained carefully in the last decade. Squeezing in the proposed dwelling means that the access to our property would be seriously restricted. It turns out that the planned building would protrude into the driveway and leave only a space of 2.50 meters (maximum) for cars to get through. This would create a permanent hazard for vehicles and make it impossible for some vans (such as that of our gardener) to enter. Further, no turning circle has been provided that would allow us or anybody else to turn into our property. Our Right of Way would have been compromised and we would be forced to park our car on the road, making a bad situation even worse.</p> <p>Traffic and congestion are problems on Pickford Road, especially in</p>

term time and during rush hours. The driveway is opposite to Sebright Road which can be one of the neuralgic points at high traffic loads. The proposed dwelling would lead to more cars and thus increase the pressure in this part of the village.

Finally, the proposed dwelling is directly facing our property at a minimal distance - just 5.5m. This does not only lead to a loss of light for us, but also means that our conservatory is fully overlooked by our new neighbours. Our privacy would be seriously invaded. The character of no 33 as a Georgian residence in pleasant surroundings would not gain anything by the new development. I do also not think that the character of this part of the village would gain anything. No 33 Pickford Road stands at the end of longer row of historical buildings. There is no need to spoil the vista with a squeezed-in new-built. The proposal should not go ahead.

These objections relate to the third version of the planning application 22/02531/FUL (dated 4/11/22 and containing modifications to the proposed building).

Historical context. The application ignores the important historical context of the immediate group of dwellings. Houses nos 27, 29 and 31 are Grade II Listed Buildings. No 33 is documented for 1838. Although not in a formal Conservation Area, they are part of a block of historic buildings representative of an important era in British history and might, under other circumstances, be considered as qualifying for Conservation status. A new development on this small site should be considered as being out of context with its surroundings.

Overdevelopment. The piece of land in question is essentially and historically a drive or private roadway. The Victorian paving of the road surface along its way is clearly visible. The Ordnance Surveys of 1880, 1898 and 1924 show the entrance to the drive from Pickford Road. The function of the drive has been and still is to give vehicular access for the row of Georgian houses on this side of Pickford Road, to their gardens. This is why the title deeds of number 33, 31 and 29 Pickford Road have explicit easements (vehicular access) in this regard. Cars and vans have used the drive daily for as long as we have lived here (since 2011). Though the drive always had some outbuildings, there never was a residential dwelling. It is a private roadway. To turn this into a 'house with garden' would mean to deny the rationale of the working of this block of Georgian buildings.

Restricted access. The position of the proposed dwelling, though now smaller than originally planned, in the tight lower section of the drive, still makes it difficult for cars, especially for vans, to reverse into or out of the driveway. Though we do have a garage in the rear of our garden, there would remain no way for our own cars to enter or leave our property as there would be an insufficient turning circle on the drive. We are afraid, and contrary to what the application says, that our right of access to the garage would be compromised and we too would have to park our cars on Pickford Road making a congested parking situation even worse. The planning application has not taken into consideration our loss of off-street parking.

Overdevelopment. The piece of land in question is not a garden with outbuildings waiting for a house to be built upon it, as the application

has it, but a drive or private roadway. The Victorian paving of the road surface along its way is clearly visible. The Ordnance Surveys of 1880, 1898 and 1924 show the entrance to the drive from Pickford Road. The function of the drive has been and still is to give vehicular access for the row of Georgian houses, some of them listed buildings, on this side of Pickford Road, to their gardens. This is why the title deeds of number 33, 31 and 29 Pickford Road have explicit easements (vehicular access) in this regard. Cars have used the drive daily for as long as we have lived here (since 2011). There is parking space for two cars (not one as the application has it). The plot of land always had some outbuildings, but never a residential dwelling. It is a private roadway. To change its function would mean to deny the rationale of the working of this block of Georgian buildings. Overdevelopment, in this case, is the attempt at unnecessarily ignoring the historical setting of the area.

Out of character. The proposed building does not match the Georgian frontages adjacent to the site. It looks rather like a life boat station that is squeezed into the lower and very narrow end of the roadway. It would clearly be visible from Pickford Road and impact its street appearance. It is one of the most problematic examples of profit-driven infilling we have seen in our village. This type of backfilling Pickford Road does not serve the community. It goes directly against our Parish Plan.

Restricted access. The position of the proposed dwelling could not have been worse. Situated not in the upper and wider part of the site, but in its tight lower section, the building would protrude right into the roadway and reduce the width of access from 2.85 meters at the gate to about 2.40 m or, when the protruding roof is factored in, to about 2.20 m. Larger vehicles, vans for example (a Ford Transit is 2.47 wide), would get stuck right at the entrance or even be prevented altogether from entering (our gardeners for example). Senior citizens such as ourselves would think twice before squeezing our golf-sized car through a passage where a wall is just a few centimetres away from the wing mirror. In addition, what we would be having here is a source of conflict with the new neighbours for years to come (blocking the roadway, damaging walls or hedges or cars, getting stuck and, if several cars are involved, queues building up on Pickford Road as, at this location, we have practically single-lane traffic). We are afraid, and contrary to what the application says, that our right of way would be nullified and we would have to park our car on Pickford Road making a congested situation even worse.

Privacy and light. The proposed building is between 5 m and 7.10 m high but only 5 m away from our home and, because its axis runs from northwest to southeast, would block out much of the afternoon light. Our conservatory in particular would be severely hit by loss of light. Two ground floor windows would overlook directly our property, including the conservatory, rear entrance, patio and garden. This cannot be accepted.

Overdevelopment. The piece of land in question is not a garden with outbuildings waiting for a house to be built upon it, as the application has it, but a drive or private roadway. The Victorian paving of the road surface along its way is clearly visible. The Ordnance Surveys of 1880, 1898 and 1924 show the entrance to the drive from Pickford Road. The function of the drive has been and still is to give vehicular access for the

row of Georgian houses, some of them listed buildings, on this side of Pickford Road, to their gardens. This is why the title deeds of number 33, 31 and 29 Pickford Road have explicit easements (vehicular access) in this regard. Cars have used the drive daily for as long as we have lived here (since 2011). There is parking space for two cars (not one as the application has it). The plot of land always had some outbuildings, but never a residential dwelling. It is a private roadway. To change its function would mean to deny the rationale of the working of this block of Georgian buildings. Overdevelopment, in this case, is the attempt at unnecessarily ignoring the historical setting of the area.

Out of character. The proposed building does not match the Georgian frontages adjacent to the site. It looks rather like a life boat station that is squeezed into the lower and very narrow end of the roadway. It would clearly be visible from Pickford Road and impact its street appearance. It is one of the most problematic examples of profit-driven infilling we have seen in our village. This type of backfilling Pickford Road does not serve the community. It goes directly against our Parish Plan.

Restricted access. The position of the proposed dwelling could not have been worse. Situated not in the upper and wider part of the site, but in its tight lower section, the building would protrude right into the roadway and reduce the width of access from 2.85 meters at the gate to about 2.40 m or, when the protruding roof is factored in, to about 2.20 m. Larger vehicles, vans for example (a Ford Transit is 2.47 wide), would get stuck right at the entrance or even be prevented altogether from entering (our gardeners for example). Senior citizens such as ourselves would think twice before squeezing our golf-sized car through a passage where a wall is just a few centimetres away from the wing mirror. In addition, what we would be having here is a source of conflict with the new neighbours for years to come (blocking the roadway, damaging walls or hedges or cars, getting stuck and, if several cars are involved, queues building up on Pickford Road as, at this location, we have practically single-lane traffic). We are afraid, and contrary to what the application says, that our right of way would be nullified and we would have to park our car on Pickford Road making a congested situation even worse.

Privacy and light. The proposed building is between 5 m and 7.10 m high but only 5 m away from our home and, because its axis runs from northwest to southeast, would block out much of the afternoon light. Our conservatory in particular would be severely hit by loss of light. Two ground floor windows would overlook directly our property, including the conservatory, rear entrance, patio and garden. This cannot be accepted.

**ITEM NUMBER: 5b**

<b>22/02538/FUL</b>	<b>Replacement Dwelling</b>	
<b>Site Address:</b>	<b>Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD</b>	
<b>Applicant/Agent:</b>	<b>Mr. Duncan Thomson</b>	<b>Mr David Kerford</b>
<b>Case Officer:</b>	<b>Sally Robbins</b>	
<b>Parish/Ward:</b>	<b>Nettleden With Potten End Parish Council</b>	<b>Ashridge</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be **GRANTED subject to the imposition of conditions.**

**2. SUMMARY**

2.1 The principle of development for a replacement dwelling within the Rural Area is acceptable. The proposal constitutes high-quality design that would be sympathetic to local character and would not have a detrimental impact on the surrounding countryside. By virtue of its sympathetic siting, design and use of traditional, natural materials, the proposed dwelling would integrate into the immediate surroundings of the Chilterns Area of Outstanding Natural Beauty and would not cause harm to the setting of the adjacent Conservation Area or the Historic Park and Gardens of Ashridge. The proposed development would not cause harm to the living conditions of existing neighbouring occupants and it meets the policy requirements in terms of parking, access and highway safety. The proposal therefore complies with Core Strategy Policies CS7, CS12, CS24, CS27 and the NPPF.

**3. SITE DESCRIPTION**

3.1 The application site comprises a section of Frithsden Vineyard, which is located on the eastern side of Roman Road to the north of Frithsden. The site comprises a modern (circa. 1980) part single storey / part two-storey dwelling that is set into the hillside.

3.2 The site occupies a south-facing valley side within an area of strongly undulating topography, containing a series of dry valleys between Nettleden and Frithsden. The site is located within a Registered Park and Gardens (Ashridge Estate), the Chilterns Area of Outstanding Natural Beauty (AONB) and the designated Rural Area. It is also located adjacent to the Frithsden Conservation Area, with the south-western corner of the site being located inside the Conservation Area.

**4. PROPOSAL**

4.1 The application seeks full planning permission for the demolition of the existing dwelling and the construction of a replacement dwelling. The new dwelling would be set into the hillside, comprising two storeys at the front and a single storey at the rear. The new dwelling would include an attached double garage with outdoor terrace above, along with associated parking and landscaping.

4.2 The new dwelling would utilise the existing access and would be positioned over the footprint of the existing dwelling, at the lower, southerly end of the hillside, albeit with a larger footprint.

**5. PLANNING HISTORY**

5.1 Planning permission was previously refused for a replacement dwelling on the site (ref. 21/03137/FUL dated 24 March 2022). The three reasons for refusal are as follows:

1. *The proposal, by virtue of its size, massing and positioning on the upper portion of the hillside, along with its visual impact from a number of Rights of Ways, would result in harm to both the character and appearance of the surrounding countryside, as well as the special qualities of the Chilterns AONB. It would therefore be contrary Section 15 of the NPPF (2021) policies CS7 and CS24 of the Core Strategy (2013) and Policy 97 of the Local Plan (2004).*
2. *The proposal would result in less than substantial harm to the Grade II\* Registered Park and Gardens of Ashridge Estate and through this would also result in less than substantial harm to the setting of the Grade I Listed Ashridge House. The proposal would also result in less than substantial harm to the setting of the Frithsden Conservation Area. It is considered there is no public benefit associated with the proposal (a private dwellinghouse) which would outweigh the harm identified.*

*Therefore, the proposal does not comply with Paragraph 202 of the NPPF (2021) and Policy CS27 of the Core Strategy (2013).*

3. *The access drive leading up to the dwelling would not meet Hertfordshire County Council's Guidance of 3.7m in width, as such a fire appliance stopping along either the highway or within the entrance of the site would be more than 45m away from the proposed dwelling. Furthermore, it is not clear whether sufficient turning space for a fire appliance would be provided for on this part of the site and therefore it would have to reverse more than 20m to exit the site. It is recognised that the wider masterplan includes a turning area within the south eastern corner of the site, but this is not subject to this application and in any event, the fire appliance would still have to stop more than 45m away from the dwelling.*

*Due to this, the proposal would not provide adequate fire access in the event of an emergency and therefore would be contrary to Policy CS12 of the Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).*

5.2 The current proposal seeks to address the above reasons for refusal.

### **Planning Applications:**

21/03130/MFA - Formation of New Winery and associated parking and landscaping  
*REFUSED - 8th July 2022*

21/03137/FUL - Replacement Dwelling  
*REFUSED - 28th March 2022*

21/03886/FUL - Construction of 3 x Guest Accommodation Treehouses  
*REFUSED - 15th August 2022*

4/02126/18/ROC - Removal of condition 2 (agricultural occupancy) attached to planning application 4/0737/88 (detached dwelling).  
*GRANTED - 29th October 2018*

4/01264/09/FHA - Summer house  
*GRANTED - 1st October 2009*

4/00564/96/RET - Continuation of use without complying with condition 3 of p/p 4/0583/85 (production and bottling plant for wine and vehicular access)  
*TEMPORARY PERMISSION - 10th September 1996*

## **6. CONSTRAINTS**



Area of Outstanding Natural Beauty: CAONB outside Dacorum  
Article 4 Directions: Land in the Nettleden/Frithsden area.(Nettleden with Potten End 1971)  
CIL Zone: CIL1  
Frithsden Conservation Area  
Historic Park/Garden: ASHRIDGE, Grade: II\*  
Parish: Nettleden with Potten End CP  
Rural Area: Policy: CS7  
Parking Standards: New Zone 3  
Tree Preservation Order: 126, Details of Trees: T1 Beech

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Core Strategy (2013):

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS7 - Rural Area  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 – Chilterns Area of Outstanding Natural Beauty  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment

Local Plan (2004):

Policy 23 – Replacement dwellings in the Green Belt and the Rural Area  
Policy 97 – Chilterns Area of Outstanding Natural Beauty  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

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)  
The Chilterns Conservation Board, Chilterns Buildings Design Guide (2010)

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

Principle of Development  
Impact on Surrounding Area and Chilterns AONB  
Impact on Heritage Assets  
Impact on Residential Amenity  
Impact on Highway Safety and Parking  
Other Material Planning Considerations.

### Principle of Development

9.2 The application site is located within the designated Rural Area wherein Policy CS7 of the Core Strategy states the small-scale development for the replacement of existing buildings for the same use is acceptable, on the proviso that the proposal has no significant impact on the character and appearance of the countryside.

9.3 Also relevant is Policy 23 of the Local Plan, which states that the replacement of existing dwellings in the Rural Area will be permitted, allowing for a 50% increase in floor area above the original dwelling. Policy 23 is only partly consistent with the more recent Core Strategy and NPPF (which is silent on designated Rural Areas) and as such, Policy 23 is given less weight. The main issue is whether the proposal would have a significant impact on the character and appearance of the countryside.

9.4 The proposal would seek to replace an existing dwelling on site. While the proposed dwelling would be larger, it is considered that in principle, the replacement of a single dwelling with another single dwelling would constitute small-scale development. Therefore, it is considered the proposal is acceptable in principle, subject to the below assessment.

### Impact on Surrounding Area and Chilterns Area of Outstanding Natural Beauty (AONB)

9.5 As stated above, Policy CS7 states that development should avoid detrimental impacts on the character and appearance of the surrounding countryside. In terms of site design, Policy CS12 states that development should respect the character and appearance of the surrounding area.

9.6 In terms of the Chilterns AONB, Policy CS24 of the Core Strategy and Paragraph 176 of the NPPF seek to ensure that the scenic beauty of this area is conserved and that new development is sensitively located and designed to avoid or minimise adverse impacts on this designated area. Development should have regard to the Chilterns Conservation Board's Management Plan and the Design Guide. Chapter 3 of the Design Guide (Designing New Buildings) emphasises that new buildings should avoid skylines and prominent spurs, make maximum use of a sites contours and should utilise traditional design and materials.

9.7 Consideration is also given to Section 85 of the Countryside and Rights of Way Act (2000), which places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any function in relation to or to affect an AONB.

9.8 The site is well screened from closer views, particularly during the summer months, due to dense vegetation along the boundaries. The site is however visible from longer views, from public footpaths within the surrounding countryside.

9.9 There is no objection to the demolition of the existing dwelling, which is a modern split-level property with no historic or architectural merit. The proposed dwelling would also comprise split-levels, appearing as two storeys at the front and single storey at the rear. It would be an 'upside-down' house with the majority of the bedrooms at ground floor level and most of the living spaces at first floor level. The ground would be excavated in order for the dwelling to be set within the hillside, thus mitigating its visual impact.

9.10 In terms of siting, the proposed dwelling would be situated mostly over the footprint of the existing dwelling, which is considered the most unobtrusive location within the site, given the topography of the site. One of the main issues with the previously refused scheme was that the proposed dwelling was situated further upslope, in a prominent position. The proposed dwelling would have an H shaped footprint, comprising traditional gable-end roof forms with two gables on the front elevation. It would comprise an oak frame and would be finished in local red brickwork with flint panels, plain clay roof tiles and grey aluminium window and door frames. External amenity spaces on the frontage would be enclosed by glass balustrades.

9.11 The Council's Conservation & Design Officer has been consulted and provided the following representation:

*"We are supportive of the design of the proposal welcome the development as a high quality and creative response to contemporary architecture within a rural context. The proposal responds sensitively to the local character of Frithsden and the Chilterns AONB.*

*We support the reduction in scale from the previous application 21/03137/FUL and believe that the proposals massing sits comfortably within the context. The design approach of split-levels utilises the sites natural topography well to reduce height at the rear to a single story and along with the sites tree coverage and assists in mitigating the impact of the new building on landscape views of the site from AONB and the Conservation area. Building is well set back from the Roman Road and behind a large amount of existing mature vegetation screening from the driveway view. We support the LVIA conclusion of the proposal having 'little to no overall impact' as the site is not visible in the majority of views provided other than VP2 where there is a glimpsed view of the site however this will be particularly mitigated with additional tree screening.*

*We are supportive of the material palette, which references the Chilterns Design Guide and local materials of Frithsden. The building contains detailed façade articulation including flint and brick panels at the base. This relates well to the buildings of the Frithsden conservation area, some of which are intricately articulated such as the façade work of the Little Manor. The Oak frame design add visual interest and is welcomed.*

*We welcome the additional tree screening that has been incorporated along the rear façade and drive way frontage. This will provide additional visual screening of the dwelling from landscape views as well as improving the biodiversity on the site.*

*We recommended that all hard materials and landscaping as well as details of external openings should be subject to condition in order to maintain a high level of design quality."*

9.12 The proposed dwelling would be 1m higher than the existing dwelling. Much of the increase in mass and volume would be subsumed into the excavated ground floor level and within the roof form. The site is surrounded by dense, mature vegetation, therefore public views of the property would be limited from short distances. The front elevation of the proposed dwelling would be set back from the front elevation of the existing dwelling by 5m. Whilst larger than the existing dwelling on site, it is considered that the proposed siting and design, along with the substantial vegetation, would result in a dwelling that sits comfortably within the site and surrounding area.

9.13 Concerns were raised in terms of the level of glazing initially proposed, which included fully glazed gable-ends on the front elevation. It was considered that light spill from the extensive glazing could have an impact on the surrounding AONB, as it would likely be noticeable from longer views. The plans were subsequently amended so that the gable-ends comprise timber weatherboard, rather than glazing. Furthermore, the roof lights on the front elevation would be automatic blackout blinds to close at dusk. In conjunction with the existing and proposed landscaping, it is not considered that the proposed house will be intrusive on the surrounding AONB or from longer views, including surrounding public footpaths.

9.14 The submitted Landscape and Visual Impact Assessment (LVIA) highlights that one of the viewpoints (viewpoint 2) is a sensitive receptor and proposes additional landscaping as mitigation. Subject to additional landscaping, which would be secured by condition, the LVIA concludes that the proposed development would have little to no overall impact as the site is not visible in the majority of views.

9.15 Overall, it is considered that the proposed dwelling is a high quality design. There is no objection to the loss of the existing dwelling on the site, which is of little historic or architectural merit. The proposed dwelling is sympathetic to the character of the local area and would be finished in traditional and natural materials. It would not have a detrimental impact on the character and appearance of the countryside, to accord with the above-mentioned policies.

#### Impact on Heritage Assets

9.16 As outlined above, the site is located within a Grade II\* Registered Park and Gardens (Ashridge Estate) and is located adjacent to Frithsden Conservation Area, with the south-western corner of the site being located inside the Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving or enhancing the character and appearance of Conservation Areas. There are also several listed buildings in the vicinity, therefore consideration must also be given to Section 66 of the Act which requires local authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses.

9.17 Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development and Core Strategy Policy CS27 requires new development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.18 Historic England has identified that there would be some localised, albeit minimal, harm to the overall significance of the registered landscape and the conservation area. For the purposes of the NPPF, Historic England has assessed this harm as being positioned at the lower end of the range of 'less than substantial harm'. However, the Council's Conservation and Design team consider that the existing dwelling on site is a poor-quality design that does little to enhance the setting of the adjacent conservation area or wider landscape of the historic park and garden.

9.19 Whilst Historic England considers that the proposed development would result in a small net increase in modern development within what was historically open land, it also concedes that it would replace an existing structure that makes little-to-no positive contribution to the character of either the registered landscape or conservation area.

9.20 The new dwelling would be 1m higher than the existing dwelling, however this would remain below the height of the existing mature tree cover surrounding the application site, which will likely screen or otherwise filter views to the proposed development, minimising wider visual impacts.

9.21 On balance, it is considered that the proposed replacement dwelling is a high quality design and a creative response to contemporary architecture within a rural context that would contribute

positively to the designated heritage asset and landscape. The replacement of a poorly designed building with a high-quality designed property is considered a public benefit that outweighs the minimal harm identified by Historic England. Moreover, Historic England has explicitly stated that they have no objection to the proposal on heritage grounds. As such, and in accordance with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefit outlined above is considered to outweigh the minimal harm identified.

### 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 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. The minimum separation distance between dwellings as set out in Saved Appendix 3 in order to maintain adequate levels of privacy is 23m, however this distance may be increased depending upon the particular topography, character of the area and nature of adjoining land uses.

9.23 The nearest neighbouring properties are 16 and 19 Frithsden Lane and Shepherds Cottage, which are all located to the south and southwest. The separation distances are sufficient that there are no significant concerns in terms of overlooking, loss of privacy, impact on light provision or noise and disturbance. The separation distance from the nearest property, 16 Frithsden Lane, would be 44m. There is an intervening road, Roman Road, and dense vegetation along the western boundary. As such, it is not considered that there would be a significant impact on this neighbouring property in terms of privacy, impact on light provision or noise and disturbance.

9.24 Turning to Shepherds Cottage, the next nearest neighbour, the separation distance would be 50m. The proposed dwelling would be situated at a higher level than Shepherds Cottage, as land levels rise steeply towards the northeast. However, it is considered that the separation distance of 50m would be adequate to maintain satisfactory levels of privacy. The proposed dwelling comprises balconies on the front elevation, however owing to the significant separation distance it is not felt that there would be unacceptable overlooking or loss of privacy. During the winter months, when there is less leaf coverage, there may be long views between these neighbouring properties. However, the proposed dwelling would be situated 30m from the common boundary, which would not give rise to significant overlooking or loss of privacy.

9.25 Concerns have been raised by neighbouring residents regarding the impact of the proposed terrace that would be situated above the garage. Neighbours felt that the elevated position and use of the terrace as an outdoor seating area would give rise to an increase in noise and disturbance. The proposed terrace would be situated on what is presently a grassed area, which is currently used as an outdoor amenity space for the existing dwelling. This area of land would be excavated to form the garage, with the terrace above. Regarding the vertical height difference, the existing seating area is at a height of 130-132m above datum height. The proposed seating area would be at 131m above datum height. As such, there would be no increase in height in relation to the existing position and furthermore, there would be no change from the existing use as an external amenity space. In addition, the separation distances of the terrace from the adjoining properties would be 54m to Shepherds Cottage, 56m to 16 Frithsden Lane and 97m to Clayton Cottage. Notwithstanding the fact that there is substantial vegetation and mature trees along the southern and western boundaries, the separation distances are considered to be adequate in order to avoid any significant noise and disturbance.

9.26 Taking all of the above into account, it is considered that the proposed replacement dwelling would not cause significant harm to the residential amenity of existing occupants in terms of privacy, overlooking, light provision or noise and disturbance.

### Impact on Highway Safety and Parking

9.27 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. Within residential development, car parking allocated for individual dwellings should be provided off highway, within the curtilage of the dwelling.

9.28 The proposed dwelling would utilise the existing access off Roman Road. There would be 5 bedrooms in the new dwelling, the parking requirement for which is assessed on an individual case basis. It is however noted that the parking requirement for a 4-bedroom dwelling in this location (Accessibility Zone 3) is 3 spaces.

9.29 The development proposes 2 spaces within the garage and space for at least 2 more vehicles on the hardstanding within the curtilage of the dwelling. There is further parking in an existing parking area adjacent to the winery building, which would be retained, however this has not been included in the parking assessment for the dwelling as it lies outside of the proposed residential curtilage. The total parking provision within the residential curtilage of 4 spaces is considered to be adequate and meets the requirements of the Parking Standards SPD. In addition, all vehicles would be able to turn on site to access the highway network in forward gear.

9.30 The Highway Authority has been consulted and raised no objection to the proposal, subject to the inclusion of a condition relating to the access gate configuration. This is to ensure that the gates open inward and are set back from the highway by 6m in order to maintain highway safety. It has also been confirmed that a fire appliance would be able to turn on site in case of an emergency would be able to access the highway network in forward gear.

9.31 Taking all of the above into account, the proposal complies with the above-mentioned policies in terms of parking and highway safety.

### Other Material Planning Considerations

#### *Impact on Trees and Landscaping*

9.32 The proposed siting of the new dwelling would be mostly over the footprint of the existing dwelling, which is within close proximity to existing mature trees. No mature trees are proposed to be removed as part of this proposal, however the demolition and construction activities have the potential to cause damage to root structures. The submitted Tree Survey recommends that all trees and root protection areas adjacent to the construction area should be protected. Due to the amount of trees, it is reasonable and necessary to secure an arboricultural impact assessment and tree protection plan by condition.

9.33 Furthermore, the proposed development does provide an opportunity to soften the built form by way of additional planting and landscaping. In addition, the LVIA recognises that the proposed development would have a moderate effect on one of the viewpoints, which is situated to the south of the site across the valley. Mitigation measures include the retention of boundary trees and additional planting to act as screening to the front and east side of the dwelling. Further planting would be provided to the rear of the dwelling to act as a backdrop.

9.34 The submitted plans give an overview of proposed landscaping and boundary treatment, however further landscaping details would be secured by condition. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

#### *Residential Curtilage*

9.35 It was initially unclear from the submitted proposed site plan where the residential curtilage would be. An additional plan was submitted that shows a clear delineation plan, to show which areas are residential and which areas are to remain agricultural. This would be reinforced by a physical boundary on the ground, in the form of landscaping and boundary treatment, which would be secured by the above landscaping condition.

#### *Ecology*

9.36 A Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey has been submitted in support of the proposal, which recommended Bat Emergence and Re-entrance Surveys. These surveys confirmed that there is a likely-absence of a roost within the existing dwelling. The County Ecologist was consulted and raised no objection to the proposed development, recommending a precautionary informative note in relation to bats. In addition, the mitigation and enhancement measures outlined in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey will be secured by condition.

#### *Contaminated Land*

9.37 Core Strategy Policy CS32 seeks to maintain soil quality standards, remediate contaminated land and maintain air quality standards throughout the area. The Council's Contaminated Land Officer has been consulted and, noting that the site does not appear to have a potentially contaminative land use history, has raised no objection to the proposal from a contaminated land perspective. Informative notes relating to contamination discovery on site would be attached to a decision notice, should permission be granted. In terms of air quality, the Environmental Health Officer suggested that the applicant should propose measures to support sustainable travel and air quality improvements. However, given the small-scale of the development, it is not considered that such a condition would meet the tests set out in paragraph 57 of the NPPF, specifically that it would not be 'fairly and reasonably related in scale and kind to the development'. Nonetheless, informative notes would be added with respect to land contamination and air quality.

#### *Waste Management*

9.38 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. This information has not been provided on the submitted site plan, however it is considered that there would be sufficient space within the site to store wheelie bins. The development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

#### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.39 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.

9.40 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.

9.41 The application site resides within the Chilterns Beechwoods 'zone of influence', however it would not result in a net increase in the total number of residential units. Therefore, a project level HRA is not required.

#### *Removal of Permitted Development Rights*

9.42 It is recommended that Permitted Development Rights be removed by condition with respect to extensions, roof enlargements or alteration, outbuildings and fences, walls etc. within the application site. This restriction would mean that planning permission would be required for most types of minor development that could normally be carried out without planning permission.

9.43 This restriction is considered reasonable and necessary because the site resides within a sensitive location, i.e. adjacent to Frithsden Conservation Area and nearby Listed Buildings and within the Chilterns AONB and a Grade II\* Registered Park and Garden. As such, it is considered that any alterations to the replacement dwelling or within the application site could potentially have an impact on the character and appearance of the surrounding area. A detailed planning assessment would need to be carried out by the Local Planning Authority so that the impact of any new development on these sensitive landscapes / designations could be fully evaluated. This restriction would also prevent any structures being located further up the hillside in order to protect wider views within the Chilterns AONB and the Registered Park and Garden.

#### *Response to Neighbour Objections*

9.44 A number of objections have been received from neighbouring properties. Many of the comments received relate to the impact of the proposed dwelling on the character and appearance of the area and the impact on residential amenity of existing occupiers. Whilst this report has not specifically responded to each individual comment in turn, every representation has been taken into consideration and has been afforded weight in the above assessment.

9.45 One of the objections relates to inaccuracies in the submitted site-section and Heritage Statement, stating that Shepherds Cottage is lower than shown on the drawings and that the Heritage Statement refers to greater distances than shown in the drawings. The applicant has confirmed that the Heritage Statement referenced the distances in the previously refused scheme. The Heritage Statement has now been amended to accurately reflect the distances.

9.46 In terms of the height discrepancies referred to by the objector, the levels shown on the site section correspond with the levels on the submitted topographic survey for the application site. The topographic survey does not however show levels for the adjoining land. The objection letter states that the neighbouring property (Shepherds Cottage) and its surrounding land is up to 2.5m lower than shown on the site section. It also states that Shepherds Cottage itself is 0.54m lower in height than shown on the site section and that the distance from the existing dwelling to Shepherds Cottage and its garden varies by around 1 - 1.5m. The overall suggestion is that land levels rise more steeply than shown on the site section.

9.47 Taking all of the above into account, the height discrepancy suggested by the objector does not materially affect the overall assessment of the proposed development. Notwithstanding the steeply rising site, the separation distances are substantial enough that there would not be significant harm to the living conditions of existing occupiers. The minimum separation distance set out in Saved Appendix 3 of the Local Plan of 23m is far exceeded by the proposal.

#### Community Infrastructure Levy (CIL)

9.48 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 1.

## **10. CONCLUSION**

10.1 The principle of development for a replacement dwelling is acceptable, both in terms of the AONB and Rural Area designations. The proposal constitutes high-quality design that would be sympathetic to local character that would not have a detrimental impact on the surrounding countryside. By virtue of its sympathetic siting, design and use of traditional, natural materials, the proposed dwelling would integrate into the immediate surroundings of the Chilterns Area of Outstanding Natural Beauty and would not cause harm to the setting of the adjacent Conservation Area or the Historic Park and Gardens of Ashridge. The proposed development would not cause harm to the living conditions of existing neighbouring occupants and it meets the policy requirements in terms of parking, access and highway safety. The proposal therefore complies with Core Strategy Policies CS7, CS12, CS24, CS27 and the NPPF.

## **11. RECOMMENDATION**

11.1 That planning permission be **GRANTED**

### **Conditions and Reasons:**

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

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

- 2. Prior to the commencement of the development hereby approved, full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs)**
- o The sequential order of events required for tree protection**
- o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable)**
- o The position and specification of ground protection in accordance with BS5837:2012 (as applicable)**
- o Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable)**
- o Details of proposed levels**
- o The position of service routes and drainage, and means of installation if these encroach through the RPA of retained trees.**

**There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed. The works must be carried out according to the approved details.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004),

Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

3. **The development shall be carried out in accordance with the ecological mitigation and enhancement measures detailed in Table 7 of the submitted 'Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey' by Arbtech dated 08/07/2020 and Table 5 of the 'Bat Emergence and Re-entrance Surveys' by Arbtech dated 10/09/2020.**

**In the unlikely event that bats are unexpectedly found during any stage of the development, work should stop immediately and a suitably qualified ecologist should be contacted to seek further advice.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policies CS26 and CS29 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2021).

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

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013).

5. **No development shall take place (other than demolition and groundworks) until details of the sample panels of flint work have been submitted and approved in writing by the Local Planning Authority. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure that the setting of the designated heritage assets are preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2021).

6. **No development (other than demolition and groundworks) shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

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

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

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

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

- 7. Prior to the first use of the development hereby permitted any access gate shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 metres from the edge of the highway.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed, in the interests of highway and pedestrian safety, in accordance with Core Strategy (2013) Policies CS8 and CS12.

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

**Schedule 2, Part 1, Classes A, AA, B, C and E  
Schedule 2, Part 2, Class A**

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

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

**P1 Rev A - Location Plan  
P27 Rev C - Plans of replacement House  
P28 Rev C - Elevations of replacement House (1)  
P29 Rev C - Elevations of replacement House (2)  
P30 Rev A - Proposed Site Plan House (replacement)  
P31 Rev A - Proposed Block Plan House (replacement)  
7894-001 Rev A - Southern Boundary Section  
2648-001 Rev A - Swept Path Analysis using a 10.20m Fire Appliance  
Heritage Statement by the Historic Environment Consultancy dated 01/08/2022  
Frithsden Vineyard Replacement Dwelling by Nichols Brown Webber Architects and Kerford IPC dated August 2022  
Landscape and Visual Appraisal, ref. OS 2071-20- Doc1 Rvs E, dated August 2022  
Tree Survey by Arbtech dated 01/07/2020  
Tree Endoscope Survey by Arbtech dated 01/09/2020  
Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey by Arbtech dated 08/07/2020  
Bat Emergence and Re-entrance Surveys by Arbtech dated 10/09/2020**

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

## **Informatives:**

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:  
  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
5. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
6. 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](mailto: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.

7. Waste Management Informative: Under no circumstances should waste produced from the development 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.
8. 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.

9. Invasive and Injurious Weeds: 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>

10. Bats: If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
11. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
The Chiltern Society	<p>Thank you for notifying the Chiltern Society. It is acknowledged that the applicants have modified the proposed replacement dwelling but the Society continues to object to this proposal.</p> <p>There is clearly a plan to totally redevelop the site for a vastly expanded winery, but these comments relate solely to the dwelling and not the winery building also shown on the plan.</p> <p>The application site is within the Chiltern Area of Outstanding Natural Beauty (CAONB). Paragraph 176 of the NPPF (2021) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The scale and extent of development within these areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight.</p> <p>In the Dacorum Core Strategy (2013) Policy CS24 and Saved Local Plan (2004) Policy 97, the AONB designation affords special status in the control of development and establishes the primary aim as the conservation of the scenic beauty of its countryside and settlements. The Dacorum Core Strategy 2006-2031 Policy CS1 states that the rural character must be conserved and development should cause no damage to the existing character of a village and/or surrounding area and be compatible with policies protecting and enhancing the Rural Area and AONB. Policy CS25 requires all development to help conserve and enhance Dacorum's Natural and historic landscape.</p> <p>It is accepted that Policy CS7 of the Core Strategy states that small scale development will be permitted within the Rural Area, including the replacement of existing buildings for the same use, limited extensions of existing buildings and the redevelopment of previously developed</p>

sites, provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside. However, Policy CS12 states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Dacorum Local Plan 1991-2011 Policy 23 of the Local Plan which states that 'rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less.' In particular the dwelling should : 1) be compact and well-designed. 2) Not be visually intrusive on the skyline or in the open character of the countryside.

The existing dwelling is modest in size and design. It is not visible from outside the site and is located on the lower ground of the south western corner of the site. The proposed replacement dwelling, whilst reduced from the original proposal, is still excessively large, with a significant increase in footprint and floorspace (whichever figures are used) over the existing dwelling. Para 80 of the NPPF requires that, in rural areas, isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. In October 2018 the agricultural restriction on the existing dwelling was lifted, indicating that there was no need for a vineyard worker to live on the site. (ref.4/02126/ROC). This was confirmed in the details submitted by the previous owner's agent in justification for the removal of the condition stating that 'the vineyard is not viable due to its size and other justification'. The substantial area of land taken by the development of this dwelling and the surrounding hard surfacing will result in the reduction of available acreage for vines which is likely to result in the enterprise becoming uneconomic and therefore results in merely a very large house.

Para 126 of the NPPF states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental...'. Furthermore in rural areas para 80 (e) of the NPPF requires that the design is of exceptional quality, in that it is 'truly outstanding, reflecting the highest standards in architecture... and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'. Whilst not necessarily advocating a pastiche of the 17th -18th century brick cottage style of most of Frithsden, the proposed design is totally out of keeping with its surroundings and maybe considered to fall somewhat short of being 'outstanding'. The majority of the hamlet is designated a Conservation Area with many Listed Buildings. Any development needs to be sympathetic to this historic landscape. The National Model Design Code has been introduced to ensure new developments are 'beautiful, well designed and locally led',

and features including heritage, environmental and wellbeing need to be considered,

The Chilterns Design Guide (CDG) states that development should be rejected unless it meets specific criteria, including: a) It is a use appropriate to the location, b) it is appropriate to local landscape character, e) it enhances natural beauty, h) there is no harm to tranquility through the generation of noise, motion, and light that spoil quiet enjoyment or disturb wildlife, l) there are no negative cumulative effects, including when considered with other plans and proposals (DP2), and DP8 states that skies should be kept dark at night by only using light where and when needed, and avoid architectural designs that spill light out of large areas of glazing. Modern designs with large areas of glazing should be avoided so that buildings do not appear as boxes of light in the countryside at night and glinting glazing during the daytime.

Whilst beauty is in the eye of the beholder, this substantial, modern building pays little cognizance to the Chilterns Design Guide (CDG) nor to its location in the CAONB. The use of non natural materials i.e. zinc and aluminum, its sprawling size and height and the use of large areas of glazing, especially on the upper floor and roof, is inappropriate in the AONB. The proposal for a 1st floor balcony across the whole southern elevation is intrusive not only on the amenities of neighbouring properties and out of keeping with the rest of the houses in the hamlet but together with the substantial terrace, will give rise to a significant amount of noise and light pollution which will impact on the local wildlife exacerbated by its elevated location.

Given its considerable size, higher ridge height and design, it will inevitably be more conspicuous from many of the viewpoints, both from the immediate vicinity and from further afield. Its location on the southern side of the Nettleden valley makes the site clearly visible from the public footpaths on the opposite northern slope. This is exacerbated by being the highest property in the immediate area, and at night with the considerable amount of glazing, it will be even more intrusive.

In an attempt to reduce its visual bulk, considerable alterations to site levels requiring substantial excavation and recontouring the surrounding land are proposed. Such extensive engineering operations are not acceptable in the AONB. It is in effect a three storey, six bedroom property. Parking for at least 11 cars is shown with substantial hard surfacing for the access road and around the dwelling itself. There is no justification for this size of this dwelling in connection with the existing relatively small commercial operation. The applicant seeks to justify the size of the replacement dwelling by referencing other replacement dwellings that have been permitted in the Rural Area and



AONB. However, many of these examples are not comparable, being on relatively flat sites with little visual intrusion in the countryside, nor are they adjacent to an historic and sensitive Conservation Area where there has been very little in terms of development since the 19th Century.

The proposed dwelling is adjacent to the Frithsden Conservation Area where development at the boundaries should be resisted and any development that does take place "should respect the massing and scale of the neighbouring buildings and employ a palette of materials sympathetic to and consistent with the prevailing character and appearance of that part of the Conservation Area." Para 80 of the NPPF also requires development to 'significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'. This proposal fails on both counts.

One of the reasons for refusal on the original submission for a detached dwelling was that 'there would be less than substantial harm to the setting of the Conservation Area'. Paragraph 202 of the NPPF (2021) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. However, there are no public benefits of providing a private replacement dwelling of this size and design that would outweigh the harm.

The applicant states that the proposed dwelling will be screened by the mature trees and vegetation along the southern and western boundaries. However, much of this vegetation is deciduous and within the neighbouring properties. The applicant is relying on off site vegetation to screen an unacceptable development and accepts, in their Landscape Visual Impact Assessment that there would be harm and that mitigation is required. However, vegetation (existing or proposed) should never be sited as a justification for an unacceptable development, especially as it could be removed at any time. In winter months this screening will be considerably diminished, exposing the building and impacting further on the countryside.

The application site is situated within open countryside, the CAONB, within a Grade II\* Registered Park and Gardens of the Ashridge Estate and is adjacent to the Frithsden Conservation Area. The scale and design of the development is entirely out of keeping with the hamlet of Frithsden and its rural environs of the CAONB. It will be visible from surrounding footpaths impacting the character and appearance of the countryside and will result in significant loss of amenity, privacy and disturbance to immediate neighbours, wildlife and the users of the countryside. With the loss of foliage in winter months and reliance on vegetation outside the control of the applicant this excessive

	<p>development will appear as an incongruous, insensitive and jarring 'blot on the landscape'. It fails to respect the natural beauty of the Chilterns, and therefore, the Chiltern Society strongly objects to the proposed replacement dwelling and respectfully requests that the application is refused.</p>
<p>Chilterns Conservation Board</p>	<p>14th September 2022</p> <p>By planning portal upload only to DBC Planning Portal My Ref.: F: PlanningApplications</p> <p>Replacement Dwelling at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD 22/02538/FUL</p> <p>Thank you for consulting the Chilterns Conservation Board (CCB) on this application. The CCB commented, extensively, on the previously submitted application (27th September 2021). We have no reason to demur from the DBC's Conservation and Design Officer's memorandum of 13th September 2022.</p> <p>For ease of reference, we repeat those September 2021 comments in so far as they affect the policy environment and the enjoyment and understanding of the Chilterns. In that regard, the rural enterprise and rural / community benefits of the vineyard use, is material to this application, whilst noting that the application form seeks a replacement dwelling (only). The vineyard use helps to deliver the AONB's visitor economy and increase its economic impact (see SP1 of the 2019-2024 AONB Management Plan and chapter 9 generally which deals with social and economic wellbeing).</p> <p>The CCB recommends that there is a linkage between the residential replacement of the existing dwelling and the future winery/vineyard use, which is indicated on the submitted block plan and was the subject of economic reports and extensive justification in the previous applications. Looking at the reason for refusal for the winery (21/03130/MFA) then more work is to be done on design impact and AONB content. However, at this stage we would seek some linkage as the red line/blue line application area (in the submitted application form, block plan and Design and Access Statement) only applies to a residential use. We assume this could be achieved by planning condition dealing with the submission of a management plan and /or a unilateral undertaking.</p> <p>We would submit that our 2021 points on Enjoyment and Understanding of the Chilterns and Overall Conclusions, still apply and deals with the materially relevant issue of use and community benefit /</p>

AONB promotion and economic rural enterprise. We hope this may assist the LPA.

For ease our earlier points are below.

27th September 2021

Replacement Dwelling and New Winery, parking, and landscaping at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD

DBC 21/03137/FUL (dwelling) and 21/03130/MFA (winery, parking, landscaping).

CCB Part Objection / Part Comments (recommendation for revisions, as below)

Summary

Thank you for consulting the Chilterns Conservation Board (CCB). We propose to submit part objection and part comments. The CCB did offer informal comments to the applicant team prior to any planning application submission. Following a consideration of the detailed submission and a site visit, we have formed the view that the current layout and proposal requires some detailed amendments. This location is sensitively located within the AONB. The CCB fully accepts that the re-establishment of a vineyard here is beneficial and meets several the objectives of the AONB Management Plan 2019-2024 strategic objectives for social and economic well-being as well as the secondary duty for a conservation board. Such benefits must be balanced against the special qualities of the AONB in this location, which is defined by landscape character and a sense of 'ancientness' in the byway/road that accesses the site. The Local Planning Authority in considering the various legal and policy test that will apply here are required to give 'great weight' to the conservation and enhancement of these special qualities. In applying the planning balance, greater weight must be given to landscape over other matters.

The principle of a new dwelling is established by virtue of the existing one and the partial brownfield status of a part of this site. However, a detailed consideration of the proposed location for the new dwelling ultimately leads to a conclusion that it harms the special qualities of the AONB. The proposed siting of the new dwelling works against the topography and in views from nearby public rights of way the impact on this more elevated part of the site would diminish the special qualities of this rolling landscape. We acknowledge that several agricultural buildings and dwellings exist in the upper reaches of the immediate fields that envelope the settlement at Frithsden. This proposal has a

much larger footprint and from a review of the submitted papers and following a site visit, this site enjoys considerable potential to screen a building by occupying the existing built envelope, located in and around the existing vehicular access.

These matters are resolvable, and we comment further below.

The proposed application is a part of a wider masterplan, involving a new winery and ancillary holiday accommodation. These new buildings include a new main dwelling, visitor centre, and 3 tree houses for holiday/ seasonal staff accommodation. The new winery building is designed by an architectural practice well versed with the design of such uses in the Chilterns and a previous Chilterns Buildings Design award winner. A feature here is to maintain a low eaves height on the roof, to reduce the overall built form, together with glazing confined to the ground floor only. A new main dwelling follows several design features drawn from the Chilterns Buildings Designs Guide. The principal point of contention here being the location of the main dwelling and its impact upon the special qualities of the AONB. The supporting documents are comprehensive. A regeneration strategy reports the business case and confirms around 45 new FTEs would be created.

The site is sensitively located, as is acknowledged in the design and access statement and the landscape and visual impact assessment. The landscape mosaic in and around Frithsden is as set out in the Hertfordshire landscape character assessment and the relevant landscape character area (LCA 122), the Nettleden Ridges and Valleys, states that 'The character area is defined by the strongly undulating topography' and that, when considering changes, to 'conserve and enhance the distinctive character of traditional settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area'.

The mosaic of uses includes highly protected ecological networks, including the Chilterns Beechwood SAC and nearby Ashridge Common and Little Heath Pit SSSIs. This landscape mosaic also encompasses a distinctive rolling landscape, accessible to and visible from a local network of footpaths and bridleways. It mixes a variety of land-uses comprising hamlets, woodlands, arable land, designed parklands and enjoys a distinctive dry valley landscape.

The CCB proposed to comment on various elements as follows:

Principle of development. As set out in the submitted design and access statement, the planning principle is established by the presence of an

existing dwelling, itself unencumbered by the recent lifting of an agricultural occupancy condition. There is much detail in the design and access statement that deals with percentage increase of floorspaces, focusing upon policy 23 of the existing Dacorum Local Plan (new dwellings in rural areas). The planning statement as contained within the design and access statement addresses this by stating that (a) a significant number of properties have already breached the 150% threshold (with details in their appendix A) and that (b) as a matter of planning judgment that, 'more weight should be given to any demonstrable impacts on the character of the AONB and the suitability of the proposals with regard to the site and neighbouring amenity'.

The 150% threshold is not an AONB policy, noting that the vast majority of the AONB is a rural open landscape. Nevertheless, we agree that the issue of 'weight' is key, and we would cast that within the tests in CROW, the NPPF 176, the Development Plan and as dealt with in the AONB Management Plan 2019-2024 and in the Chilterns Buildings Design Guide. Section 85 of the CRoW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any function in relation to or to affect an AONB. The NPPF at 176 states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues (and continues) 'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

Landscape and Visual Impact Assessment (LVIA). The submitted LVIA recognises the highly valued nature of this landscape, consistent with guidance produced by the Landscape Institute. The LVIA's summary of the 'magnitude of effect', at paragraph 4.5.4 underscores the impact, concluding that the magnitude is low. This judgment is based upon LVIA 4.5.4 (vi) that the extent of the proposal is small when considered within the wider landscape, and at LVIA 4.5.4 (vii) that the scale and impact of the proposed development is unlikely to impact on the factors considered by Natural England, when designating an AONB. Set against both criteria, the impact cannot be low.

Factors relating to natural beauty (as published by Natural England in their guidance for assessing landscapes for designation, 2011), includes landscape quality (high in this case), scenic quality (i.e., the extent to which the landscape appeals to the senses, also high in this case), natural heritage (flora, fauna, geological and physiographical features, high nearby) and its relative tranquillity (medium to high in this

case). In essence, many of the natural beauty designation criteria as deployed by DEFRA are evident.

The viewpoints set out at page 24 of the LVIA are instructive and when considered against Natural England's designation criteria point towards a much higher level of magnitude than is attributed. The mitigation as proposed at paragraph 6.0 of the LVIA is useful but will not materially lessen the magnitude of impact in this location, especially in the winter months. A dwelling will be evident in the upper reaches of the site. The LVIA's appendices demonstrate that.

Landscape Policies. The overriding duty to conserve and enhance the special qualities of the AONB (CROW Act s 85, National Planning Policy Framework paragraph 176 and current Dacorum BC Local Plan policy 97 in the 2004 plan and CS 24 in the Core Strategy. The special qualities here are defined by the landscape character and settlements within, including a series of hamlets and scattered rural settlements and some farm buildings. The landscape character comprises plateau and dip slope and the Roman Road enjoys a deeply rural quality and a sense of 'ancientness'.

Enjoyment and Understanding of the Chilterns. The proposed use as a winery / vineyard with some interpretation and display helps deliver some of the strategic objectives in Chapter 8 of the AONB Management Plan (Enjoyment and Understanding). The secondary purpose and duty of a Conservation Board is also partly satisfied (s87 of the CROW Act 2000 part (b) 'the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty'). If a conflict exists, then the primary purpose (conservation and enhancement of special qualities) must take precedence (known as the Sandford principle).

The potential for further ecological improvements will also greatly contribute towards the delivery of policies in the AONB Management Plan Chapter 5 (Nature) and NP 7 which states to 'Improve ecological condition, resilience and diversity of important wildlife habitats'. The ecological survey is useful as background information. Biodiversity net gain is a requirement.

Any potential visitor facilities will need to be run with these key policy objectives in mind.

We recommend that consideration is given to, for example, the anticipated level of vehicular activity and how it can be appropriately managed. The access is, from the village area, deeply rural and this deserves careful regard and the attribution of some weight. Vehicular comings and goings will need to be very modest, to protect and

preserve the character of the Roman Road. It may well be that a travel/transport plan can offer sufficient guarantees (on-line booking systems for tours and seasonal openings / further details). We recommend that these management protocols are considered in more detail and the subject of appropriate controls to ensure that the tranquillity of the local area is protected.

We have assumed that the dwelling is linked to the commercial activities. It may not need to be 'tied' as such, but the red line plan for 21/03137/FUL does not overlap the winery curtilage, as far as we could ascertain. The winery design and access statement (page 12) make the point that in a vineyard use there is a high degree of interconnections between the various elements.

Overall Conclusions. The CCB notes that whilst we can express support for the rural regeneration of this much renowned former vineyard and the fostering of the economic well-being of the Chilterns, design / location revisions are required, as well as several detailed controls and assurances.

The key test is to conserve and enhance the special qualities of the AONB. The benefits of interpretation and visitor engagement have considerable potential to assist in the enjoyment and understanding of the AONB, notably as set out in chapter 8 of the AONB Management Plan 2019-2024 (enjoyment and understanding) and chapter 5 (nature) as well as the detailed development policies in chapter 10, especially DP1, DP2, DP7 and DP12 - see below. Enjoyment and understanding are important duties but ultimately secondary duties, and the primary duty remains vested in the conservation and enhancement of the special qualities of the AONB.

The principal revision, as sought, relates to the location of the dwelling and its relocation to an area that approximates to the existing built curtilage of the existing dwelling and/or vineyard building. The submitted architectural form, design and materials respect the principles in the Chilterns Buildings Design Guide and strive to minimise external lighting impacts and to lessen the impact of the upper storeys of the building. We can see merit in this design approach but unfortunately the prominent location on the upper reaches of this site exacts too great an impact on the wider landscape and, consequentially, harms the special qualities. A relocation to coincide with the footprint of the existing dwelling / wine barn building would considerably lessen that impact.

CCB has not, yet, seen the application for the three tree houses. The new winery is a well-designed building. We do have some concerns that

the southern boundary will become less rural and open in its appearance, with the new levels of development, including surfacing and car parking. The winery contains a considerable amount of its use within a cellar. Should the Local Planning Authority be receptive to design/location revisions to 21/03137/FUL (dwelling), then we would consider it prudent to consider the more easterly location of the winery (as is shown in an options appraisal in the Design and Access Statement). Any surfacing could and indeed should end at the winery and a consideration of details here dictates a very informal surfacing with no lighting or a solar eye ground /path light at the very most (for waymarking purposes).

The Board recommends that the decision-maker considers the following:

- The Chilterns AONB Management Plan (<http://www.chilternsaonb.org/conservation-board/management-plan.html>), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness, but countryside adorned by villages, hamlets and scattered buildings'. We refer, specifically, to chapters 8 and 10 in the Management Plan. We would draw attention to the following Management Plan policies.

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP6 Support sustainable farming and forestry, nature conservation and facilities for visitors appropriate to the special qualities of the AONB.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide

DP8 Keep skies dark at night by only using light where and when



	<p>needed. All new lighting should be the minimum required and meet or exceed guidance<sup>53</sup> for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.</p> <p>DP12 Support sympathetic proposals that enhance the Chilterns as a place to visit, live, explore and enjoy. Protect existing visitor and community facilities, such as rural pubs, public transport, B&amp;Bs, youth hostels, village shops and cafes. Support sensitively designed new visitor facilities.</p> <p>Strategic Priority SO1 Increase the economic and social wellbeing of local communities and businesses by supporting the development of the visitor economy and improving community facilities.</p> <p>SP4 Support rural diversification that adds value to the local economy. Only through diversification can many small to medium-size farms in the Chilterns remain viable. It can provide important visitor facilities, such as farm accommodation. This is in short supply in the Chilterns. What is approved needs to be sympathetic to its setting and the wider landscape.</p> <p>SP6 Promote local food, drink, and craft products.</p> <p>- The Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB</p> <p>The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).</p>
Parish/Town Council	<p>Executive Summary:</p> <p>We do not object to the principal of a replacement dwelling on the same footprint</p> <p>We object to the current design of the replacement dwelling on the basis that the size and design are both inconsistent with DBC planning policy, Frithsden Conservation Area Management Plan, Chilterns Design Guide, and Chilterns Conservation Board Management plan.</p> <p>We object to the enlargement of the residential curtilage for which no justification has been put forward</p> <p>It is worth making a few general observations regarding this application.</p> <p>1. Replacement dwelling vs rural enterprise?</p> <p>In considering this application, we concluded that ultimately it can only be viewed as a straightforward replacement dwelling application, with no consideration given to the presence or possible future of the vineyard and any commercial activity connected to it.</p>

There is currently no agricultural tie with the property, for the explicit reason that it was proven and documented that any commercial activity on that site was unviable.

There is currently no proposed plan being put forward for any ongoing enterprise involving the vineyard.

The last plan to be put forward, which was presented as the only way to create a sustainable business on the site, was refused. It should be noted that the current application includes the creation of a new curtilage for the house, reducing further the agricultural land available, and by extension making it even less likely that the site could support a viable business.

This means that any considerations implicitly or explicitly linked to supporting the rural economy are irrelevant. We note that the approval of the CCB was largely contingent on the plans to resurrect the vineyard as a rural business, and since none are currently put forward, it critically undermines that approval from a key stakeholder. It also makes it difficult to justify the need for the large number of parking spots.

## 2. Inconsistent stakeholder consultee responses:

We have noted with some confusion the remarks of several key stakeholders in this application:

Firstly, those quoted in the planning application as being part of the pre-application advice from DBC planning officers, which come to a questionable conclusion and fail to have regard to many material planning considerations;

Secondly, those of the DBC conservation officer, which make no reference to the clear policy conflicts this application represents with the Frithsden Conservation Area Appraisal and Management Plan;

And finally, those of the Chiltern Conservation Board who approve this application despite the policy conflicts with the Chilterns AONB Management Plan and Chilterns Building Guide (ostensibly because of the gain with respect to rural business - but as stated above, that is not only not part of the current plan, but rendered even less likely by the diminution in agricultural land). Noteworthy in respect to the latter is the diametrically opposed views of the Chiltern Society, which, whilst a separate institution, uses the same policy reference sources as the CCB to determine applications.

Where possible, we have sought clarification from the relevant authority, but to date none has been received. We will address these points below, but we encourage planning officers to scrutinise the underlying policy documents for themselves.

### 3. Sensitivity and planning history of application site:

It cannot be emphasised enough that this application site is particularly sensitive. Apart from being in the heart of the Chilterns AONB, in the heart of an area with many footpaths, and it lies just at the border of the Frithsden Conservation Area:

The Frithsden conservation area is unique insofar as it is a true 'time capsule' hamlet. There is no better description of its singular character than Dacorum's own 2010 Conservation Area Character Appraisal & Management Proposals ([http://www.dacorum.gov.uk/docs/default-source/planning-development/cons-appraisalfrithsden-2011.pdf?sfvrsn=864d0d9f\\_0](http://www.dacorum.gov.uk/docs/default-source/planning-development/cons-appraisalfrithsden-2011.pdf?sfvrsn=864d0d9f_0)), and we will be referring below to particular excerpts from this policy document. The residents of Frithsden prize the quiet, timeless and protected features of this setting to a very high degree, as do visitors to the area. Given how little development has taken place within or immediately around this CA in the modern era, it is right that any plans should be very closely scrutinised for their appropriateness and impact. It also follows that what might be acceptable in a less sensitive area (even another conservation area), would not be so here, by virtue of how precious this setting is.

The sensitivity of this application site is also illustrated and underscored by looking through the planning history of this site. Officers will be aware that there has only been a house on this site since the late 1980's, to house an agricultural worker. Getting permission for any application site Frithsden Conservation Area temporary or permanent structure on this location took a great deal of work on part of the applicant. It is clear from the planning history that it was the established view of the Dacorum development management team that any development on this site was inappropriate and harmful to the surrounding area, and when allowed it was only because of the relative weight given to supporting a rural/agricultural small business.

See historic applications:

2924/72

4888/73 (5695/73)

556/77

4/1499/72 - of particular interest is the report of the planning inspector on appeal

583/85

737/88

In 2018, DBC's own investigations determined that a vineyard and winery was not commercially viable on that site, and as a result the agricultural tie was removed from the property. We do agree with a pragmatic 'facts on the ground' approach to planning in most instances, and it is therefore acceptable that a house remains, and by extension a replacement dwelling should be acceptable too. However, the degree of enlargement proposed in the current application must be seen against a backdrop of this site history, and in that regard, we think the enlargement of the property is inappropriate. This appears to us a classic example of 'planning creep' over time - and we make the same observation with respect to the curtilage enlargement (see below).

Added to these are the considerations around the close proximity of listed buildings, including immediate neighbour, of Shepherds cottage, Clayton Cottage and Little Manor.

#### OBJECTIONS

1. The scale of proposed replacement dwelling is inappropriate.

As stated above, the Parish Council accept that a replacement dwelling can be built on the footprint of the existing dwelling. However, we believe that the design and size of the proposed replacement dwelling are inappropriate. Further amendments would be needed to secure our support.

The proposed replacement dwelling would fall under policy CS7 of the local plan, with the relevant clauses highlighted.

#### POLICY CS7: Rural Area

Within the Rural Area, the following uses are acceptable:

- (a) agriculture;
- (b) forestry;
- (c) mineral extraction;
- (d) countryside recreation uses;
- (e) social, community and leisure uses;
- (f) essential utility services; and
- (g) uses associated with a farm diversification project, which can be demonstrated to be necessary for the continuing viability of the farm business and consistent with the principles of sustainable development.

Small-scale development will be permitted: i.e.

- (i) for the above uses;
- (ii) the replacement of existing buildings for the same use;
- (iii) limited extensions to existing buildings;
- (iv) the appropriate reuse of permanent, substantial buildings; and

(v) the redevelopment of previously developed sites\*

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.

A great deal of the applicant's planning statement is devoted to policies 22 and 23 which relate to the principle of enlargement of a replacement dwelling. We accept that the nominal threshold of 150% new-to-old floor area is not dogmatically applied in planning decisions, and often it is a matter of judgment in each individual case. But we are very sceptical about the use of hypothetical GDPO development that \*could\* have occurred to calculate the resulting increase in floor-area, and are not persuaded by the arguments put forward by the applicant on this question. Whether it is a valid approach for calculating whether a proposal accords with policies 22/23 we will leave to the judgment of professionals, however a common-sense approach clearly shows this to be irrelevant in determining whether it complies with CS7: The key criteria which determines whether the replacement dwelling is appropriate in this case is the question of impact on the immediate and medium-range surrounding area. It makes no sense to judge the relative change in impact against something that isn't there. Seen thus, it is our view that the proposed new dwelling is much too large and will have a significant impact on the character and appearance of the countryside. Our calculations (these are not provided so meticulous approximations have been estimated from the drawings) show the changes in the two dwellings as below:

Dims (metres)	Existing	Proposed	% of new to old
Max height	6.4	8.2	128%
Max Width	9.4	14.6	155%
Max depth	13.9	23.4	169%
Floor space	230	530	230%

We refer officers to a photo provided by one objector (reproduced below) taken from a national footpath southwest of Frithsden which shows how visible the current dwelling is from this prominent site. This is despite its muted palette that to a large degree does blend into the surrounding. We concur emphatically with the objector's comments that "[t]he proposed dwelling would sit higher on the site, is substantially larger, longer and deeper and therefore without doubt, would be more visible within the landscape than the current dwelling." The materials being proposed would make it more visible, not less. If we use the average of the increases stated above as a rough proxy for how much larger, longer, deeper and more visible it is likely to be, 70% more

strikes us as "significant". To further illustrate the sheer scale of the increase, we have reproduced here the outlines of the existing dwelling against the new from the applicant submissions, with the only embellishment of making the outline of the existing dwelling more prominent:

It is useful to bear in mind that the current dwelling looks like this: In sum, we cannot see how this can be viewed as anything other than a significantly enlarged replacement dwelling that is substantially 'more' on every dimension. We disagree with the contents of the pre-application advice from Dacorum planning that the dwelling would be "compact", even within the setting of the wider site. We note that the pre-application advice includes several favourable references to the proposal as "reduced", "closer to the existing built form within Frithsden", "less impactful on views", "more formal composition" -- all relative to the previous replacement dwelling application that was refused. Whilst a previous application, and in particular the reasons given for its refusal, are not necessarily irrelevant, surely the starting point is to compare it to what is in fact there right now, not what has already been deemed completely unsuitable?

Impact on views:

The degree of impact on the views from surrounding areas is a critical point, and we have read closely the findings of the LVIA included in the applicant's submissions. We question some of the conclusions with respect to finding negligible impact, due to four key considerations:

I. Firstly, all the photos show the views with trees in full leaf. However, the majority of these are deciduous and we can see from the two satellite photos below (first from June 2021 and the second from March 2020) just how dramatically altered the treescape is during autumn, winter and early spring relative to late spring and summer: tree cover in late spring and summer. Particularly noteworthy is the sparse quality of the tree wall to the south of the site.

II. Secondly, and again in relation to the trees, we are very concerned that many of those trees relied on by the applicant as mitigating screening are not on the application site.

Indeed, some of the most critical for screening purposes belong to Shepherds Cottage, The Old Farmhouse, and the adjoining land to the eastern flank of the site. Any conditions planning officers place on the applicant in terms of screening, or any mitigation already relied upon, must take this into account.

III. Thirdly, it is not just a question of degree of visibility, but also of what becomes visible. We enumerate below why many of the palette choices employed in the design of this house are unsuitable, but in this context it is important to point out that what will be visible will probably be a large amount of the glazing that dominates the upper portion of the elevations and the roof cover of the design, with its multiple banks of rooflights.

IV. Finally, the LVIA fails to take into account the impact on the night sky, not just those of the daytime views, which they are required to do by CCB guidance. (More on this below)

We therefore think that the visual impact on the surrounding countryside will in fact be significant, especially in relation to the sensitivity of the site as described above.

We do not believe that the comparator dwellings cited by the applicant in the appendix bear any relevance to this case. A cursory glance at those shows them to be in fundamentally different locations in terms of the topography, conservation, residential density, proximity of neighbours and listed buildings, visibility from adjoining countryside, and all the other factors that make this a particularly sensitive location.

2. The design of the replacement dwelling is inappropriate.

Closely related to, but not quite the same as, our concerns about the sheer scale of enlargement are concerns relating to the design of the proposed replacement dwelling. tree cover in autumn, winter and early springThe relevant policies, with the pertinent subclauses highlighted, are cited below:

**POLICY CS11: Quality of Neighbourhood Design**

Within settlements and neighbourhoods, development should:

- (a) respect the typical density intended in an area and enhance spaces between buildings and general character;
- (b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- (c) co-ordinate streetscape design between character areas;
- (d) protect or enhance significant views within character areas;
- (e) incorporate natural surveillance to deter crime and the fear of crime; and
- (f) avoid large areas dominated by car parking.

**POLICY CS12: Quality of Site Design**

On each site development should:

- a) provide a safe and satisfactory means of access for all users;

- b) provide sufficient parking and sufficient space for servicing;
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
- d) retain important trees or replace them with suitable species if their loss is justified;
- e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
- f) integrate with the streetscape character; and
- g) respect adjoining properties in terms of:
  - i. layout;
  - ii. security;
  - iii. site coverage;
  - iv. scale;
  - v. height;
  - vi. bulk;
  - vii. materials; and
  - viii. landscaping and amenity space.

**POLICY CS24: The Chilterns Area of Outstanding Natural Beauty**

The special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

**POLICY CS27: Quality of the Historic Environment**

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.

Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

Supplementary planning documents will provide further guidance.

We believe that the design does not accord with policies above, specifically:



It does not integrate with the street character in Frithsden, or respect adjoining properties in terms of its scale, height, bulk and materials - and notably, it fails to conform to the clear character of housing size and style as described in the Frithsden Conservation Area Appraisal and Management Plan.

It fails to conform to key tenets of the Chilterns Conservation Board's Management Plan and the Chilterns Building Design Guide.

The Frithsden Conservation Area Appraisal and Management Plan describes in detail the style of houses in Frithsden (as can be seen from the conservation area map above, the overwhelming majority of Frithsden properties are within the conservation area):

#### Summary of Townscape Features

Strong estate influences

Medieval origins

Village Green

Low-built, two-storey houses or cottages, some with mostly single storey ancillary buildings

No dominant houses - Little Manor is eye-catching but not overwhelming

Timber-framed buildings, often encased with brick or concealed by later render.

Numerically brick houses and cottages pre-dominate, with tiled or slate roofs. No thatch.

Few views into properties except from the thoroughfares.

Relatively permeable settlement with paths and tracks off the main glade

Boundary treatments - flint walls, timber paling, some ancient hedgerow boundaries Rich treescape

It further describes the building style as follows:

The village buildings have a vernacular scale (no residential property being more than two storeys), and single storey outbuildings and additions help to keep the built form low. Very few dormers are evident - those on Holly Bush Farm appear incongruous and out of scale, Roof lights interrupting the plain roofs are prominent on the front elevation of the converted Barn Cottage.

The character of Frithsden Conservation Area owes much to the use of local materials in the construction of its historic buildings and minor structures such as outbuildings and boundary walls. The palette of materials is typical of the Chilterns - timber and clay predominate. Timber frames utilise oak, sometimes elm. Timber-framed farm buildings are clad with tarred weatherboarding.

With the growing scarcity of timber from the late C17th, bricks were

increasingly used; Red or pinkish-red bricks were available in the neighbourhood from the late medieval period; they are sometimes used in conjunction with blue headers, as in the added west wing at Holly Bush Farm.

Chalky white, gritty lime mortars are common in early brickwork and only start to be displaced by cement/sand in the C20th. Frithsden also has examples of the C19th yellow/brown bricks typical of the Bridgewater estate.

In common with the north Chilterns, flint is not abundantly used except in the prominent boundary walls.... Clay peg-tile roofs predominate, mostly with gable ends and plain third round ridges. ... Slates, introduced from c.1800, occupy flatter pitches - a good example is Frithsden Cottage. Roofs in Frithsden are for the most part uncluttered by dormers, rooflights or solar panels; their absence contributes to the strong, simple roofscapes which characterise the Conservation Area.

The management plan even addresses the question of houses on the periphery of the conservation area, as this site is: The need to protect the rural, soft edges of the Conservation Area means any new development at the boundaries should be resisted. Should any opportunities arise, buildings should remain two- storey, should face the road, should respect the massing and scale of the neighbouring buildings, and employ a palette of materials sympathetic to and consistent with the prevailing character and appearance of that part of the Conservation Area. Only good quality schemes that respond positively to their historic setting and incorporate exceptionally high standards of quality and design will be considered acceptable.

The inappropriateness of the massing and scale of the property as a replacement dwelling has already been covered above. However, it is also important to point out that such a large property as the one proposed is out of character for the immediate area. The satellite photos provided above already show that the existing dwelling in terms of footprint is on the larger end of most Frithsden properties - and that is before any enlargement. The scale of the proposed house is large, modern and would be instantly one of the largest in the area.

Specific design concerns we have:

I. A deeply incongruous design element of the proposal dwelling is the extensive amount of glazing, both in terms of window glazing, rooflights and glass balustrades on large balconies.

The Chilterns Design Guide states:

Elevations should have a greater proportion of solid wall to window

Large windows in the form of patio doors and picture windows look out of place in older buildings and the traditional balance of wall to window is lost. Patio doors and larger window openings should be designed to avoid using large panes of glass and generally confined to the rear or screened parts of the building.

The large amount of the elevations, particularly the front elevation, covered in glazing, including the ample use of glass for the balcony balustrade, is unsuitable to the point of jarring in the context of the Frithsden street character.

We note that the glass balustrade on the front elevation runs the width of that elevation and then continues around the terrace on the rooftop of the garage. On the front elevation alone this is over 30 metres of continuous glass sheets. This is simply not suitable for the setting.

However, the impact of so much glazing is not just in the incongruousness of the material as part of a traditional building palette. It also creates a significant amount of light pollution in a location where this impacts both the adjoining properties and the conservation area. The Chilterns Conservation Board Management Plan states (DP8):

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance 53 for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing. The Chilterns AONB has relatively dark skies for the south east, making it a place people can still experience the wonder of starry skies and good for wildlife. ... Traditional Chilterns vernacular buildings have small windows. Moderns designs with large areas of glazing should be avoided so that buildings do not appear as boxes of light in the countryside at night, and glinting glazing in the daytime. When such designs appear on buildings such as the comparator dwellings cited by the applicant, they may be allowed due to their relative isolation. This is clearly not the case here. There would be a formidable impact on the nighttime environment in the immediate area.

We note that the CCB Management Plan requires any applications to include a LVIA, and for that "LVIAs should include night time effects as well as day time, to identify any risk of light pollution." We cannot see that this requirement has been complied with in the applicant's LVIA.

II. It is clear from all the excerpts above (as from any visit to the village) that the brick-andflint palette and design in the current proposal is fundamentally incongruous with the setting. It may indeed be the case that the archetypal Chilterns village is comprised of brick and flint

cottages - but that is not the case in Frithsden where not a single such dwelling exists. As noted above, we do not understand the absence of any reference to this in the Conservation Officer's remarks on this application.

III. The roof design is out of keeping with both the CDG and the Conservation Area Management Plan, with the inclusion of banks of rooflights on several elevations (four rows of six adjacent rooflights, each bank constituting a width of 3.5 metres of rooftop glazing!).

IV. The front elevation is dominated by two huge dormers, despite the fact that dormers are scarce in the area and the conservation management plan explicitly states they should be avoided.

In summary, we feel that much more could be done to create a replacement dwelling that would integrate with the surrounding area, but it would by definition need to be more modest in both scale and design. The brick and flint design, especially on such a large scale, is not suitable. The number of rooflights and the amount of glazing is incongruous - firstly in terms of building material, but especially insofar as it creates light pollution to the immediate area.

Finally, we also believe that the impact of the replacement dwelling will intrude on the amenity of the neighbour to the south, Shepherds Cottage. The latter is a Grade II listed property, and officers are obliged to look carefully at the impact of any development on heritage assets. We are aware that determinations around the loss of neighbour amenity can be subjective and not always an exact science. We repeat what we said above that something which might be acceptable in one place would not be suitable in others. The qualities of this location are unique, and a high degree of privacy and seclusion is enjoyed by the residents of this hamlet. The change in elevation between the rear elevation of Shepherds Cottage and the front elevation of the proposed dwelling is approx. 10 metres. Bearing in mind the increased height, width and bulk of the replacement dwelling relative to existing, this will result in a dominating impact of the development on its neighbouring property. This is particularly problematic when considering the nature of the front elevation- the closest to Shepherds Cottage. The quantity of glazing and outdoor amenity at the front of the property means there is a much higher likelihood and loss of privacy, light pollution and noise disturbance. We encourage officers to look closely at this.

3. There is no basis for the curtilage enlargement and implied change of use of land. The parish council is under the impression that changing agricultural land (class B) to domestic curtilage, as appears to be the case in the application drawings, requires explicit planning permission, which we cannot see the applicant has applied for. Moreover, we think

that such permission would be difficult to obtain, given the protected status of the site and the visual prominence of the area in question as it ascends the slope up from a conservation area.

The various outlined plots on some of the block site / layout plans create an ambiguity around the actual planning unit that is the subject of this application.

Current layout of site (from applicant's Existing Site Plan):

Proposed layout of site: The Design and Access Statement (part 1) includes a drawing not submitted elsewhere in the documentation which shows the relation of the implied new curtilage to some vines (not discussed anywhere in this submission):

According to the applicant's statement, the current residential curtilage constitutes 0.8 acres of the overall 5.75 acre plot, or 14%. It is not clear what this area is, and whether they are correct in their definition of the land that can legally be defined as current curtilage, with the very complex legal definitions that apply to such a designation.

However, even if we take this on face value, there is a clearly a substantial enlargement of the residential curtilage on land that does not meet the criteria for such redesignation.

Looking at their proposed plan, the new 'planning unit' they appear to have defined with their line looks to be at least 20% of the overall area - a 43% increase at least. (Bearing in mind that we cannot know from their drawings which areas are included in the current curtilage definition (e.g. does it include the winery area?) the actual enlargement of curtilage -- and by extension, the reduction in agricultural land -- is probably greater than 43%.)

Officers will be familiar with the established definition of how to define the residential curtilage of the house (established in *Sinclair Lockhart's Trustees v Central Land Board* (1950), and usefully repeated in *David McAlpine v SOS & Another* (14/11/94)):

First, it was confined to a small area about a building;  
second, an intimate association with land which was undoubtedly within the curtilage was required;  
third, it was not necessary for there to be physical enclosure of that land which was within the curtilage but the land in question needed to be regarded in law as part of one enclosure with the house.

It has further been established (*R (Egerton) v Taunton Deane BC* [2008]) that land and buildings which had been used for farming / agricultural activities should NOT be considered part of residential curtilage of the house, even when those activities had ceased. In other

	<p>words, there is no basis for claiming that any area previously occupied by vines could be construed as or claimed to be valid curtilage.</p> <p>All this is even further complicated by the fact that on their own drawings, they have vines both within and without the residential curtilage making it even more unclear what the parameters are for their proposed 'planning boundary'.</p> <p>In sum, we do not believe that the relevant permissions required for the implied change of curtilage and planning unit have been sought correctly. But more importantly, we believe that there are material and legal objections to any such redesignation and that on this basis alone, this application cannot be approved.</p> <p>Object</p> <p>' We do not object to the principal of a replacement dwelling on the same footprint</p> <p>' We object to the current design of the replacement dwelling on the basis that the size and design are both inconsistent with DBC planning policy, Frithsden Conservation Area Management Plan, Chilterns Design Guide, and Chilterns Conservation Board Management plan.</p> <p>' We object to the enlargement of the residential curtilage for which no justification has been put forward</p> <p>Full details of our objection may be found on the attached document.</p>
Historic England	<p>Thank you for your letter dated 18 August 2022 regarding the above application for planning permission.</p> <p>Based on the information available to date, we offer the following advice to assist your authority in determining the application, which generally reiterates the content of our pre-application advice letter to the applicant.</p> <p>Historic England Advice</p> <p>The significance of the designed landscape at Ashridge</p> <p>The Ashridge Estate is an extensive and complex landscape of exceptional historic and aesthetic value, focussed on Ashridge House (Listed Grade I; NHLE: 1348442), its gardens and surrounding parkland and woodland. With origins as a medieval deer park associated with the former monastic college of Bonhommes (founded 1283, dissolved 1539), the designed landscape was developed from the early 17th century by successive generations of the Egerton family and involving work by numerous notable architects and landscape designers.</p>

This included Lancelot 'Capability' Brown, who was employed by the 3rd Duke of Bridgewater from 1759-68 to carry out improvements to the parkland to accompany a new house by Henry Holland, Sr. Brown's improvements likely included development of the walled kitchen gardens and icehouse at Frithsden Gardens on the southern edge of the designed landscape, and over a mile-and-a-half south of the house so as not to interrupt key views; however, his , most celebrated achievement at Ashridge remains the embellishment of the sweeping, tree-girt 'Golden Valley' to the eastsoutheast of the house before opening out into the wider valley landscape forming the southern extents of the parkland.

In the early 19th century, the 4th Duke commissioned James Wyatt to design a new house (1808) and Humphry Repton to produce a Red Book (1813), with the designs and advice contained therein informing the development of extensive new gardens. Land acquisition and formal enclosure during the 19th century allowed extension of the parkland beyond Nettleden Lodge and south along the valley towards the settlements of Nettleden and Frithsden. This extension of the Estate supported both 'parkland' grassland and arable fields, with a new, extended east drive running through the main valley bottom to bypassed Nettleden. A series of enclosed fields occupied the south-facing slope on the north side of the Frithsden valley, supporting some orchards and fruit-growing linked with the walled kitchen gardens serving the Estate.

Altogether, the Ashridge Estate tells a story of English landscape design through the 18th century to the present day and provides evidence which tells a longer and more complex story of the development of the English rural landscape. This significance is recognised in the inclusion of the designed landscape at Ashridge on the Register of Parks and Gardens of Special Historic Interest in England at Grade II\* (NHLE: 1000330). This designation places it within the top 30% of all Registered landscapes, attributing particular importance of more than special interest in a national context, which should inform development and management decisions.

Furthermore, the hamlet of Frithsden has numerous historical links to the Ashridge Estate, the geographical proximity of which has shaped its layout, architecture and setting. This has contributed to its special character and architectural and historical interest, which is recognised in Dacorum Borough Council's designation of the Frithsden Conservation Area.

Impacts of the proposed development

This consultation relates to Frithsden Vineyard, a site of approximately 3.18 hectares on the south-facing slope on the eastern side of Frithsden Lane (Roman Road) to the north of Frithsden village. Existing trees and vegetation, including that growing along the sunken Frithsden Lane (Roman Road), encloses the application site on all sides and provides screening in views from other parts of the Registered landscape and the Frithsden Conservation Area.

The planning application is seeking permission for the demolition of the existing late 20th century (c1985) two-storey, brick masonry winemaker's house and construction of a new two-storey replacement dwelling house and associated landscape works.

The proposed development will be on the site of the existing dwelling house, occupying a slightly larger footprint. This will result in a small net increase in modern development within what was historically open land forming part of the 19th century extension of the designed landscape at Ashridge abutting the northern edge of Frithsden. It will involve some modification of existing landform to accommodate foundations and lower ground floor levels for the proposed new house.

The new house will rise approximately 1 metre higher than the roof ridgeline of the existing dwelling house; however, this would appear to remain below the height of the existing mature tree cover enclosing the inside perimeter of the application site, which will likely screen or otherwise filter views to the proposed development, minimising wider visual impacts.

Dacorum Council's Frithsden Conservation Area Appraisal notes the importance of the Estate landscape and relic parkland in providing the hamlet's setting, as well as the limited extent of modern, 20th century development. It acknowledges the creation of Frithsden Vineyard on the edge of the Conservation Area in the 1970s as "an apt successor in Frithsden's long association with orchards and fruit-growing", suggesting that the existing use does not materially detract from its special character and interest.

Overall, this will cause some localised, albeit minimal, harm to the overall significance of the registered landscape and special interest of the conservation area through the increase in modern development; however, it will replace an existing structure that makes little-to-no positive contribution to the character of either the registered landscape or conservation area.

Policy considerations for these proposals

The National Planning Policy Framework (NPPF) identifies that



heritage 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 (paragraph 189). It sets out the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 197). Local planning authorities should look for opportunities for new development in the setting of heritage assets to enhance or better reveal their significance (paragraph 206). Any harm or loss to significance requires a clear and convincing justification and should be weighed against the public benefit of the proposal (paragraphs 200 and 202). Planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 130).

#### Historic England's position of the proposals

The proposed development will result in a small net increase in modern development within what was historically open land forming part of the 19th century extension of the designed landscape at Ashridge abutting the northern edge of Frithsden. This will cause some localised, albeit minimal, harm to the overall significance of the registered landscape and the conservation area. For the purposes of the NPPF, we assess this harm as being located at the lower end of the range of less than substantial harm.

Any level of harm requires a clear and convincing justification (NPPF, paragraph 200). The applicant has provided information setting out a case for the proposed development and has revised the proposals from those submitted in a previous planning application (21/03137/FUL), specifically responding to the objectives of the Chiltern Buildings Design Guide by relocating the proposed development to the less visually sensitive location of the existing dwelling house, reducing the overall size of the new dwelling house, and changes in the proposed materials. This demonstrates efforts to sustain and enhance the significance of the registered landscape and the special interest of the conservation area, in accordance with NPPF paragraphs 197 and 206.

It is for your local authority to consider the planning balance as required by NPPF paragraph 202.

#### Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the

	<p>proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Following consultation for the above application, this team would not look to add formal conditions on the permissions.</p> <p>Please find the below informative comments in regards to the proposed development however, which we respectfully request to be included in the decision notice.</p> <p><b>Working Hours Informative</b> 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 <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> 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><b>Waste Management Informative</b> Under no circumstances should waste produced from the development 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.</p> <p><b>Air Quality Informative.</b> 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.</p> <p>As a result as part of the planning application I would recommend that</p>

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>

The proposed development is not for a change in land use and is a proposal on a site that does not appear to have a potentially contaminative land use history. It will, however, involve significant ground works and so the following informatives are recommended.

#### Contaminated Land Informative 1:

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until

	<p>a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought. 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>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Interim</p> <p>This is an interim response owing to the claims made by the applicant that a large fire appliance can turn on site. HCC Highways would like the applicant to illustrate this using a swept path to ensure that this is in fact achievable when all vehicles are parked. Once this has been provided then HCC Highways can make an informed recommendation.</p>
Hertfordshire Ecology	<p>Summary</p> <p>The bat reports provided are almost two years but can be considered to remain valid to inform this application.</p> <p>Mitigation and/or enhancement measures proposed for bats, birds and reptiles should be secured by condition.</p> <p>The need to deliver a biodiversity net gain can be waived.</p>

Full response

#### General

It is not clear from the application if the two buildings on site (referred to below and in supporting paperwork as buildings B1 and B2) are to be demolished or just one. For the purposes of this reply, it is assumed both will be lost. However, the advice applies in full even if either one is to be demolished alone.

The Hertfordshire Environmental Record Centre does not have any records of notable ecological interest at this address, but it is situated within a rural landscape with extensive areas of farmland and semi-natural habitats nearby.

The current application is accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA and PRA) and, by a Bat Emergence and Re-entrance Surveys report (or activity report). Both were undertaken by Arbtech (dated 8 July 2020 and 10 September 2020 respectively). The Endoscope Survey also submitted does not apply to features affected by the proposal and so is put to one side.

#### Protected species (other than bats)

The PEA found little of interest though badgers, breeding birds and reptiles were a concern. I have no reason to disagree with these findings.

However, mitigation and enhancement measures are proposed in (columns 3 and 4 of) Table 7 of the PEA (in relation to badgers, birds and reptiles only). I consider these reasonable and proportionate and should be secured by condition.

#### Bats

This landscape is likely to provide foraging opportunities routes for bats and it is likely they will also forage around the property. Given its design and location, they may exploit opportunities to roost or shelter within it; there are numerous records of bat activity in the area.

As demolition is proposed, bats that depend on the properties to roost or shelter could be harmed. Bats are protected under domestic and European law and in general terms, it is an offence to disturb or harm a bat or damage or obstruct access to a roost or place of shelter.

The PRA found that the existing property exhibited 'low potential' to support a bat roost although it noted there was '... excellent habitat connectivity in the surrounding landscape.' Accordingly,

emergence/re-entry surveys were carried out. However, this failed to find any evidence of a roost. I have no reason to disagree with these conclusions.

Normally, this would be adequate for bats to be removed as a constraint.

Circumstances can always change, however, especially if there is considerable delay between the surveys being carried out, the granting of consent and demolition actually taking place and, as in this case, if there is a known roost nearby.

These surveys are now two years old and beyond the point when they can be relied upon unconditionally. If considered unacceptable, a consequence of this would be that further emergence/re-entry surveys would be required. Given that these are restricted to the summer months this would normally delay surveys until the early summer of 2023 (unless it was possible to carry these out in September - if weather conditions remained suitable).

Despite this, I have reviewed the evidence and noting the emergence/re-entry surveys were carried out at a suitable time of year, and that only low potential was discovered, I am of the opinion that the risk of use of the buildings by bats remains remote and that bats need not represent a fundamental constraint to development at this site if a suitably precautionary approach is adopted.

Therefore, mitigation and enhancement measures proposed in columns 3 and 4 of Table 5 of the Activity Report remain relevant and should be secured by condition. The location of any fixed features should be shown on a suitable plan.

To further reduce the risk of an offence being committed, I also recommend that a further condition is added that requires a 'soft-strip' of the roof of the buildings prior to demolition under the supervision of an experienced and licensed bat ecologist.

Should, for whatever reason, this application be refused or not implemented and future proposals made for the demolition or substantial modification of the existing building, the existing surveys will not be considered adequate and a new PRA (and, possibly, emergence/re-entry surveys) will be required.

Biodiversity net gain

Given that the proposals only affect a single existing dwelling, and the impact on semi-natural habitats will be negligible, I recommend that the

need for development to deliver a biodiversity net gain can be waived in this instance.

#### Chilterns Beechwoods SAC

For the avoidance of doubt, I note that the address lies within the 'Zone of Influence' of the Chilterns Beechwoods Special Area of Conservation (SAC) where increases of residential development could lead to harmful effects from an increase in recreational pressure. However, as no net increase residential accommodation is proposed, I consider there is no credible risk of an increase in recreational pressure and, therefore, no risk that the conservation objectives of the SAC could be undermined. Therefore, this proposal does not conflict with the current moratorium on new residential growth.

#### Conclusion

Should the measures above be adopted, all ecological constraints would be removed and the application can be considered accordingly.

I hope these comments are helpful.

Thank you for consulting Hertfordshire Ecology on the application above, for which I have the following comments:

#### Summary of advice:

- o Sufficient information on European protected species (bats) to allow determination.
- o Suggested Informative.

#### Supporting documents:

The application is supported by the following report:

- o Bat Emergence and Re-entrance Surveys by ARBTECH (report date 07/09/2020)
- o Preliminary Ecological Appraisal & Preliminary Roost Assessment by ARBTECH (report date 08/07/2020)
- o File note: Tree Endoscope Survey by ARBTECH (report date 01/09/2020)

#### Comments:

I responded to a similar application Ref 21/03137/FUL on the

	<p>13/01/2021, The same ecological reports submitted for that application have also been submitted for the current application. The bat reports refer to two buildings B1 (the existing dwelling) and B2 the winery. This application will only affect B1.</p> <p>Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often underneath loose tiles or lifted weatherboarding, or in gaps/cracks in the fabric of a building), as well as in trees. The preliminary reports found potential for bats under minor raised tiles but acknowledged that these may not be sufficiently raised to allow bat access within the buildings. Further surveys did not find evidence of a roost in the building and assessed the potential within the trees as being negligible. Although the reports are now almost three years old, given the results of the activity surveys and the nature of the available potential, I do not consider that in this case it is reasonable to request further surveys and the application can be determined accordingly. However, bats remain legally protected, and I advise the following precautionary Informative is added to any consent given:</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p>
The Chiltern Society	<p>Thank you for notifying the Chiltern Society on these further revised plans for the replacement dwelling at Frithsden Vineyard. The applicant keeps making minor alterations to the scheme, none of which overcome the Society's fundamental objections as stated in our detailed response dated 29 September. Therefore, the Society maintains its strong objection the the application.</p>
Environmental And Community Protection (DBC)	<p>The proposed development is not for a change in land use and is a proposal on a site that does not appear to have a potentially contaminative land use history. It will, however, involve significant ground works and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1:  In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2:</p>



	<p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Historic England	<p>T&amp;CP (Development Management Procedure) (England) Order 2015 &amp; Planning (Listed Buildings &amp; Conservation Areas) Regulations 1990</p> <p>FRITHSDEN VINEYARD, FRITHSDEN LANE, FRITHSDEN, HEMEL HEMPSTEAD, HERTSFORDSHIRE, HP1 3DD Application No 22/02538/FUL</p> <p>Thank you for your letter dated 13 December 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any further comments and stand by the advice contained within our advice letter dated 05 September 2022.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.</p> <p>Please advise us of the decision in due course.</p>
Parish/Town Council	<p>Object</p> <p>The Parish Council sees nothing in the revisions to alter the objections it submitted on 10th October 2022.</p>
Thames Water	<p>Re: FRITHSDEN VINEYARD, FRITHSDEN, HEMEL HEMPSTEAD, HERTFORDSHIRE , HP1 3DD</p> <p>WASTE:</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</p>

	<p>new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></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:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>Recommendation:</p> <p>We are supportive of the design of the proposal welcome the development as a high quality and creative response to contemporary architecture within a rural context. The proposal responds sensitively to the local character of Frithsden and the Chilterns AONB.</p> <p>We support the reduction in scale from the previous application</p>

	<p>21/03137/FUL and believe that the proposals massing sites comfortably within the context. The design approach of split levels utilises the sites natural topography well to reduce height at the rear to a single story and along with the sites tree coverage and assists in mitigating the impact of the new building on landscape views of the site from AONB and the Conservation area. Building is well set back from the Roman Road and behind a large amount of existing mature vegetation screening from the driveway view. We support the LVIA conclusion of the proposal having 'little to no overall impact' as the site is not visible in the majority of views provided other than VP2 where there is a glimpsed view of the site however this will be particularly mitigated with additional tree screening.</p> <p>We are supportive of the material palette which references the Chilterns Design Guide and local materials of Frithsden. The building contains detailed façade articulation including flint and brick panels at the base. This realtes well to the buildings of the Frithsden conservation area, some of which are intricately articulated such as the façade work of the Little Manor. The Oak frame design add visual interest and is welcomed.</p> <p>We welcome the additional tree screening that has been incorporated along the rear façade and drive way frontage. This will provide additional visual screening of the dwelling from landscape views as well as improving the biodiversity on the site.</p> <p>We recommended that all hard materials and landscaping as well as details of external openings should be subject to condition in order to maintain a high level of design quality.</p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Access Gates - Configuration</p> <p>Prior to the first use of the development hereby permitted any access gate shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.</p> <p>Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with</p>

Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

#### Comments

The proposal is regarding amendments regarding the construction of a replacement Dwelling at Frithsden Vineyard, Frithsden Lane, Frithsden. Frithsden Lane is a 60 mph rural unclassified local access route that is highway maintainable at public expense. The amendments are in relation to a request by HCC Highways for the applicant to illustrate that a fire appliance can turn around on site to access the highway network in forward gear.

#### Highway Matters

The existing dwelling and Vineyard has a large bellmouth access which provides access from the highway network for the existing dwelling. The proposed dwelling will be larger than the existing dwelling, however, as it is just a replacement dwelling this is not considered to increase the number of trips to and from the dwelling. The existing access is to remain the same with a new access gate provided to the site. There is proposed to be an increase of one parking space for the new dwelling.

Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them. All vehicles are able to turn on site to access the highway network in forward gear.

The other highway matters such as public transport provision and walking / cycling provisions will be the same as the previous dwelling and therefore HCC Highways will not provide additional information regarding this matter.

#### Drainage

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

#### Refuse / Waste Collection

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

#### Emergency Vehicle Access

The applicant has provided a swept path illustrating that a 10.2 metre fire appliance can turn on site in case of an emergency to be able to

access the highway network in forward gear. Drawing number 2648-001 A.

#### Conclusion

HCC has no objections or further comments on highway grounds to the proposed development subject to the inclusion of the above highway informatives and condition.

#### Location

FRITHSDEN VINEYARD FRITHSDEN LANE FRITHSDEN HEMEL HEMPSTEAD HP1 3DD

#### Application type

Full Application

#### Proposal

AMENDED PROPOSAL

Replacement Dwelling

#### Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

##### 1) Access Gates - Configuration

Prior to the first use of the development hereby permitted any access gate shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is

not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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#### Comments

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#### Highway Matters

The existing dwelling and Vineyard has a large bellmouth access which provides access from the highway network for the existing dwelling. The proposed dwelling will be larger than the existing dwelling, however, as it is just a replacement dwelling this is not considered to increase the

	<p>number of trips to and from the dwelling. The existing access is to remain the same with a new access gate provided to the site. There is proposed to be an increase of one parking space for the new dwelling. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them. All vehicles are able to turn on site to access the highway network in forward gear.</p> <p>The other highway matters such as public transport provision and walking / cycling provisions will be the same as the previous dwelling and therefore HCC Highways will not provide additional information regarding this matter.</p> <p><b>Drainage</b></p> <p>The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p><b>Refuse / Waste Collection</b></p> <p>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 collection method must be confirmed as acceptable by DBC waste management.</p> <p><b>Emergency Vehicle Access</b></p> <p>The applicant has provided a swept path illustrating that a 10.2 metre fire appliance can turn on site in case of an emergency to be able to access the highway network in forward gear. Drawing number 2648-001 A</p> <p><b>Conclusion</b></p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
14	19	1	15	2



## Neighbour Responses

Address	Comments
<p>21 Charles Street Berkhamsted Hertfordshire HP4 3DG</p>	<p>I am a regular visitor to Frithsden and have a great appreciation for it's unique beauty as a protected historic hamlet. It's setting and surrounding countryside is so special and must be protected.</p> <p>I agree entirely with the well founded objections that have been so clearly made by the locals. In my opinion there is absolutely no justification for approving the oversized, modern trophy 'Colorado' style mansion that has been proposed by the applicant. The design shows no consideration to the neighbours with the overlooking balconies and excessively large terracing on the south elevation that would undoubtedly create a Loss of privacy and noise and light disturbance.</p> <p>The existing house is only approximately 2,400 sq ft and I cannot understand how a house of nearly 6,000 sq ft could ever be permitted. Surely in terms of size limit the only size of house that could be consented would be no more than about 3,500 to 3,750 sq ft which is plenty big enough for a reasonable 4/5 bedroom property. It is ridiculous to apply for 11 car spaces in a village where traffic congestion is an issue and a maximum of 4 or 5 spaces are all that should be allowed as further visitor parking will be needed for the new Winery no doubt.</p> <p>Furthermore the design of the replacement house should relate in design terms and style to the new Winery. However the public have not been able to judge this as an overall approach has not be taken deliberately. This is clearly the wrong approach. Essentially this is still an agricultural setting on the edge of an historic village and a Barn style design would probably be far more suitable that relates to an artisan home and small vineyard of only 3 acres of growing area (after the 2 acres of garden for the house have been discounted.)</p> <p>I really hope that the strict planning controls that are there to protect the Conservation area and ANOB of this special historic hamlet will be respected and enforced by rejecting this application.</p>
<p>270 Avenue West Skyline 120 Braintree CM77 7AA</p>	<p>Letter of objection in relation to planning application for a replacement dwelling, Council reference 22/02538/FUL, Frithsden Vineyard, Frithsden Lane Frithsden, Hemel Hempstead, Hertfordshire,</p> <p>Further to our original letter of objection, we have reviewed the comments from the applicant dated 29 September 2022 that have recently been posted on the Council's web site. We would like to make the following comments on behalf of our client:</p> <ul style="list-style-type: none"> <li>- The applicant states that because the current proposal is reduced from the previous scheme it is therefore acceptable. However, this is not the starting point in relation to planning policy and law. The starting point is what is on site now. The applicant suggests that by putting in a ridiculous proposal in the first instance and then marginally amending it, the proposal should be accepted.</li> <li>- The proposal can not be seen as part of the wider regeneration of the</li> </ul>

	<p>vineyard as the application is solely for a replacement market dwelling. This is a matter of planning law. The current red line application includes part of the vineyard and if this application is granted, this agricultural land would be lost to residential use.</p> <ul style="list-style-type: none"> <li>- The viability of the vineyard has already been brought into doubt and no further land can therefore be lost to residential use.</li> <li>- Screening is not a justification for allowing a development that represents a significant increase in size and would be visible in the landscape. Native tree planting is likely to be deciduous and the dwelling therefore visible during the seasons of the year. The justification put forward by Dacorum's Design and Conservation Team on 13th September is therefore flawed in relation to planning policy.</li> <li>- Residents' amenity is not just about the built form of the dwelling. Residents have a right for their private amenity area to be protected as well. The application fails to take this into account.</li> <li>- There is excessive parking proposed within the application site and this on its own, represents unsustainable development.</li> <li>- Historic England's comments relate solely to heritage matters and do not assess the size of the proposed dwelling in relation to the Council's own planning policies and the AONB. The applicant's reliance on these comments is therefore incorrect and they only have weight in relation to heritage issues and not the material planning policies adopted in the local plan.</li> <li>- The design is a significant issues that needs to be fully assessed. Again, the starting point is not that the current proposal has improved from the previous refusal. The issue is the impact of the proposal compared to the existing situation on site which is a modest dwelling. How can first floor balconies, large south facing windows that at night will lead to light pollution in a highly sensitive area be considered acceptable? The balconies will lead to activity at a higher level in the landscape than currently exists at the site with lighting and general residential activity. We appreciate the applicant would like to enjoy views across the area but this should not be at the expense of neighbour amenity, impact on dark night skies in the area and a dwelling that is significantly larger than the existing dwelling. We would be grateful if these additional comments are reported to members of the planning committee and taken into account during the determination of the application.</li> </ul>
<p>The Printers House, 3 Readers Court 20 Temple Street Aylesbury HP20 2RQ</p>	<p>I am a regular visitor to Frithsden and enjoy frequent walks in the countryside. I strongly object to both proposals which are oversized and out of scale with the site and position of the vineyard in the village. This historic village must be protected, and I support the comments made by neighbouring owners at Shepherds Cottage and The Old Farm who point out the multiple breaches of planning law that are at issue. In addition, I would like to refer the Council to the 'Character Appraisal and Management Proposals' that were published in 2010 by Dacorum Borough Council for the 'Frithsden Conservation Area'. This document sets out a framework to conserve and maintain the historic village and its surroundings and is extremely relevant in providing justifiable grounds for breaches in policy and a subsequent rejection of these applications. I draw attention to the following extract 'the main</p>

purpose of designation is to ensure that any proposals will not have an adverse effect upon the overall character and appearance of an area..... it also supports and amplifies these policies aimed at protecting the overall character of Conservation areas and forming part of Dacorum's Borough Council's plan framework:

Policy 120.1 - 'designation as a Conservation area provides the opportunity to preserve or enhance an area of architectural or historic interest by controlling building demolition and the design, scale and proportions of extensions and new developments, as well as the type and colour of materials used.

Policy 121.1 - there is a need to control inappropriate types of permitted development which would be detrimental to a Conservation area.

(Dacorum Borough Local Plan 1991 -2011)

This document recognises and acknowledges the parking and traffic problems which existed in 2010 and have only worsened as the village has become more popular with visitors. The prospect of numerous Lorries passing through the village, past The Alford arms and up the Roman Road is dangerous, extremely concerning, and complete Health and Safety issue.

I agree with the owner of The Old Farm that the applicants are proposing a Master plan to build 3 elements at Frithsden Vineyard being:

1. A New replacement dwelling.
2. A new Winery
3. 3 new tree-houses.

In order to evaluate the overall proposals by the applicants a single planning application should have been submitted to Dacorum Borough Council. In my opinion each element is totally unacceptable. The house neither traditional nor modern in design and is more than twice the size exceeding permitted development.

The winery is far too large for the actual production area (only 3 acre) and will cause dangerous traffic intensification and the tree houses introduce a new inappropriate hospitality use.

As of 5thSeptember there is still no orange notice displayed at the village alerting the public. Therefore, I am concerned that this underhanded approach will prevent the public's opinion being heard. Surely there must be consequences?

Policies are put in place to protect the public and if aren't used to reject a scheme like this then when would they be used?

I state my Objection below as follows:

The size, design, height, volume and width of the proposed house is totally unacceptable and inappropriate in the Chilterns AONB. Furthermore, the sizeable amount of land (over 2 acres) allocated for domestic use is 'planning creep' as it substantially reduces the growing area to be left for the Vineyard. It diminishes the principal use of the land which is only to be used primarily for agriculture in the form of Viticulture. This will make it even less viable and cause it to be lost forever. This is totally contrary to planning policy where agricultural use is paramount and to be protected. In this instance, the primary objective is to regenerate the artisan Winery, yet no coherent plan has been proposed.

The house that exists was constructed for the Worker or Manager's family and the only suitable replacement is one of a similar size which

	<p>can only be built in the same location and on the same footprint. This site and location with its proximity on the edge of the hamlet of Frithsden should not be ruined by giving consent to build an oversized and inappropriate private house.</p> <p>Furthermore, the inclusion of the balconies and large terrace create Overlooking and Loss of privacy for the Neighbours and its Overbearing design is intrusive and demonstrates that the applicant has little regard for their Neighbour's rights to privacy and quiet and peaceable enjoyment of their home.</p> <p>I strongly urge Dacorum to reject this application and hope that something more suitable will be offered with a coherent approach for the regeneration of The Vineyard, Winery and associated ancillary replacement dwelling.</p>
<p>Frithsden End Frithsden Lane Berkhamsted Hertfordshire HP4 1NW</p>	<p>This proposal like the one submitted in 2021 is for a dwelling entirely out of keeping with the area and the other dwellings/buildings in the hamlet of Frithsden.</p> <p>The current building may well be an eyesore and similarly out of keeping with the other houses around it but two egregious acts of architectural vandalism don't make a right. The present owners (and applicants) were aware of the ugliness of the building when they bought it. They also knew that were buying in a conservation area and would have to abide by the rules of that area.</p> <p>When a golf clubhouse or other hospitality venue is needed in the Frithsden Valley then this may be a suitable 'trojan horse'/supposed family dwelling but until then this monstrosity should remain at the planning stage and proceed no further. Remove the balconies and terracing as a starter for the next application.</p>
<p>The Chilterns Conservation Board The Lodge Station Road  Chinnor OX39 4HA</p>	<p>14th September 2022</p> <p>By planning portal upload only to DBC Planning Portal My Ref.: F: PlanningApplications</p> <p>Replacement Dwelling at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD 22/02538/FUL</p> <p>Thank you for consulting the Chilterns Conservation Board (CCB) on this application. The CCB commented, extensively, on the previously submitted application (27th September 2021). We have no reason to demur from the DBC's Conservation and Design Officer's memorandum of 13th September 2022.</p> <p>For ease of reference, we repeat those September 2021 comments in so far as they affect the policy environment and the enjoyment and understanding of the Chilterns. In that regard, the rural enterprise and rural / community benefits of the vineyard use, is material to this application, whilst noting that the application form seeks a replacement dwelling (only). The vineyard use helps to deliver the AONB's visitor economy and increase its economic impact (see SP1 of the 2019-2024</p>

AONB Management Plan and chapter 9 generally which deals with social and economic wellbeing).

The CCB recommends that there is a linkage between the residential replacement of the existing dwelling and the future winery/vineyard use, which is indicated on the submitted block plan and was the subject of economic reports and extensive justification in the previous applications. Looking at the reason for refusal for the winery (21/03130/MFA) then more work is to be done on design impact and AONB content. However, at this stage we would seek some linkage as the red line/blue line application area (in the submitted application form, block plan and Design and Access Statement) only applies to a residential use. We assume this could be achieved by planning condition dealing with the submission of a management plan and /or a unilateral undertaking.

We would submit that our 2021 points on Enjoyment and Understanding of the Chilterns and Overall Conclusions, still apply and deals with the materially relevant issue of use and community benefit / AONB promotion and economic rural enterprise. We hope this may assist the LPA.

For ease our earlier points are below.

27th September 2021

Replacement Dwelling and New Winery, parking, and landscaping at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD  
DBC 21/03137/FUL (dwelling) and 21/03130/MFA (winery, parking, landscaping).

CCB Part Objection / Part Comments (recommendation for revisions, as below)

Summary

Thank you for consulting the Chilterns Conservation Board (CCB). We propose to submit part objection and part comments. The CCB did offer informal comments to the applicant team prior to any planning application submission. Following a consideration of the detailed submission and a site visit, we have formed the view that the current layout and proposal requires some detailed amendments. This location is sensitively located within the AONB. The CCB fully accepts that the re-establishment of a vineyard here is beneficial and meets several the objectives of the AONB Management Plan 2019-2024 strategic objectives for social and economic well-being as well as the secondary duty for a conservation board. Such benefits must be balanced against the special qualities of the AONB in this location, which is defined by landscape character and a sense of 'ancientness' in the byway/road that accesses the site. The Local Planning Authority in considering the various legal and policy test that will apply here are required to give 'great weight' to the conservation and enhancement of these special qualities. In applying the planning balance, greater weight must be given to landscape over other matters.

The principle of a new dwelling is established by virtue of the existing one and the partial brownfield status of a part of this site. However, a detailed consideration of the proposed location for the new dwelling ultimately leads to a conclusion that it harms the special qualities of the AONB. The proposed siting of the new dwelling works against the topography and in views from nearby public rights of way the impact on this more elevated part of the site would diminish the special qualities of this rolling landscape. We acknowledge that several agricultural buildings and dwellings exist in the upper reaches of the immediate fields that envelope the settlement at Frithsden. This proposal has a much larger footprint and from a review of the submitted papers and following a site visit, this site enjoys considerable potential to screen a building by occupying the existing built envelope, located in and around the existing vehicular access.

These matters are resolvable, and we comment further below.

The proposed application is a part of a wider masterplan, involving a new winery and ancillary holiday accommodation. These new buildings include a new main dwelling, visitor centre, and 3 tree houses for holiday/ seasonal staff accommodation. The new winery building is designed by an architectural practice well versed with the design of such uses in the Chilterns and a previous Chilterns Buildings Design award winner. A feature here is to maintain a low eaves height on the roof, to reduce the overall built form, together with glazing confined to the ground floor only. A new main dwelling follows several design features drawn from the Chilterns Buildings Designs Guide. The principal point of contention here being the location of the main dwelling and its impact upon the special qualities of the AONB. The supporting documents are comprehensive. A regeneration strategy reports the business case and confirms around 45 new FTEs would be created.

The site is sensitively located, as is acknowledged in the design and access statement and the landscape and visual impact assessment. The landscape mosaic in and around Frithsden is as set out in the Hertfordshire landscape character assessment and the relevant landscape character area (LCA 122), the Nettleden Ridges and Valleys, states that 'The character area is defined by the strongly undulating topography' and that, when considering changes, to 'conserve and enhance the distinctive character of traditional settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area'.

The mosaic of uses includes highly protected ecological networks, including the Chilterns Beechwood SAC and nearby Ashridge Common and Little Heath Pit SSSIs. This landscape mosaic also encompasses a distinctive rolling landscape, accessible to and visible from a local network of footpaths and bridleways. It mixes a variety of land-uses comprising hamlets, woodlands, arable land, designed parklands and enjoys a distinctive dry valley landscape.

The CCB proposed to comment on various elements as follows:

Principle of development. As set out in the submitted design and access statement, the planning principle is established by the presence of an existing dwelling, itself unencumbered by the recent lifting of an agricultural occupancy condition. There is much detail in the design and access statement that deals with percentage increase of floorspaces, focusing upon policy 23 of the existing Dacorum Local Plan (new dwellings in rural areas). The planning statement as contained within the design and access statement addresses this by stating that (a) a significant number of properties have already breached the 150% threshold (with details in their appendix A) and that (b) as a matter of planning judgment that, 'more weight should be given to any demonstrable impacts on the character of the AONB and the suitability of the proposals with regard to the site and neighbouring amenity'.

The 150% threshold is not an AONB policy, noting that the vast majority of the AONB is a rural open landscape. Nevertheless, we agree that the issue of 'weight' is key, and we would cast that within the tests in CROW, the NPPF 176, the Development Plan and as dealt with in the AONB Management Plan 2019-2024 and in the Chilterns Buildings Design Guide. Section 85 of the CRoW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any function in relation to or to affect an AONB. The NPPF at 176 states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues (and continues) 'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

Landscape and Visual Impact Assessment (LVIA). The submitted LVIA recognises the highly valued nature of this landscape, consistent with guidance produced by the Landscape Institute. The LVIA's summary of the 'magnitude of effect', at paragraph 4.5.4 underscores the impact, concluding that the magnitude is low. This judgment is based upon LVIA 4.5.4 (vi) that the extent of the proposal is small when considered within the wider landscape, and at LVIA 4.5.4 (vii) that the scale and impact of the proposed development is unlikely to impact on the factors considered by Natural England, when designating an AONB. Set against both criteria, the impact cannot be low.

Factors relating to natural beauty (as published by Natural England in their guidance for assessing landscapes for designation, 2011), includes landscape quality (high in this case), scenic quality (i.e., the extent to which the landscape appeals to the senses, also high in this case), natural heritage (flora, fauna, geological and physiographical features, high nearby) and its relative tranquillity (medium to high in this case). In essence, many of the natural beauty designation criteria as deployed by DEFRA are evident.

The viewpoints set out at page 24 of the LVIA are instructive and when

considered against Natural England's designation criteria point towards a much higher level of magnitude than is attributed. The mitigation as proposed at paragraph 6.0 of the LVIA is useful but will not materially lessen the magnitude of impact in this location, especially in the winter months. A dwelling will be evident in the upper reaches of the site. The LVIAs appendices demonstrate that.

Landscape Policies. The overriding duty to conserve and enhance the special qualities of the AONB (CROW Act s 85, National Planning Policy Framework paragraph 176 and current Dacorum BC Local Plan policy 97 in the 2004 plan and CS 24 in the Core Strategy. The special qualities here are defined by the landscape character and settlements within, including a series of hamlets and scattered rural settlements and some farm buildings. The landscape character comprises plateau and dipslope and the Roman Road enjoys a deeply rural quality and a sense of 'ancientness'.

Enjoyment and Understanding of the Chilterns. The proposed use as a winery / vineyard with some interpretation and display helps deliver some of the strategic objectives in Chapter 8 of the AONB Management Plan (Enjoyment and Understanding). The secondary purpose and duty of a Conservation Board is also part satisfied (s87 of the CROW Act 2000 part (b) 'the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty'). If a conflict exists, then the primary purpose (conservation and enhancement of special qualities) must take precedence (known as the Sandford principle).

The potential for further ecological improvements will also greatly contribute towards the delivery of policies in the AONB Management Plan Chapter 5 (Nature) and NP 7 which states to 'Improve ecological condition, resilience and diversity of important wildlife habitats'. The ecological survey is useful as background information. Biodiversity net gain is a requirement.

Any potential visitor facilities will need to be run with these key policy objectives in mind.

We recommend that consideration is given to, for example, the anticipated level of vehicular activity and how it can be appropriately managed. The access is, from the village area, deeply rural and this deserves careful regard and the attribution of some weight. Vehicular comings and goings will need to be very modest, to protect and preserve the character of the Roman Road. It may well be that a travel/transport plan can offer sufficient guarantees (on-line booking systems for tours and seasonal openings / further details). We recommend that these management protocols are considered in more detail and the subject of appropriate controls to ensure that the tranquillity of the local area is protected.

We have assumed that the dwelling is linked to the commercial activities. It may not need to be 'tied' as such, but the red line plan for 21/03137/FUL does not overlap the winery curtilage, as far as we could ascertain. The winery design and access statement (page 12) make the point that in a vineyard use there is a high degree of



interconnections between the various elements.

Overall Conclusions. The CCB notes that whilst we can express support for the rural regeneration of this much renowned former vineyard and the fostering of the economic well-being of the Chilterns, design / location revisions are required, as well as several detailed controls and assurances.

The key test is to conserve and enhance the special qualities of the AONB. The benefits of interpretation and visitor engagement have considerable potential to assist in the enjoyment and understanding of the AONB, notably as set out in chapter 8 of the AONB Management Plan 2019-2024 (enjoyment and understanding) and chapter 5 (nature) as well as the detailed development policies in chapter 10, especially DP1, DP2, DP7 and DP12 - see below. Enjoyment and understanding are important duties but ultimately secondary duties, and the primary duty remains vested in the conservation and enhancement of the special qualities of the AONB.

The principal revision, as sought, relates to the location of the dwelling and its relocation to an area that approximates to the existing built curtilage of the existing dwelling and/or vineyard building. The submitted architectural form, design and materials respect the principles in the Chilterns Buildings Design Guide and strive to minimise external lighting impacts and to lessen the impact of the upper storeys of the building. We can see merit in this design approach but unfortunately the prominent location on the upper reaches of this site exacts too great an impact on the wider landscape and, consequentially, harms the special qualities. A relocation to coincide with the footprint of the existing dwelling / wine barn building would considerably lessen that impact.

CCB has not, yet, seen the application for the three tree houses. The new winery is a well-designed building. We do have some concerns that the southern boundary will become less rural and open in its appearance, with the new levels of development, including surfacing and car parking. The winery contains a considerable amount of its use within a cellar. Should the Local Planning Authority be receptive to design/location revisions to 21/03137/FUL (dwelling), then we would consider it prudent to consider the more easterly location of the winery (as is shown in an options appraisal in the Design and Access Statement). Any surfacing could and indeed should end at the winery and a consideration of details here dictates a very informal surfacing with no lighting or a solar eye ground /path light at the very most (for waymarking purposes).

The Board recommends that the decision-maker considers the following:

- The Chilterns AONB Management Plan (<http://www.chilternsaonb.org/conservation-board/management-plan.html>), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness, but countryside adorned by villages, hamlets and scattered buildings'. We refer, specifically, to chapters 8 and 10 in the

Management Plan. We would draw attention to the following Management Plan policies.

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP6 Support sustainable farming and forestry, nature conservation and facilities for visitors appropriate to the special qualities of the AONB.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance<sup>53</sup> for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP12 Support sympathetic proposals that enhance the Chilterns as a place to visit, live, explore and enjoy. Protect existing visitor and community facilities, such as rural pubs, public transport, B&Bs, youth hostels, village shops and cafes. Support sensitively designed new visitor facilities.

Strategic Priority SO1 Increase the economic and social wellbeing of local communities and businesses by supporting the development of the visitor economy and improving community facilities.

SP4 Support rural diversification that adds value to the local economy. Only through diversification can many small to medium-size farms in the Chilterns remain viable. It can provide important visitor facilities, such as farm accommodation. This is in short supply in the Chilterns. What is approved needs to be sympathetic to its setting and the wider landscape.

SP6 Promote local food, drink, and craft products.

- The Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

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Replacement Dwelling at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD

22/02538/FUL

15th December 2022 (re-consultation on amended plans and layout)

Replacement Dwelling and New Winery, parking, and landscaping at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD

DBC 21/03137/FUL (dwelling) and 21/03130/MFA (winery, parking, landscaping).

15th December 2022 (re-consultation on amended plans and layout)

Thank you for consulting the Chilterns Conservation Board (CCB) on the amended plans (dated early December 2022). These revisions, predominantly centre around the re-siting over the existing dwelling's footprint. In this respect they do address our previous point under the heading 'principal revision' as below.

We refer to our other points too, involving linkage to the winery. That would be required should the LPA seek to add weight to the point raised in the previously refused application, that an element of rural enterprise / regeneration would result. When attributing planning weight to that point, it is also germane to the secondary duty incumbent upon an AONB Conservation Board (i.e., s87 of the CROW Act 2000 part (b) 'the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty). We noted in correspondence that the applicant's agent commented on this point resisting such linkage because the red line only covers the residential curtilage. The LPA would still be able to condition the land edged blue and the planning history denotes a previously mixed use of residential curtilage with vineyard.

We can support the relocation of the dwelling and refer also to our previous points on linkage.

14th September 2022 Comments

Thank you for consulting the Chilterns Conservation Board (CCB) on this application. The CCB commented, extensively, on the previously submitted application (27th September 2021). We have no reason to demur from the DBC's Conservation and Design Officer's memorandum of 13th September 2022.

For ease of reference, we repeat those September 2021 comments in so far as they affect the policy environment and the enjoyment and understanding of the Chilterns. In that regard, the rural enterprise and rural / community benefits of the vineyard use, is material to this application, whilst noting that the application form seeks a replacement dwelling (only). The vineyard use helps to deliver the AONB's visitor economy and increase its economic impact (see SP1 of the 2019-2024 AONB Management Plan and chapter 9 generally which deals with social and economic wellbeing).

The CCB recommends that there is a linkage between the residential replacement of the existing dwelling and the future winery/vineyard use, which is indicated on the submitted block plan and was the subject

of economic reports and extensive justification in the previous applications. Looking at the reason for refusal for the winery (21/03130/MFA) then more work is to be done on design impact and AONB content. However, at this stage we would seek some linkage as the red line/blue line application area (in the submitted application form, block plan and Design and Access Statement) only applies to a residential use. We assume this could be achieved by planning condition dealing with the submission of a management plan and /or a unilateral undertaking.

We would submit that our 2021 points on Enjoyment and Understanding of the Chilterns and Overall Conclusions, still apply and deals with the materially relevant issue of use and community benefit / AONB promotion and economic rural enterprise. We hope this may assist the LPA.

For ease our earlier points are below.

27th September 2021

Replacement Dwelling and New Winery, parking, and landscaping at Frithsden Vineyard Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD  
DBC 21/03137/FUL (dwelling) and 21/03130/MFA (winery, parking, landscaping).

CCB Part Objection / Part Comments (recommendation for revisions, as below)

#### Summary

Thank you for consulting the Chilterns Conservation Board (CCB). We propose to submit part objection and part comments. The CCB did offer informal comments to the applicant team prior to any planning application submission. Following a consideration of the detailed submission and a site visit, we have formed the view that the current layout and proposal requires some detailed amendments. This location is sensitively located within the AONB. The CCB fully accepts that the re-establishment of a vineyard here is beneficial and meets several the objectives of the AONB Management Plan 2019-2024 strategic objectives for social and economic well-being as well as the secondary duty for a conservation board. Such benefits must be balanced against the special qualities of the AONB in this location, which is defined by landscape character and a sense of 'ancientness' in the byway/road that accesses the site. The Local Planning Authority in considering the various legal and policy test that will apply here are required to give 'great weight' to the conservation and enhancement of these special qualities. In applying the planning balance, greater weight must be given to landscape over other matters.

The principle of a new dwelling is established by virtue of the existing one and the partial brownfield status of a part of this site. However, a detailed consideration of the proposed location for the new dwelling ultimately leads to a conclusion that it harms the special qualities of the AONB. The proposed siting of the new dwelling works against the

topography and in views from nearby public rights of way the impact on this more elevated part of the site would diminish the special qualities of this rolling landscape. We acknowledge that several agricultural buildings and dwellings exist in the upper reaches of the immediate fields that envelope the settlement at Frithsden. This proposal has a much larger footprint and from a review of the submitted papers and following a site visit, this site enjoys considerable potential to screen a building by occupying the existing built envelope, located in and around the existing vehicular access.

These matters are resolvable, and we comment further below.

The proposed application is a part of a wider masterplan, involving a new winery and ancillary holiday accommodation. These new buildings include a new main dwelling, visitor centre, and 3 tree houses for holiday/ seasonal staff accommodation. The new winery building is designed by an architectural practice well versed with the design of such uses in the Chilterns and a previous Chilterns Buildings Design award winner. A feature here is to maintain a low eaves height on the roof, to reduce the overall built form, together with glazing confined to the ground floor only. A new main dwelling follows several design features drawn from the Chilterns Buildings Designs Guide. The principal point of contention here being the location of the main dwelling and its impact upon the special qualities of the AONB. The supporting documents are comprehensive. A regeneration strategy reports the business case and confirms around 45 new FTEs would be created.

The site is sensitively located, as is acknowledged in the design and access statement and the landscape and visual impact assessment. The landscape mosaic in and around Frithsden is as set out in the Hertfordshire landscape character assessment and the relevant landscape character area (LCA 122), the Nettleden Ridges and Valleys, states that 'The character area is defined by the strongly undulating topography' and that, when considering changes, to 'conserve and enhance the distinctive character of traditional settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area'.

The mosaic of uses includes highly protected ecological networks, including the Chilterns Beechwood SAC and nearby Ashridge Common and Little Heath Pit SSSIs. This landscape mosaic also encompasses a distinctive rolling landscape, accessible to and visible from a local network of footpaths and bridleways. It mixes a variety of land-uses comprising hamlets, woodlands, arable land, designed parklands and enjoys a distinctive dry valley landscape.

The CCB proposed to comment on various elements as follows:

Principle of development. As set out in the submitted design and access statement, the planning principle is established by the presence of an existing dwelling, itself unencumbered by the recent lifting of an agricultural occupancy condition. There is much detail in the design and access statement that deals with percentage increase of

floorspaces, focusing upon policy 23 of the existing Dacorum Local Plan (new dwellings in rural areas). The planning statement as contained within the design and access statement addresses this by stating that (a) a significant number of properties have already breached the 150% threshold (with details in their appendix A) and that (b) as a matter of planning judgment that, 'more weight should be given to any demonstrable impacts on the character of the AONB and the suitability of the proposals with regard to the site and neighbouring amenity'.

The 150% threshold is not an AONB policy, noting that the vast majority of the AONB is a rural open landscape. Nevertheless, we agree that the issue of 'weight' is key, and we would cast that within the tests in CROW, the NPPF 176, the Development Plan and as dealt with in the AONB Management Plan 2019-2024 and in the Chilterns Buildings Design Guide. Section 85 of the CRoW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any function in relation to or to affect an AONB. The NPPF at 176 states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues (and continues) 'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

Landscape and Visual Impact Assessment (LVIA). The submitted LVIA recognises the highly valued nature of this landscape, consistent with guidance produced by the Landscape Institute. The LVIA's summary of the 'magnitude of effect', at paragraph 4.5.4 underscores the impact, concluding that the magnitude is low. This judgment is based upon LVIA 4.5.4 (vi) that the extent of the proposal is small when considered within the wider landscape, and at LVIA 4.5.4 (vii) that the scale and impact of the proposed development is unlikely to impact on the factors considered by Natural England, when designating an AONB. Set against both criteria, the impact cannot be low.

Factors relating to natural beauty (as published by Natural England in their guidance for assessing landscapes for designation, 2011), includes landscape quality (high in this case), scenic quality (i.e., the extent to which the landscape appeals to the senses, also high in this case), natural heritage (flora, fauna, geological and physiographical features, high nearby) and its relative tranquillity (medium to high in this case). In essence, many of the natural beauty designation criteria as deployed by DEFRA are evident.

The viewpoints set out at page 24 of the LVIA are instructive and when considered against Natural England's designation criteria point towards a much higher level of magnitude than is attributed. The mitigation as proposed at paragraph 6.0 of the LVIA is useful but will not materially lessen the magnitude of impact in this location, especially in the winter months. A dwelling will be evident in the upper reaches of the site. The

LVIAs appendices demonstrate that.

Landscape Policies. The overriding duty to conserve and enhance the special qualities of the AONB (CROW Act s 85, National Planning Policy Framework paragraph 176 and current Dacorum BC Local Plan policy 97 in the 2004 plan and CS 24 in the Core Strategy. The special qualities here are defined by the landscape character and settlements within, including a series of hamlets and scattered rural settlements and some farm buildings. The landscape character comprises plateau and dipslope and the Roman Road enjoys a deeply rural quality and a sense of 'ancientness'.

Enjoyment and Understanding of the Chilterns. The proposed use as a winery / vineyard with some interpretation and display helps deliver some of the strategic objectives in Chapter 8 of the AONB Management Plan (Enjoyment and Understanding). The secondary purpose and duty of a Conservation Board is also part satisfied (s87 of the CROW Act 2000 part (b) 'the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty'). If a conflict exists, then the primary purpose (conservation and enhancement of special qualities) must take precedence (known as the Sandford principle).

The potential for further ecological improvements will also greatly contribute towards the delivery of policies in the AONB Management Plan Chapter 5 (Nature) and NP 7 which states to 'Improve ecological condition, resilience and diversity of important wildlife habitats'. The ecological survey is useful as background information. Biodiversity net gain is a requirement.

Any potential visitor facilities will need to be run with these key policy objectives in mind.

We recommend that consideration is given to, for example, the anticipated level of vehicular activity and how it can be appropriately managed. The access is, from the village area, deeply rural and this deserves careful regard and the attribution of some weight. Vehicular comings and goings will need to be very modest, to protect and preserve the character of the Roman Road. It may well be that a travel/transport plan can offer sufficient guarantees (on-line booking systems for tours and seasonal openings / further details). We recommend that these management protocols are considered in more detail and the subject of appropriate controls to ensure that the tranquillity of the local area is protected.

We have assumed that the dwelling is linked to the commercial activities. It may not need to be 'tied' as such, but the red line plan for 21/03137/FUL does not overlap the winery curtilage, as far as we could ascertain. The winery design and access statement (page 12) make the point that in a vineyard use there is a high degree of interconnections between the various elements.

Overall Conclusions. The CCB notes that whilst we can express support for the rural regeneration of this much renowned former vineyard and the fostering of the economic well-being of the Chilterns,

design / location revisions are required, as well as several detailed controls and assurances.

The key test is to conserve and enhance the special qualities of the AONB. The benefits of interpretation and visitor engagement have considerable potential to assist in the enjoyment and understanding of the AONB, notably as set out in chapter 8 of the AONB Management Plan 2019-2024 (enjoyment and understanding) and chapter 5 (nature) as well as the detailed development policies in chapter 10, especially DP1, DP2, DP7 and DP12 - see below. Enjoyment and understanding are important duties but ultimately secondary duties, and the primary duty remains vested in the conservation and enhancement of the special qualities of the AONB.

The principal revision, as sought, relates to the location of the dwelling and its relocation to an area that approximates to the existing built curtilage of the existing dwelling and/or vineyard building. The submitted architectural form, design and materials respect the principles in the Chilterns Buildings Design Guide and strive to minimise external lighting impacts and to lessen the impact of the upper storeys of the building. We can see merit in this design approach but unfortunately the prominent location on the upper reaches of this site exacts too great an impact on the wider landscape and, consequentially, harms the special qualities. A relocation to coincide with the footprint of the existing dwelling / wine barn building would considerably lessen that impact.

CCB has not, yet, seen the application for the three tree houses. The new winery is a well-designed building. We do have some concerns that the southern boundary will become less rural and open in its appearance, with the new levels of development, including surfacing and car parking. The winery contains a considerable amount of its use within a cellar. Should the Local Planning Authority be receptive to design/location revisions to 21/03137/FUL (dwelling), then we would consider it prudent to consider the more easterly location of the winery (as is shown in an options appraisal in the Design and Access Statement). Any surfacing could and indeed should end at the winery and a consideration of details here dictates a very informal surfacing with no lighting or a solar eye ground /path light at the very most (for waymarking purposes).

The Board recommends that the decision-maker considers the following:

- The Chilterns AONB Management Plan (<http://www.chilternsaonb.org/conservation-board/management-plan.html>), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness, but countryside adorned by villages, hamlets and scattered buildings'. We refer, specifically, to chapters 8 and 10 in the Management Plan. We would draw attention to the following Management Plan policies.

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the



	<p>great weight given to its protection in the NPPF.</p> <p>DP2 Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals.</p> <p>DP6 Support sustainable farming and forestry, nature conservation and facilities for visitors appropriate to the special qualities of the AONB.</p> <p>DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide</p> <p>DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance<sup>53</sup> for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.</p> <p>DP12 Support sympathetic proposals that enhance the Chilterns as a place to visit, live, explore and enjoy. Protect existing visitor and community facilities, such as rural pubs, public transport, B&amp;Bs, youth hostels, village shops and cafes. Support sensitively designed new visitor facilities.</p> <p>Strategic Priority SO1 Increase the economic and social wellbeing of local communities and businesses by supporting the development of the visitor economy and improving community facilities.</p> <p>SP4 Support rural diversification that adds value to the local economy. Only through diversification can many small to medium-size farms in the Chilterns remain viable. It can provide important visitor facilities, such as farm accommodation. This is in short supply in the Chilterns. What is approved needs to be sympathetic to its setting and the wider landscape.</p> <p>SP6 Promote local food, drink, and craft products.</p> <p>- The Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB</p> <p>The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).</p> <p>Michael Stubbs MRTPI Planning Advisor, for and on behalf of the Chilterns Conservation</p>
<p>14 Paultow Avenue Bristol BS3 4PR</p>	<p>Having objected to the earlier planning applications 21/303137 etc, where plans for 'tree houses', replacement house and winery were all submitted separately, I fear that this new proposal might again be a wedge in the door in preparation for further inappropriate planning applications for the Frithsden vineyard.</p> <p>The developer proposes that, because the new design is smaller than</p>

	<p>the house as originally proposed, this second version should be acceptable, however it is still enormously over-large. From a personal point of view, as one of the adjacent neighbours up hill (The Field wood), one positive point is the re-siting of the house back on the existing house's footprint. This at least would take the huge excavations away from the tree line. However though it may not be visible from the lane (Roman Road), the proposed house would still be very visible from the footpaths across the valley. The increased suburban nature of the surroundings will have an impact far more widely than the Frithsden conservation area.</p> <p>It is crass that the precedents cited to support the over-large proposal are irrelevant buildings on or near Berkhamsted golf course. Unfortunately golf-course vernacular has been the design cue too, apparently. Both size and design further the slide towards suburbanisation. Frithsden is not the golf course.</p> <p>This house redevelopment is a missed opportunity to replace an unremarkable building with an architecturally notable one using local vernacular materials, not merely as aesthetic cladding, rather as the means to a sustainable, low impact building, responsive to its context both visually and environmentally.</p>
<p>Pipers Cottage Nettleden Road Nettleden Hertfordshire HP1 3DQ</p>	<p>I would make the following observations and comments: The Heritage statement accompanying the application is incorrect in referring to the Winery as being demolished. It is not within this application site and we do not know what the applicant's plans for the Winery are. The positive change that is suggested will occur as a result of the proposed demolition is limited to the house only. The Heritage statement includes an updated plan showing the proposed new house together with the Winery and treehouses from the previous refused applications suggesting that the applicant either intends to appeal these applications or continue in some way with these schemes.</p> <p>Although located primarily on the site of the existing dwelling - a size of 223 sq m (2406 sq ft), the proposed 2 storey dwelling is 530 sq m (nearly 6000 sq ft) - i.e. still well over double the size. The applicant's agent has represented it as an increase of 28% on the existing dwelling which they have stated to be 294 sq m . This is misleading as the 294sq m appears to include outbuildings -The calculation by the applicant's agent of a 28% increase in size over the existing dwelling has been made after deducting all theoretical extensions possible under general permitted development from the total , which is again misleading . The new house is significantly longer (by 9 metres) and deeper (nearly 5 metres) than the existing dwelling extending further up the slope and being built on agricultural land. The front (south) elevation is much taller and bulkier and will sit more prominently on the site than the existing building which to all intents and purposes has the appearance of a bungalow from both the southern and northern elevations (see photos taken from estate agents particulars below` ) with glazing at ground floor level only and velux windows set into the roof. The proposed dwelling will be far more visible from surrounding footpaths, particularly in the winter months when the vegetation on the southern boundary is sparser and already allows sight of the current dwelling from these footpaths. With the bulkier profile extending further up the slope, this will be even more the case. The size and massing of the proposed dwelling does not respect the local landscape character contrary to DP2 or CS7, CS 24 or para 172 of the NPPF. It is still over-sized and</p>

	<p>over-scaled .</p> <p>The Frithsden Conservation Area Appraisal dated 2010 states ; "Although no single architectural style predominates, the strength and coherence of the Conservation Area's character lies in the modest scale of the buildings, their unobtrusive siting, together with the relative uniformity of the materials (brick, timber, tiles and some slate)." It also states: "non-residential buildings are also modest." The proposed dwelling is situated literally a few feet away from the boundary of the Conservation Area and in no sense can the size or scale of the building be regarded as of modest scale and therefore detracts from the strength and coherence of the character of the Conservation Area. This is contrary to Policy CS1.</p> <p>4.The zinc clad crown roof to the dormers is not appropriate in the context of the proximity of the proposed dwelling to the boundary of the Conservation area and the style of the traditional buildings in the rest of Frithsden. The design of the replacement dwelling includes a south facing 1st floor balcony going the entire length of the property and oversized terracing also at first floor level which is an entirely inappropriate design feature in the context of Frithsden Conservation area and Ashridge Park . They both overlook directly into Shepherds Cottage garden and in the context of the levels of privacy currently enjoyed by that house constitutes a significant loss of the privacy currently enjoyed , contrary to Policy CS12. The balcony and terracing will make noise nuisance to southern boundary neighbours far greater than is currently the case and neighbours should not have to rely on having to try and take action under environmental health legislation when the design feature should not be allowed in the first place as it breaches policies CS12 , CS27, para 172 of the NPPF.</p> <p>The house is designed with extensive areas of glazing which are not in keeping with the smaller windowed traditional houses within the Conservation Area and rest of Frithsden and they , together with the lighting of the large terraced areas will introduce a level of light pollution which will be clearly visible at night from surrounding footpaths and as such the design is contrary to DP8 and DP2. Light pollution from a house of this nature and size will disturb the wildlife which is abundant on this agricultural site. This site is part of a Grade II* listed park and forms part of the agricultural part of that park. The original house was of a scale appropriate to the fact that it was housing for agricultural workers on the site. This application does not respect the designated nature of the overall site</p>
<p>65 St Johns Road Hemel Hempstead Hertfordshire HP1 1QQ</p>	<p>My family own a 2 acre wooded plot immediately adjacent to Frithsden Vineyard. I don't object in principle to the vineyard house being replaced, but the current proposal is completely out of scale and character with the hamlet and the surrounding landscape, and appears to be designed to be something other than a family home.</p> <p><b>Building Design</b></p> <p>The proposed house will be more than double the size of the current one, contrary to Dacorum Borough Council Local Plan policy 23, and will encroach on previously un-developed agricultural land. The design of the house is not sympathetic to the immediate and wider surroundings - the Frithsden Conservation Area and Chilterns AONB.</p> <p>The Chilterns AONB Management Plan development policy DP2 states</p>

that development should be rejected unless it meets the following criteria:

- a) It is a use appropriate to the location
- b) It is appropriate to the local landscape character
- c) It supports local distinctiveness
- d) It respects heritage and historic landscapes
- e) It enhances natural beauty
- f) Ecological and environmental impacts are acceptable
- h) There is no harm to tranquility through the generation of noise, motion, and light that spoil quiet enjoyment or disturb wildlife
- l) There are no negative cumulative effects, including when considered with other plans and proposals.

DP8 states that "skies should be kept dark at night by only using light where and when needed..... and avoid architectural designs that spill light out of large areas of glazing" and "glinting glazing during the daytime".

The boundary of the Frithsden Conservation Area passes through the south-west corner of the vineyard site, and the proposed house will not be isolated from Frithsden hamlet, so should be considered in relation to it. The house design does not "complement established patterns and strengthen local distinctiveness" of Frithsden, as required in the Frithsden Conservation Area Appraisal and Management .

#### Sustainability

The design of the proposed house appears to be unambitious in reducing the ecological footprint. The proposals state it will comply with the Code for Sustainable Homes (now defunct) level 4. No mention is made of aiming for the revised Part L of building regulations, the government's Future Buildings Standard, working towards net zero by 2025. Although a building control matter rather than planning, I feel this is an indication of a suburban 'business as usual' approach to the proposal.

#### Impact on wildlife

Despite the initial ecological surveys, there is little mention of mitigation or enhancement for wildlife, which should now be fully embedded in the design, a mandatory measurable biodiversity net gain, enhancing the site for wildlife. The proposed level of glazing and artificial light, particularly to the north facade where none currently exists, will have a negative impact on wildlife.

#### Visibility

This is referred to as a 2-storey house in the application, but drawings show it will effectively be 3-stories to the south, with glazed gables and a large balcony at an elevated position, impacting on the surrounding landscape day and night. It will be prominent in views towards Frithsden from footpaths to the south across the valley. The Frithsden Conservation Area Appraisal and Management Proposals adopted by Dacorum BC, state that new development that "impacts in a detrimental way" upon the "longer views into and from the conservation area will be resisted".

The Landscape and Visual Impact assessment demonstrates that

	<p>there will be a "significant visual effect" from the footpath (a former lane) that runs diagonally down the valley side from Potten End to the Nettleden Road (PROW83-5). Only one point on this route is included in the assessment although the whole footpath affords wide views across the valley to the site. The proposed planting of additional trees on the site would only partially obscure the house for part of the year from some locations. There will be a significant visual impact on the landscape for walkers, horse-riders and cyclists entering the AONB on this main access route.</p>
<p>Queenswood Frithsden Lane Berkhamsted Hertfordshire HP4 1NW</p>	<p>These comments are made on behalf of the Committee of the Nettleden, Frithsden and District Society. This is a residents' society set up decades ago. Its stated object is "to advance and protect the local environment and rural amenities of the villages of Nettleden and Frithsden and their surrounding area".</p> <p>We believe that the proposal is detrimental to the local environment and unsuitable for the rural nature of our village.</p> <p>a) The proposed property is excessively large and therefore out of keeping with the rest of the homes in Frithsden. The square footage of the proposed property is more than twice the size of the existing home. This is a rural hamlet consisting of modestly sized traditional buildings, most of which are sited within the Frithsden Conservation Area. The character of the Conservation Area is defined by the modest scale and unobtrusive siting of the buildings. The proposed dwelling is adjacent to the Conservation Area and its size and design would therefore damage the existing character of the village.</p> <p>It is the policy of the Frithsden Conservation Area that development at the boundaries should be resisted. Any development that does take place "should respect the massing and scale of the neighbouring buildings and employ a palette of materials sympathetic to and consistent with the prevailing character and appearance of that part of the Conservation Area." As part of the Vineyard's land even lies within the Conservation Area, it is essential that any new dwelling respects the scale of the existing buildings and is sympathetic in its design.</p> <p>The Heritage Statement suggests that the four listed buildings are of little merit being solely listed on account of their age and that "there will be no harm caused" to the surroundings of these properties. We disagree that there will be no harm caused by allowing such a large property to be built here.</p> <p>b) The whole first floor and roof of the proposed dwelling is significantly larger as well as higher than the existing house and it will therefore be far more visible to neighbours and also from the surrounding footpaths within and across the valley.</p> <p>The Heritage Statement says that "The surrounding tall trees conceal Frithsden Vineyard which is not visible from the external land, nearby Listed Buildings, Conservation Area and surrounding Registered Park and Garden." The owners of Shepherds Cottage confirm that they can in fact see the existing dwelling through the trees once the leaves have fallen. In winter, it is also visible from the footpaths across the valley. The proposed new dwelling is so much larger and significantly wider at a higher level that it will clearly be more visible than the existing one.</p>

	<p>c) The proposed dwelling has large areas of glazing at first floor level, in addition to glazing above this in the new roof. The front of the existing bungalow style house only has dormer windows in the roof at first floor level. The excessive scale of the glazing will cause light pollution, which will affect local wildlife, as well as being visible at night from the surrounding area, thus having a direct impact on the local environment.</p> <p>d) These large windows, plus the balconies right across the front of the house and huge terrace at the side - all at first floor level - will inevitably cause loss of privacy to the neighbours. The windows, balconies and terrace would overlook Shepherds Cottage in addition to the adjacent land of both Clayton Cottage and The Old Farmhouse.</p> <p>e) The large indoor and outdoor entertainment spaces of the design raise concern that all the neighbours in the homes to the south of the Vineyard could suffer noise disturbance. Peace and quiet is a key element of a rural hamlet and is one of the main reasons we live here. It is also why many others visit the area to enjoy the countryside either on a walk or cycle ride.</p> <p>f) We note that in addition to the double garage, seven parking spaces are shown on the block plan, with space for a further two cars shown in front of the garage. We question why a rural village home that should be of modest size would need space for 11 cars.</p> <p>g) The Heritage Statement refers to the construction of a new house, replacement winery as well as three tree houses. The first set of planning applications for the dwelling, winery and treehouses were all rejected. No new plans for the Winery and holiday accommodation have been submitted making it necessary to comment on the dwelling alone and impossible to consider the redevelopment plans for Vineyard as a whole.</p> <p>The Committee has seen the detailed submission prepared by the residents of Shepherds Cottage and the Committee agrees with their comments.</p>
<p>19 Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD</p>	<p>I am writing in support of the proposed planning of a replacement house at Frithsden Vineyard, 22/02538/FUL.</p> <p>The proposed house is a vast improvement over the non-descript structure currently on the property, which adds nothing to the unique and preserved aspect of the area. In contrast, the applicants have gone to great lengths to ensure the materials and nature of their proposed family home are in keeping with the area as they build and plan for their future here. The new plans will not affect anyone's view as the house is already enclosed by mature trees.</p> <p>I understand that while this is an application for the house alone, we should consider the property as a whole and the situation as it exists. When I moved to the area five years ago, the property was operating as a business, and I fully expect it to do so again. I firmly believe we should be encouraging and supporting a young family keen to not only make their home here but invest in and contribute to our local community.</p>

<p>The Old Farmhouse  Nettleden Road  Frithsden  Hertfordshire  HP1 3DG</p>	<p>Letter of objection in relation to planning application for a replacement dwelling, Council reference 22/02538/FUL, Frithsden Vineyard, Frithsden Lane Frithsden, Hemel Hempstead, Hertfordshire, HP1 3DD</p> <p>We have been asked to prepare a letter of objection on behalf of my client who occupies the adjoining property The Old Farmhouse, Frithsden.</p> <p>This letter will describe the character of the area, identify the planning history that is relevant to this current application, consider the relevant development planning policies and provide an assessment of the application submission.</p> <p>The site character of the area</p> <p>The application site is situated within the open countryside, the Chilterns Area of Outstanding Natural Beauty (AONB), within a Grade II* Registered Park and Gardens (Ashridge Estate) and is located adjacent to the Frithsden Conservation Area, with the southwestern corner of the site being located within the Conservation Area.</p> <p>The area is characterised by rolling landscape with only limited built form in the upper fields around Frithsden that comprise either agricultural buildings or a very limited number of long-standing dwellings.</p> <p>The Proposal and applicant's justification</p> <p>The red line application site is confusing. On the location plan 714 P1A, the red line is restricted to the western part of the vineyard site extending from north to south covering the entire western part of the site including agricultural land that has previously been identified as forming part to the vineyard itself. However, on the proposed site plan, 714 P30 A, the red line includes the entire vineyard and then on the proposed block plan, 714 P31 has a red line boundary the same as the site location plan. On all the submitted drawings the red line application site should be consistent. It would appear from the application form that the site area is 0.4ha and the entire vineyard site is annotated as 2.33ha on the existing site plan.</p> <p>The existing buildings on the application site are located to the southwestern corner of the site at a lower level than the current proposed replacement dwelling. It is understood there is currently a single dwelling and one other building on the site that has previously been used to service customers visiting the vineyard.</p> <p>We are unable to compare the existing and proposed as existing elevations and floor plans are not available on the Council's web site. It is a national validation requirement that any application includes existing elevations and floor plans and if these have not been provided, we query whether the application is legally valid? We would be grateful for clarification on this point. It is of particular importance as the applicant is relying on the existing dwelling to justify the size of the current proposal in relation to claiming permitted development rights for extending the existing dwelling and other increases in floor area.</p>
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We believe from the previous sales details in 2019 that the existing dwelling comprises 223 square metres. The application states the floor area as 294sqm which we believe is incorrect and may include outbuildings. The current proposal is for 530 square metres which is double this size and it is unclear if this figure includes the double garage. The applicant should be asked to provide a clear breakdown of the existing floor area for all the current buildings on the site.

Whilst the application states a replacement dwelling, the red line application site also includes 7 parking spaces on the southern boundary along with a proposed double garage and driveway for 2 vehicles. The application therefore proposes a total of 11 parking spaces for a replacement dwelling. This is considered excessive and not acceptable for a replacement residential dwelling.

The application is also supported by a Landscape Visual Impact that suggests at Appendix E that there is a requirement for "Proposed Landscape Mitigation" that includes additional tree planting to create a backdrop to the house and reinforcing tree planting to the front of the house. This acknowledges there will be a visual impact of the proposal and that mitigation is required.

We attach a photograph that was taken by our client from the public footpath no. 4 to the south of the site in March 2022 that clearly shows the existing dwelling and Winery. The proposed dwelling would sit higher on the site, is substantially larger, longer and deeper and therefore without doubt, would be more visible within the landscape than the current dwelling.

The application form has stated the proposal would be connected to main foul water. We believe this is incorrect and a cess pit or septic tank would be required as noted on the drawings. The amount of built format would be significantly increased on site compared to the current situation, but no surface water drainage strategy has been submitted to assess the impact of increased run off onto adjoining properties. Without existing drawings and details of the current situation, it is not possible to assess the potential impact.

The supporting design and access statement is also out of date and refers to the NPPF, February 2019 which has been superseded.

The DAS refers to pre-application discussions in March 2021, Council reference 22/01030/PREE. This response is not on the Council's web site and my client has made a request via the Freedom of Information Act for this to be provided as a matter of urgency. However, as the letter is referred to in the application submission, which is now a public document, we believe there is no reason why a copy should not be provided by return.

In summary, the applicant has justified the current proposal for a replacement dwelling on the following grounds:

- o Whilst Policy 22 and 23 refer to replacement dwellings and the scale of any replacement property is to be judged against the 150% floor area criterion, the applicant believes due to other approvals in the area this is no longer the principal point and that these other



permissions set a precedent.

o A significant number of local properties have substantially breached the 150% criterion without creating any detrimental effects on the character of the AONB, Rural Area and Historic Park. The applicant therefore believes that "As a consequence, more weight should be given to any demonstrable impacts on the character of the AONB and the suitability of the proposals with regard to the site and neighbouring amenity."

o The existing dwelling was constructed around 1985 with approximately 294 m<sup>2</sup> of floor space and "Whilst of largely inoffensive form the property adds little to the visual qualities of the area as confirmed by the Conservation Officer in their comment below:

"From my initial review conservation wise the existing dwelling is not making a positive contribution to the character of the area or the historic park and garden."

o Whilst it has been established that floor space figures are not the overriding issue when designing properties within the Rural Area, liveability and matters of design, layout, topography, detailing and materials are.

o The proposed dwelling "... is slightly larger than the one it replaces (a 28% increase in gross external floor area after allowing for GPDO extensions of the existing building) it remains comparable in scale with recent approvals (see Appendix 2 Comparator Dwellings)."

o The proposed dwelling would be well screened and sit against a background of the 14m high wooded area immediately adjacent to the plot. This would ensure the property blends into its backdrop and the building would not be seen against the skyline or impact on the views of the AONB.

o The separation distance to the southern boundary has increased to ensure privacy and to prevent overlooking to adjoining dwellings. The tree and hedge cover to the southern boundary would also be retained.

o The application suggests that the proposal represents a nominal 128% increase in gross external floor area over that of the original dwelling house plus the allowable extensions under Policy 22 and permitted development rights.

#### Planning History

The following planning history is considered relevant to the current application:

21/03886 -Construction of 3 x Guest Accommodation Treehouses - refused planning permission in August 2022 for the following reasons:

o Harm to the character and appearance of the surrounding rural area as well as the special qualities of the Chilterns AONB, through the resultant reduction in landscaping to the eastern boundary combined with an increase in built form which would be perceived from the surrounding area.

o The proposed development would result in less than substantial harm to the Grade II\* Registered Park and Gardens of Ashridge. It is considered that the public benefits associated with the proposal do not outweigh the harm identified to the designated heritage asset.

21/03137/FUL - Replacement Dwelling - refused planning permission in March 2022 due to the following reasons:

- o Size, massing and positioning on the upper portion of the hillside, alongside its visibility from a number of Rights of Ways, would result in harm to both the character and appearance of the surrounding countryside, as well as the special qualities of the Chilterns AONB
- o Less than substantial harm to heritage assets but no public benefits
- o Inadequate access to accommodate a fire appliance

21/03130/MFA - Formation of new winery and associated parking and landscaping - refused planning permission in August 2021 for the following reasons:

- o Mixed use redevelopment project rather than simply an agricultural function and that the size and scale of the building proposed would not represent small-scale development within the rural area.
- o Harm to the natural and scenic beauty of the Chilterns AONB and character of the countryside
- o No Flood Risk Assessment or Drainage Strategy has been submitted in support of the proposal.

4/02126/18/ROC - Removal of the agricultural occupancy condition of the dwelling attached to planning application 4/0737/88 (detached dwelling) on the basis that the vineyard at 2.1 hectares, was not viable as evidenced in the accounts from 2009 - 2017. The application stated that the site was far too small for an alternative form of agriculture and that removal of the condition would enable the house to be sold as a family home. Granted in October 2018.

4/00564/96/RET - permission was granted for a continuation of the bottling plant with a temporary lifting of the restriction on retail sales other than wine but re-iterated that from 1st January 2002 there was to be no retail sales whatsoever except wine produced on site. The reasons being that general retail development was inappropriate and the Council was concerned about the character and amenity of the surrounding area including noise and disturbance to the occupiers of nearby properties.

4/01499/82 - Outline planning permission granted on appeal in 1984 for a new dwelling on the site with the use restricted to agricultural occupation and with various stringent conditions imposed by planning inspector.

4/00583/85 - Temporary planning permission granted for a production and bottling plant and vehicular access for 5 years with stringent conditions stating:

- Wine shall only be produced and bottled in the processing/bottling building from grapes grown in the site and no other grape juice
- No retail sales whatsoever other than wine production

- Retail sales only between 10 am and 7 p.m.
- The part of the building used for bottling to be sound proofed
- The southern boundary to be enclosed by a fence or wall

These conditions were considered necessary to:

- Preserve the amenities of the quiet rural area
- Prevent noise nuisance to local residents
- Ensure satisfactory screening
- Prevent surface water run-off
- Safeguard the character and appearance of the AONB

#### Planning Policy

This section is split between national and local planning policy.

National planning guidance is contained within the National Planning Policy Framework, (NPPF) and local planning policy in the development plan for the area.

#### National Planning Policy Framework, (NPPF)

The key relevant sections are referred to below:

#### Section 15 -Conserving and enhancing the natural environment

Paragraph 176 states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

" The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

#### Section 16 Conserving and enhancing the historic environment

Paragraph 202 refers to where less than substantial harm has been identified to heritage assets, this harm should be weighed against the public benefits.

#### Local Planning Policy

The development plan for the area comprises the Dacorum Borough Core Strategy 2006-2031, (CS), adopted September 2013 and the Dacorum Borough Local Plan 1999-2011, (LP), adopted April 2004. A number of the planning policies are out of date and the Council has carried out an assessment with regard to compliance with the NPPF. The key relevant planning policies to this application are considered to be:

	<p>Core Strategy</p> <p>CS7 - Rural Area. This policy states that small scale development will be permitted including replacement buildings and limited extensions provided there is no significant impact on the character and appearance of the countryside.</p> <p>CS10 - Quality of Settlement Design. This Policy refers to the importance of design and a three-step approach to achieving this.</p> <p>CS11 - Quality of Neighbourhood Design. This policy seeks to ensure that development respects an existing settlements character and density and also neighbouring properties.</p> <p>CS12 - Quality of Site Design. This policy states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.</p> <p>CS24 - Chilterns Area of Outstanding Natural Beauty. This policy states that the special qualities of the Chilterns AONB will be conserved and requires development to have regard to the Chiltern Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide.</p> <p>CS27 - Quality of the Historic Environment. This policy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Local Plan (LP), (2004):</p> <p>Policy 22- Extensions to dwellings in the Green Belt and the rural area. The Council consider this policy to be partially consistent with the NPPF and it provides guidance as to the local definition in relation to the floor area % increase that may be considered to be disproportionate. However, the Council confirms that each application will be assessed on its own merit and will be judged against a range of considerations set out in the policy. The assessment would not just be based on the increase in floor area but would also include the scale, bulk, mass and volume of a proposal compared to the existing situation. Any increases in the size of a building would be tightly controlled, in particular in more isolated locations in the countryside and at the edges of existing settlements.</p> <p>Policy 23 - Replacement dwellings in the Green Belt and the Rural Area. The components of this policy are partly consistent with NPPF. Paragraph 89 of the NPPF allows for "the replacement of a building, provided the new building is the same use and not materially larger". The definition of 'original dwelling' provided in the supporting text to Policy 23 does not accord with that provided in the NPPF. In this instance, the starting point should be to consider the dwelling currently on the site rather than the position set out in the LP which refers to 1948 or first built after that date. A local definition of what is meant by 'not materially larger' is referred to in the policy.</p> <p>The policy states "Rebuilding a dwelling in a different position on the</p>
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site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less." In particular the dwelling should:

- i) Be compact and well-designed and protect the character of the countryside
- ii) Not be visually intrusive on the skyline or in the open character of the countryside

"And any new dwelling should not be larger than the dwelling it replaces or the original dwelling plus references within Policy 22. Supporting text, paragraph 23.1 states "The reconstruction of buildings already there should have no material impact on the countryside."

Policy 54 - Highways design

Policy 97 - Chilterns Area of Outstanding Natural Beauty. This policy states;

"In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape."

Point (a) states:

"New Buildings and Other Development

- Development must not be intrusive in terms of noise, disturbance, light pollution, traffic generation and parking.
- 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.
- Colours and materials used for a development must fit in with the traditional character of the area."

Policy 99 - Preservation of Trees, Hedgerows and Woodlands

Other guidance

Chilterns Management Plan (2019-2024)

DP1 states that the AONB should have the highest level of protection for landscapes and scenic beauty.

Policy DP2 of the Chilterns Management Plan (2019-2024) also states the development should be appropriate to the local landscape character and should be rejected unless it meets specific criteria, including:

- It is a use appropriate to the location
- It is appropriate to local landscape character
- It enhances natural beauty
- There is no harm to tranquillity through the generation of noise, motion, and light that spoil quiet enjoyment or disturb wildlife
- There are no negative cumulative effects, including when considered with other plans and proposals

DP8 states that skies should be kept dark at night by only using light where and when needed and avoid architectural designs that spill light out of large areas of glazing. Modern designs with large areas of glazing should be avoided so that buildings do not appear as boxes of light in the countryside at night and glinting glazing during the daytime.

Car Parking Standards (2020)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Article 4 Directions: Land in the Nettleden/Frithsden area. (Nettleden with Potten End 1971)

Assessment of the application

We have reviewed the information submitted with the application and we request the following comments are taken into account prior to any decision being made:

Principle of development

A replacement dwelling is considered acceptable in principle, but the key issue relates to the detail of the proposal in relation to other adopted planning policies. In this case the key planning policies have been listed above.

The current planning application for a replacement dwelling only relates to part of the vineyard site. The proposal does not therefore comprise a comprehensive masterplan that sets out a business plan for the vineyard and the proposed replacement dwelling. The applicant has stated in the past that the vineyard is not economically viable without significant investment and that a replacement dwelling of the size proposed was required to allow entertaining of guests/clients. The current application is however for a standalone application for a large open market replacement dwelling without any relationship to the vineyard and this is demonstrated by the land included within the red line application site. The vineyard was previously considered unviable. The current proposal would further reduce the amount of land available for growing as shown when the existing and proposed site plans are compared. The proposed dwelling and associated curtilage would occupy 0.4 ha of land out of a total of 2.33ha.

We believe in the absence of a comprehensive application for the entire site that sets out a clear business plan for the vineyard, the proposal can only be viewed as a significant replacement dwelling in the open countryside. The reduction in land available for growing would further reduce any potential for the vineyard to be economically viable in the future. The question has to be asked what realistic prospect of a

successful business would remain? In reality, this appear to be an attempt to achieve planning permission for a significant replacement dwelling with no realistic prospect of the vineyard being developed.

The proposal is therefore contrary to the guidance within the NPPF that seeks to protect AONB's and the rural areas and adopted planning policies CS7, CS24 of the CS and policies 22, 23 and 97 of the LP.

#### Impact on character

In order to justify the proposed increase in size of the dwelling, the applicant has relied on stating all the floor area that could be created under permitted development rights. However, there is no evidence put forward to state how these calculations have been made or any Certificates of Lawful Development applied for, to confirm the applicant's interpretation of the law is correct. The information submitted with the application is considered misleading as the application relies on this and then adds on further development floor space and then claims only a 28% increase over the existing dwelling. The applicant should be requested to provide a total breakdown of how these figures have been calculated.

On an appeal, an Inspector would assess carefully the argument that all the permitted rights plus further floor space justifies the size of the proposed dwelling. In our view, the arguments put forward by the applicant do not represent a realistic fallback position and demonstrates that the proposal represents a significant increase to a dwelling over twice as large as the existing house.

Our initial assessment indicates that the proposed dwelling would be 9m longer and 5m deeper than the existing dwelling. However, without existing elevations and floor plans this can only be an estimate. Irrespective of the actual figure, there is a significant difference compared to the existing situation. The residential curtilage now includes the provision of onsite parking for 11 cars, the double garage, driveway and 7 other spaces. This is excessive and would impact the character of the area and would lead leave no parking available for the vineyard.

The applicant has stated that the development may not be visible from the street scene due to the presence of existing screening. However, the applicant's own Landscape Visual Impact Assessment acknowledges there would be harm and mitigation is required. There is reliance on additional planting, but the photographs attached to this letter already demonstrate that the existing dwelling is visible in the wider landscape. It must be pointed out that the tall trees to the north of the site are not within the ownership of the applicant and are in fact a commercial tree plantation which at some point will be harvested, further exposing the profile of the buildings against the skyline. Similarly, the vegetation the entire length of the southern boundary to the site which the applicant is relying on in his argument that the larger dwelling house will be screened from the surrounding landscape, is not wholly within the ownership of the applicant as much of that hedgerow is within the land owned by the immediately adjoining properties. The

applicant therefore has no control over the retention of critical landscape feature that they are relying on for screening and these features could be removed by the owners at any time in the future.

The current proposal would be sited higher up the slope. There is an increase in length, mass, height and the overall scale of the proposed dwelling with significant areas of glazing, rooflights and a front balcony extending the entire frontage and across the entire width and depth of the double garage. Local planning policies refer to modest scale buildings that are unobtrusive in their siting and within the area. It is important to remember that the original dwelling on this site was modest and designed to meet an agricultural need.

Policy 23 of the local plan is considered to be partly consistent with the NPPF and the weight attached to this policy in decision making will vary on each individual application when assessed alongside the NPPF. The proposed design would make the dwelling even more prominent in the landscape. Whilst it is appreciated that the applicant would like to enjoy the views across the valley, at night this level of glazing would lead to light spilling out into the wider landscape and due to the prominent balconies additional residential activity which is contrary to protecting night skies as stated in DP8 of Chilterns Management Plan (2019-2024), policies CS7, CS12, CS24 of the CS and policies 22 and 23 of the LP.

The dwelling would be a permanent feature in the landscape and whilst existing trees/hedges and further planting may reduce visibility, this would vary depending on the nature of planting. It would appear the current planting is deciduous and the development is therefore likely to be visible at certain times of the year.

The application site would also lead to the loss of agricultural land to the northwest of the site that would be converted to residential curtilage. This land is on the higher part of the slope and would change the character of the use of land from agricultural to domestic, further adversely impacting the character and appearance of the area.

At Appendix 2 of the Design and Access Statement, the applicant includes a table "Comparative Local Consents". A number of the listed properties are situated around Ashbridge Golf Course and are located on flat ground and the buildings would not therefore have the adverse visual impact compared to this application site which is situated on the hillside. The list of dwellings is therefore not considered to be comparable to this application site and these decisions do not in anyway set a precedent for future decisions. Each proposal should be considered on its own merit.

The proposal is therefore contrary to national and local planning policy.

#### Impact on heritage assets

The previous applications have considered the impact of the proposals on the heritage assets of the area and these have been identified as:

- o Grade II Registered Park and Gardens of Ashridge Estate, and through this the setting of the house itself



- o Setting of the Grade I Listed Ashridge House
- o Setting of the Frithsden Conservation Area.

The current application is accompanied by a Heritage Statement. Paragraph 17.2 states that "The proposed development will allow for the expansion of the Frithsden Vineyard business whilst providing accommodation for the owner of the vineyard." and that the winery would be demolished, paragraph 7, point 2, page 23. This is not the case and the application only relates to a replacement dwelling with no connection to the vineyard. The reference to benefits, do not therefore exist and the entire Heritage Assessment is fundamentally flawed and should be disregarded. It is also difficult to understand having regard to the photograph of the existing dwelling at page 23, Plate 2 of the Assessment, when compared to the proposal, that the conclusion at paragraph 17.3 states:

"There will be no harm caused to the surroundings in which the Heritage Assets identified in this report are experienced."

and at paragraph 17.4

"The proposed development will not introduce any disturbance, visual or non-visual, to the setting of the Heritage Assets and to the people experiencing them."

The Council has previously assessed the heritage impacts and concluded there would be less than substantial harm to the setting of the conservation area. Paragraph 202 of the NPPF (2021) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. In this case, the significant increase in the overall scale and size of the proposed dwelling, the design including significant areas of glazing that would light up the area at night, the siting on a more prominent position on the hillside and the use of materials including zinc roof to the flat roof and dormers would lead to a replacement dwelling at odds with the established character and context of Frithsden where many of the dwellings are modest in size and reflect the character of the estate village. There are no public benefits of providing a private replacement dwelling of this size and design that would outweigh the harm.

Impact on amenity

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. This is also referred to in Policy CS12 of the CS that relates to the quality of site design and seeks to ensure that new development does not have a detrimental impact upon neighbouring properties and their amenity. The current proposal would be a higher level on the slope and there would be a significant balcony to the front elevation and over the entire double garage. This raises the potential to overlook into the garden of Shepherds Cottage thereby adversely impacting their privacy not just in relation to overlooking but light intrusion and activity/noise from the extensive proposed balcony. The proposal is therefore considered unacceptable in regard to the NPPF and policy CS12 of the

CS that require good design and neighbourly development.

#### Highway safety

The previous refusals have indicated that there is inadequate access for a fire appliance with the access more than 45m from public highway and less than 3.7m in width. It may be possible to technical

We have previously made representations to you on the 29 September 2022 and 4 October 2022 in relation to the above planning application. It appears that the applicant is submitting additional information to the Council as part of this application, but no notification is being sent out to interested parties to advise them of this. This prejudices the position of third parties who have to rely on regularly checking the web site to find out what is happening with this application. We, and other interested parties have asked for updates from the case officer on how this application is being progressed but have not received any responses. This is causing serious concern as it would appear that the applicant is being provided with the opportunity to communicate with the case officer. We understand that the Council is not obliged to accept additional drawings or information once an application has been submitted and we seek clarification on the Council's procedures in relation to this matter.

In relation to the 2 new documents submitted to the Council by the applicant and posted on the Council's web site last week, there was no notification sent to us or other interested parties who have previously commented on this application. Given that the applicant apparently seeks to use the tree cover to the southern boundary as the sole reason to claim there is no adverse effect on neighbouring properties amenity and privacy from their 1st floor viewing platform running the length of the proposed dwelling, we would request that proper time for further consultation is allowed before making any decision so that other interested parties can seek their own expert advice. At this stage we would make the following brief remarks:

1. The applicant has chosen to illustrate a sight line from one specific point on the terrace, ignoring the fact that the viewing platform extends the entire length of the house and beyond, and those viewpoints should also have been considered. In addition, the drawing titled "Southern Boundary Section", clearly demonstrates that whilst the trees may be of a certain height overall, the lower trunk is devoid of vegetation. This allows a view beneath the main canopy into the rear garden of Shepherds Cottage. The applicant tries to justify this position by including distances from the front elevation but this does not reference the noise and disturbance and the intervisibility from the cars parking near to this boundary.

2. The photo taken from the proposed terrace is of trees in full leaf and does not reflect the poor screening in the winter months. Other photos have been supplied to the planning officer in relation to the applicant's previous planning applications for this site which clearly demonstrate the sparseness of the southern boundary in winter and how easily viewable the site is from surrounding footpaths. In addition there is nothing preventing the trees on which the applicant is relying to argue there is no overlooking or loss of privacy caused by the

balcony/terracing being reduced in height or removed altogether;

3. The particular design feature of the 1st floor terracing and balcony the entire length of the property and the issue of interference with neighbours' privacy and amenity to the southern boundary must now be considered in the context of the recent Supreme Court judgement of *Fearn (and others) v Board of Trustees of the Tate Gallery 2023 UKSC4*, handed down in February 2023. This is relevant because the applicant's 1st floor terracing and balcony is effectively a viewing platform and therefore the intrusion into the neighbour's privacy and amenity goes far beyond the level of simply overlooking which would result from just having windows without a balcony/terrace at first floor level. The applicant is inviting guests to look into the neighbouring properties to the south from an elevated position. In the applicant's previous planning applications that have been refused planning permission by the Council for development of the site as a vineyard/events venue, the applicant acknowledged that the dwelling would also be used in connection with the business. It is entirely possible that this dwelling will end up being used to host events connected with the winery business. The applicant has sadly not been transparent in terms of his plans for the winery business following the refusal of his previous applications and chosen instead to 'salami slice' his planning applications in relation to the site. It therefore has to be assumed that this dwelling is also intended to be used for purposes in connection with the business and the level of visitors having access to the viewing platform will be greater than with a normal family home without a business being run from the site. The overall size of the platform also indicates that it could be subject to extensive use with a significant number of people present.

This significantly increases the level of intrusion which an ordinary person in this type of location would consider to be a substantial interference with the ordinary use and enjoyment of their home. Viewing platforms in the context of Frithsden, within the AONB and right on the edge of the Conservation Area cannot be argued to constitute a common and ordinary use of the land - and the Supreme Court made it very clear that the context of location had to be taken into account. Following this case, I would respectfully suggest that not only do the design features of a 1st floor balcony/terrace of itself not meet local planning policies for such a sensitive location but also are likely to constitute an actionable nuisance which planning authorities should not be allowing.

4. We have previously expressed concern in relation to the design of the proposed dwelling in particular the level of glass and the impact this would have on the AONB and night skies. This matter has not been addressed. In addition, the section "Southern Boundary Section" demonstrates the overall size of the proposal in relation to Shepherds Cottage and it is clear how out of character the overall mass and scale of this proposal is. This is an extremely sensitive area, within the AONB and this site is at odds with the rest of the development in Frithsden which runs along the valley, whereas this site is an elevated site sitting on the boundary of the Conservation Area and above a core of listed buildings which currently enjoy as their setting the backdrop of the glade of trees forming the southern boundary to the site. The existing

	dwelling which this application seeks to replace was sympathetic in terms of its modest scale and in form - deliberately designed to be as low profile and sit into the hillside as far possible. This design is the exact opposite.
Beechwood Farm Roman Road Frithsden Hemel Hempstead Hertfordshire HP1 3DD	The land forming Beechwood Farm adjoins Frithsden Vineyard. I agree with the objections made by the residents of Frithsden. There is no justification for a house of this size. There is no application for the new winery and therefore I cannot judge the total redevelopment of this site. I have no objection to the regeneration of the Vineyard as an artisan vineyard but must be on a scale appropriate to the size of the plot.
Shepherds Cottage Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD	<p>I wish to comment further on the above application in the light of the amended plans submitted by the applicant last December as follows:</p> <p>1.Loss of Privacy</p> <p>Please see attached photos of the trees on the bank taken in January 2023 when the screening is at its minimum. This is perhaps the optimum time to appreciate the proximity of the proposed replacement dwelling and how adversely affected Shepherds Cottage and its garden amenity would be if the house was approved and constructed. The proposed design with its lengthy balconies and large terrace along its entire southern aspect would create multiple points of overlooking and a substantial loss of privacy. It is understood that loss of privacy should be viewed in the context of this particular neighborhood and existing levels of privacy enjoyed by us and other residents of Frithsden and is a valid consideration in the planning context (as well as under the law of nuisance) which needs to be considered by Dacorum when deciding whether to approve or refuse this application. During the Planning officer's inspection of the southern boundary of the Vineyard last Summer, it was concluded that it was necessary to consider the design in this application as if 'the trees were not there at all 'to assess the impact and loss of privacy concern. The trees could potentially fall to disease or die through reaching the end of their life and be felled in the future which would reduce or remove entirely the protection of the woodland screening. The current house on the site has no balcony or terracing at first floor level and therefore neighbor's substantial privacy in this hamlet is maintained. Allowing the proposed feature will result in a substantial loss of privacy enabling those on the balcony or terracing to view directly into our garden and result in a loss of amenity. It is a completely unnecessary and unsympathetic design feature which results in significant harm to others and their quiet enjoyment of their own properties and we respectfully suggest should not be allowed by Dacorum.</p> <p>2.Revised plan suggesting roof lights could have blinds drawn.</p> <p>Previous objections have already highlighted that the proposed designs incorporate a huge amount of glass and window space which is totally out of keeping with the character of the other dwellings in Frithsden with small windows and will create substantial light pollution across the valley. It is just not possible to properly protect against light pollution by or control the use of window openings by condition that blinds have to be drawn at certain times. The only way of ensuring light pollution is kept to a minimum is by not allowing roof lights and huge</p>

windows in the first place.

### 3. Plan showing residential curtilage

It is of concern that whereas on previous plans, the land immediately to the north of the proposed dwelling was clearly marked as vineyard, that labelling has gone, and the new plans are suspiciously silent as to what that land is to be used for. It should be noted that ALL the land comprising the entire site of Frithsden

Vineyard, except for the existing dwelling is agricultural land and it is suggested that if Dacorum see fit to approve this or any amended plan for a replacement dwelling, ARTICLE 4 directions should be imposed removing all permitted development rights from the entire site to adequately protect that land. There is precedent for this approach with other houses in the area.

### 4. Scale of proposed development

It is disappointing that the applicants have made no attempt to address any of the concerns registered by numerous residents and the Parish Council regarding the scale and design of the proposed dwelling and the impact it will have on this area of the AONB and Ashridge Park. We hope that in reaching a decision Dacorum will consider the above concerns in planning terms and that the attached photos clearly support the comments made.

PROPOSED REDEVELOPMENT OF PART OF THE FRITHSDEN VINEYARD ON THE ROMAN ROAD IN FRITHSDEN HERTFORDSHIRE HP1 3DD

Please see below our comments objecting to the proposed planning application to redevelop Frithsden Vineyard. Reference: 22/02538/FUL Replacement Dwelling.

It is unfortunate that we have been given no alternative but to consider the replacement dwelling in isolation as it forms the smaller element of the ownership of the Frithsden Vineyard. Ideally, we would have preferred to be able to understand fully the applicant's revised new proposal for the new Winery (which he has indicated in correspondence with us that he intends to pursue) so that we can form a complete opinion of how we will be directly impacted as an immediately adjoining neighbour. However, this is not possible, and we will now have to wait until this is submitted to understand the overall proposal for the redevelopment of the Vineyard.

We would request that you please note that the Heritage statement accompanying the application refers to the existing house and winery being demolished but the existing winery has been excluded from the area subject to this application so cannot be taken as a positive change in favour of this application as it does not form part of the application site. There is no suggestion that the dwelling house will be a replacement for the existing house and the Winery.

Please see below our comments and objections giving justification to a further refusal of planning permission for the latest design, which is still completely inappropriate in the context of the planning policies referred

to at the end of this letter and the observations of the planning officer in the delegated report giving reasons for refusal of the previous application for a replacement dwelling house ref 21/03137/FUL that "the large dwelling would be at odds with the established character and context of Frithsden itself, where many of the dwellings in the core of the settlement are modest in size and reflect the character of the estate village". The new replacement dwelling that is the subject of this application is still overly large, over-scaled and poorly designed and still at odds with the character of the Conservation Area which it is located even closer than the previous application and will therefore have a detrimental impact on its setting. We repeat again some of the comments we made previously which we have included again below as we consider them to be as relevant today as they were last year.

#### 1. Oversized & Over-scaled

The proposed replacement dwelling of 530 sq m (5,704 sq ft) is approximately 307 sq m (3,298 sq ft) larger than the existing dwelling of 223 sq m (2,406 sq ft) that it is proposed to replace. It is more than double the size of the existing building at approximately 2.4 times the size of the original building it replaces and an enormous 137% bigger than the current house (See calculations below). Therefore, this application is clearly oversized and should clearly be refused. It is still too large and disproportionate for this site in the protected AONB and the unique and historic Conservation area of Frithsden village where it is right on the fringe - a matter of a few feet.

Calculations as follows:

#### 1. Calculation of Proposed Replacement Dwelling

New Building is 5,704 sq ft  
Divided by existing building excluding Outbuildings 2,406 sq ft  
2.37 times the existing building  
Multiplied by 100 equals X 100  
Replacement Dwelling Size of replacement proposed 237%

#### 2. Calculation of the additional floor area of the Replacement Dwelling expressed as a percentage compared to the floor are of the existing house

New building is 5,704 sq ft  
Less, existing building excluding Outbuildings 2,406 sq ft  
Increase in floor area 3,298 sq ft  
Divided by Original area of existing building of 2,406 sq ft  
Multiplied by 100 equals X 100  
Replacement Dwelling floor area increase +137%

In terms of size and scale I note that the previous rules regarding the 150% threshold have been replaced. It is now a 'principle' based decision that considers the 'overall contribution' and 'impact' that the property makes to the area. We believe that permission should be refused again as this application is for a house that is far larger than any other residential dwelling in the middle of the village. At a total of 530 sq m (5,704 sq ft) it is clearly greatly 'Over-scaled' and must be rejected as it is not therefore acceptable. We note para 176 of the

NPPF which state that 'the scale and extent of development within [AONBs] should be limited.

This proposal therefore does not meet the principle of the Frithsden Conservation Development Plan which stated that any development on the immediate fringes of the Conservation area of the village should be modest, appropriate and in keeping with the historic Area of Outstanding Natural Beauty.

#### Car Parking for the house

Although the application form applies for 4 spaces, the plans show 9 surface car parking spaces for visitors together with a further 2 cars in the garage making a total of 11 spaces associated with the new house. This is excessive and exceeds all reasonable parking requirements for a private dwelling. The 7 parking spaces shown on the southern edge of the site replace a parking area previously used for visitors to the Winery and therefore this represents an attempt to extend the residential curtilage beyond its current extent. If these parking spaces are reserved for the dwelling house, where are visitors to any Winery the subject of a further planning application expected to park, or will we see another planning application for parking spaces along the whole southern edge of the site? We are still concerned about the house being used as a Club house with the new Winery being used as a Party & Entertainment venue for weddings & noisy parties or possibly rented out commercially. Why would they need parking for 11 cars if it wasn't intended to be used for non-private use?

#### 2. Overlooking/Loss of Privacy/Noise

The proposed balconies off the bedrooms and kitchen on the first floor of the southern elevation create direct overlooking of Shepherds Cottage at the top section of its private garden and land belonging to Clayton Cottage and The Old Farmhouse causing a substantial loss of privacy. The use of balconies and terracing at first floor level is totally out of keeping with the character of the other properties in Frithsden which do not have this feature and thus preserve the privacy of their neighbours and limit the noise nuisance carrying across the valley. These features are incredibly intrusive and inappropriate in this setting, and we urge them to be rejected on the grounds of loss of privacy and potential for serious noise nuisance. Neighbours should not have to rely on taking action under environmental health rules once nuisance has occurred when it is totally foreseeable and predictable that these design features will generate a level of nuisance which is unacceptable to neighbours in the context of an AONB and a hamlet like Frithsden. These features will be increasingly intrusive during the winter months when the trees on the southern boundary are and potentially visible from views from footpaths to the south.

#### 3. Use of extensive glazing

The use of excessively large glazing in this design is inappropriate creating a heat inefficient building and unacceptable light pollution and is not consistent with maintaining the Dark skies policy of the country area. The rest of the houses in Frithsden are characterised by small traditional windows which minimise light pollution, so they are out of keeping with the established character and context of the hamlet.

This does not meet planning policies CS1, CS12, and the national planning policy framework or the Chilterns Design Guide in any respect.

The large windows and doors would need to be delivered on very large lorries which would not be able to reach the site via the narrow Roman road

#### 4. Height

The new dwelling should be both compact and well designed and not visually intrusive on the skyline or in open character of the countryside. It would need to be small, lower and of an acceptable architectural design. The existing house is set down to maintain a discreet presence which should be a strong consideration when discussing the location of a replacement dwelling in the ANOB. The design in this application does not meet these criteria.

#### 5. Garage

The garage construction in this design involves cutting into the hillside and the destruction of the land and therefore does not respect the heritage assets of Ashridge park or the historic landscapes.

#### 6. Boundaries

The proposal does not give sufficient detail about the treatment of boundaries with respect to preventing the possibility of any overlooking of the properties that immediately abut the Vineyard to maintain their privacy and security.

The Applicant has mentioned the possibility of building a 'brick and flint' wall at the entrance to the vineyard however this does not form part of the current application. Should this application be approved there is currently nothing requiring the owners of the Vineyard to construct a solid wall or fencing along the full length of the southern boundary to prevent the neighbours from being adversely impacted by the parking of cars along the length of the site and in particular to ensure that there is a strong physical barrier to prevent parked cars or lorries using the access road from falling down the bank and over the boundary into neighbouring properties. We would suggest that this be an essential condition.

#### 7. Drainage

The architect has stated in the application form that the sewage will be discharged into the Mains Drainage system. However, the property like Shepherds Cottage and the surrounding cottages in the village are not connected to a 'Mains Drainage system' as there simply isn't one! Therefore, no satisfactory explanation or proposal has been given for dealing with foul water & sewage waste in this proposal. It is surprising that Thames Water haven't picked this up and commented on this point.

There is also insufficient detail about the installation of drains to deal with the increased surface water run-off from hard surface areas.



Without the correct drainage solutions, the surface water run off could cause erosion of the thin chalky soil on the bank on the southern boundary and consequently the destruction of the delicate woodland

8. Ecology report

The Ecology reports are out of date.

9. Heritage Report

The Heritage Report is not only out of date, it also is misleading as a supporting document for this application as it includes an updated plan which refers to the previous applications for the Replacement Winery and Tree houses which have now been refused. This appears to signify the intent of the applicant to continue with his grandiose plans for an events business or appeal those refusals. If this is the case, then in all fairness to the residents of Frithsden, this application should be held until the applicant's plans for the rest of the site are fully disclosed.

We also challenge many of the Assumptions made in it about the importance of the 4 Listed properties that lie closest to the village that form a great part of the historic village namely Shepherd's Cottage which immediately abuts the vineyard on its southern Boundary, Little Manor which is such a distinctive landmark by the green at the entrance to the Roman road and Clayton Cottage which also has land neighbouring the southern boundary of the Vineyard.

The report state that the 'extant of trees on the southern boundary means that none of the 4 Listed properties are directly impacted' or adversely affected by the proposed Replacement Dwelling. This simply is not true. Certainly, Shepherds cottage has many gaps in the trees on the bank of its northern boundary with Frithsden Vineyard and both the current House and existing Winery are clearly visible from below. So, it is clear that we would in fact be overlooked as mentioned in point 2 above and suffer a Loss of Privacy if this application were granted.

10. Method of Construction and impact on the Roman Road and neighbouring properties from construction work

While we appreciate that issues to do with the construction work are not normally a valid planning consideration, given that the Roman road is the only access point, it is part of the Conservation Area and historic park of Ashridge house and it is very narrow with a very difficult access, we suggest that in these circumstances they are relevant and valid. The size and weight of lorries delivering construction materials to the Vineyard would have to be limited to ensure that the strict weight limits on the Roman Road were always observed and the historic walls, trees and hedgerows are not damaged. There are fragile clay sewer drains just below the road surface which afford sewerage drainage across our property for the cottages at Numbers 16 & 19 into a Cess pit on our land so it is likely that heavy lorries, even if they did not exceed the weight limit would damage these pipes and cause problems for us and our neighbours.

11. No Design & Access statement has been submitted to explain how building materials could be safely delivered and soil/waste in the quantities required removed from the site without significant damage to

the Roman Road.

Roman Road and Frithsden Lane (along which construction traffic would have to pass) are narrow lanes used by residents but also by many vulnerable road users on a daily basis including walkers, cyclists and horse riders from Frithsden, Nettleden, Potten End and Little Gaddesden enjoying the bridleway network, a key bridleway starting from opposite the Alford Arms pub. The increase in traffic, from construction traffic will not only damage the tranquility and character of the village, increase noise nuisance but also put these vulnerable road users at far more risk of accidents than at current traffic usage levels. Both roads are single track and Roman Road is so narrow that there is no room for a horse and rider to pass a vehicle safely.

#### 12. General Comment

We are not able to consider fully the impact of proposed redevelopment of the entire site as it has been split by the architect in this application from the Winery. It is not possible therefore, at this stage, to understand how the Replacement Dwelling proposed in this application will fit in with the applicant's New Winery and Vineyard proposal. It is still held in a single ownership and needs to be evaluated by Dacorum and the public overall to enable a full consideration of their proposed redevelopment plans for the entire Frithsden Vineyard.

We have again discussed the proposals with the Frithsden & Nettleden Society and our immediate neighbours who are strongly of the view that this new application is also entirely inappropriate and should also be refused.

Once again it is felt that the proposal does not meet the planning policies put in place for the protection of the Chilterns AONB and Rural Area. There has been no attempt by the applicant to discuss his proposal for a second design either with us, the Frithsden & Nettleden Society or the Parish Council and unfortunately the second application also demonstrates a complete disregard of the policies that are there to protect the beauty of the AONB, the village, its residents and visitors.

#### Relevant Planning policies

##### 1. Chiltern Conservation Board's Management Plan

Policy C7 requires development to observe the principles set out within the Chiltern Design Guide.

##### 2. Chiltern Design Guide

DP1 states that the ANOB should have the highest level of protection for landscapes and scenic beauty.

DP2 states that development should be rejected unless it meets specific criteria including:

- a. it is a use appropriate to the location.
- b. it is appropriate to local landscape character.
- e. it enhances natural beauty.

h. there is no harm to tranquility through the generation of noise, motion and light that spoils quiet enjoyment of disturb wildlife.  
L there is no negative cumulative effect, including when considered with other plans and proposals.

DP8 requires that skies should be kept dark at night by only using electric light where it is needed. The replacement house, winery and treehouses proposed will dramatically increase light pollution and disturb the wildlife where nocturnal animals thrive.

### 3. Dacorum Core Strategy 2006-2031

Policy CS1 states that the rural character must be conserved, and development should cause no damage to the existing character of a village and/or surrounding area and be compatible with policies protecting and enhancing the Rural Area and AONB.

Policy CS12 states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Policy CS24 of the Core Strategy states that the special qualities of the Chilterns AONB will be conserved and requires development to have regard to the Chiltern Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide.

Policy CS25 states that all development will help conserve and enhance Dacorum's Natural and historic landscape.

4. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty in the AONB which have the highest status of protection in relation to these issues.

### Summary & Conclusion

In conclusion, Shepherds Cottage immediately adjoins Frithsden Vineyard and will be directly and very negatively impacted should the current application be approved. The new Replacement Dwelling that is finally approved must conform and comply with the design and size requirements of its setting in a quiet hamlet where the tranquility of the AONB is maintained and highly valued by its residents. We hope a more modest and suitable Replacement Dwelling is proposed in the future that does not cause us concern from the intrusion of Overlooking and our loss of privacy and that our rights will be recognised, upheld, and enforced by Dacorum by rejecting this application.

Once again, we thank you and appreciate your listening to our concerns.

Additional comments from the owners of Shepherds Cottage objecting to 2 new documents posted on the Dacorum planning portal by the applicant's agent dated 15th May 2023 for the planning application for a

replacement dwelling, Council reference 22/02538/FUL, Frithsden Vineyard, Frithsden Lane Frithsden, Hemel Hempstead, Hertfordshire, HP1 3DD

We refer specifically to our comments made on the 26th January and the photos that we have supplied which have been posted on the planning portal in the Documents section on the 8th February 2023 and must comment further on the 2 documents that have been posted by the applicant titled 'Viewpoint' and 'Site section' as follows:

1. The 'Viewpoint' Document

i. The photo provided does not give a fair representation of the actual situation where there are multiple points of overlooking along the length of their southern boundary. The single photo that has been provided shows a narrow section of trees which are in full leaf currently and gives a distorted impression of what happens in reality where there are many holes in the trees on the bank that provide multiple points of overlooking which increase substantially during the winter months. The applicant has not supplied other images of the viewpoints that are also created all along the balcony sections and has not shown how this would look from above as the tree screening varies through a yearly cycle where the deciduous trees lose their leaves. Furthermore, in the image provided the existing dwelling obscures a large percentage of the view and therefore gives a false perception which is biased. Please consider the photos that we have provided that we hope demonstrate and support the issue of overlooking and loss of privacy which we have been advised by the planning officer would be in terms of planning law justifiable reasons for rejecting this application.

ii. Balconies

The inclusion of the extensive balconies should not be permitted for the following reasons:

a. They are not just 'unneighborly' they breach the planning law that exists to protect neighbors who are in similar topographical positions where one owner cannot be allowed to build non-essential structures which overlook into their neighbor's property resulting in a significant loss of privacy and amenity. We would respectfully point the planning officer to the case of *Catesby Estates Ltd and SSCLG v Steer* [2018] EWCA Civ 1697 in which the Court of Appeal confirmed that when considering the effect on the setting of heritage assets in the context of applications for new development, setting "is not necessarily confined to visual or physical impact" but that other considerations are potentially relevant including noise. The proposed replacement dwelling is right on the very edge of the Conservation Area, a heritage asset in itself as well as adjacent to the heritage asset of Grade II listed Shepherd's Cottage and also to the curtilage of of grade II listed Clayton Cottage. The proposed balconies and terracing situated higher up the valley side and overlooking these heritage assets will inevitably adversely affect the setting of all of those assets, including through substantial noise generated by those on the balconies and terracing. There is no public benefit to the application to weigh against the harm to these heritage assets. The balconies and terracing also form a sizeable and inappropriate viewing platform which are also likely to be actionable in law as a nuisance following the recent judgement in the case of

b. Fearn (and others) v Board of Trustees of the Tate Gallery 2023 UKSC4., February 2023 by the Supreme Court.

It would be wrong of the Council to allow features which, as well as being entirely inappropriate in planning terms, are likely to fall foul of the law and give rise to litigation.

c. The Balconies are inappropriate in the AONB and if consented would set the wrong precedent for future planning applications. If this application is not turned down in its entirety by Dacorum, despite the strength of all the opposing arguments that have been clearly stated then at the very least it is appropriate for the applicant to be directed to amend it to remove the balconies from this proposal so that the issue of our overlooking and loss of privacy and damage to the setting of heritage assets is addressed.

d. The presence of the balconies would motivate the applicant and/or future owners to start cutting down trees on the southern boundary to open up views. This would not only increase the problem of overlooking and our loss of privacy but would also change the landscape irrevocably and allow the dwelling to be even more visible from public footpaths in the vicinity, to the detriment of the AONB.

iii. Terrace

The large terrace (630 sq m) forms part of an extensive viewing platform with the balconies and the same comments as in ii (a, b and c) above apply. It would also enable many people to gather for noisy parties and because of the height it is at on the side of the valley the noise tends to be amplified considerably which would potentially create an actionable noise nuisance. It would be better if we weren't put in this difficult position. A terrace would be better situated to the north of the dwelling at ground level which would protect neighbor's privacy and significantly reduce the noise nuisance which will be caused by having a dwelling and terracing at that height on the valley sides.

As mentioned on many occasions we do wish to see the Vineyard and its replacement dwelling developed. But the totality of both dwelling and business has to be appropriate within its setting in Frithsden in terms of scale of structures and scale of activity in the context of a very small 5-acre site.

Further comments received on 13/06/2023:

Dear Officers and Councillors of Dacorum Borough Council

Frithsden vineyard - application for replacement dwelling Ref 22/02538/FUL – urgent

I understand from the Council's planning portal that the above matter has been scheduled to be discussed and determined at a Council meeting next Thursday 22nd June 2023 and would urgently request that this matter is delayed for the following reasons:

1. There are substantial factual and technical inaccuracies that would make a determination at this stage unsound, as follows:

	Land Survey	Applicants section	Difference
Ground level at north side of Shepherds Cottage	118.28	120	1.72m lower than shown on section
Ground level at top of retaining wall North side of Shepherds Cottage	119.96	122 approx.	2.04m lower than shown on section
Ground level at bottom of bank	123.05	125.5 approx.	2.45m lower than shown on section
Ground level at top of bank	127.88	127.7	Negligible difference
Height of property	6.26	6.8	0.54m lower than shown on section
Ridge height of Shepherds Cottage	124.7	126.8	2.1m lower than shown on section
Ridge height of Clayton Cottage	122.58		
Ridge height of proposed property		136.9 on section drawing	
Distance from Shepherd Cottage to existing dwelling	45m	44m plus tree bank	
Distance to Shepherds Cottage garden	19.5m	22m plus tree bank	

The above show that the Section drawing, which does not have a datum as to where it was taken, is incorrect with Shepherds Cottage sitting 1.72m lower than shown and the land levels being approximately 2 – 2.5m lower than shown along with the distances between properties being closer than depicted and the bank clearly being far steeper than shown, all of which demonstrate the point that the topography of the land is unique with an approximate 13m increase elevation in 45m distance; the normal back to back and other standard distances are not suitable due to the elevated nature of the site and the uniqueness of the site needs to be understood and correctly drawn.

	Elevation	Distance	Increase in elevation between properties
Living area of Shepherds Cottage	118.28	45m to property 19.86 to garden <b>Heritage Statement claims 78m-163m</b>	+12.96m elevation
Living area of Clayton Cottage	115.38	91m to property 30.7m to garden <b>Heritage Statement claims 121m-174m</b>	+15.86m elevation
Living area of Proposed dwelling	131.24		

These correct survey levels demonstrate that the land levels rise more acutely, within a closer distance than depicted on the section drawings making the proposed dwelling be taller and closer than drawn – both of which having a greater impact on us.

2. We fully agree with the email that has been sent by our neighbour [redacted] last night that explains that the neighbours that have been most affected by this application have commissioned and paid for an arboriculturist assessment and an accurate land survey due

to our concerns at the accuracy of the section drawings and lack of assessment of the tree bank that is now at the very core of the justification of this application.

We ask that time is allowed for these findings to be received and assessed as part of this application prior to determination.

It is noted that there are currently no comments from the Council's Tree Officer and bearing in mind the importance of this tree belt in terms of the Setting of the Conservation Area/Listed Buildings and the consideration of the Landscape Visual Impact Assessment together with the benefits in protecting neighbouring amenity it is imperative that the Council ensure the protection of this important landscape feature.

It is in our opinion imperative that the Committee members receive these reports to be able to have a full and accurate understanding of the topography. More specifically how the design of the proposed replacement dwelling would negatively impact the heritage assets of Shepherds Cottage, Clayton cottage and Little Manor, the historic hamlet of Frithsden and Potten End in general.

We would appreciate having the opportunity to be able to demonstrate to the Committee members that the currently vulnerable unprotected woodland should immediately be protected by a blanket TPO that would prevent the destruction or thinning of the many import tree species and the natural habitat of precious wildlife that are contained within it.

### 3. Removal of the balconies

Please see my last objection dated 29th May 2023 (copy attached) that requested that the 'inappropriate' balconies were removed from this application before the matter was sent to Committee for determination.

The balconies that run the entire length of the southern boundary would, if approved, not only create a situation of Overlooking /over bearing and Loss of Privacy/amenity to Shepherds cottage, as the property most impacted by this proposal, we are very concerned about this proposal, currently the trees have no protection at all, however even if TPO'd we are concerned that the punishment would be substantially outweighed by the benefit of the exceptional south facing views (over us and neighbouring properties) and value uplift this would achieve for the property if the tree bank was thinned / removed.

We would however prefer an element of protection through a blanket TPO route as it is our home where, without the tree bank is most impacted, as the main focus of this proposed new dwelling is directly focused and overlooks/ overbears our house and private garden. We feel backed into a corner in this respect which doesn't feel equitable and should question the focus of the proposed dwelling in this 5-acre site.

It seems perverse to allow the proposed development due to the planting, that is eminently removable and currently with no protection.

	<p>The design and focus of this building are clearly to try and achieve these views (which are over our property and private garden along with Clayton Cottage and the core of the conservation area) but to achieve these views conversely the first floor balcony level of the property would also be visible.</p> <p>With a 5+ acre site it is challenging that the design with full width balcony and excessively large, first floor roof terrace focus on their closest boundary creating this unnecessary challenge to adjacent properties.</p> <p>However, they simply must not be allowed to do this as it is inappropriate in the highly sensitive and protected Chilterns AONB.</p> <p>The first application which positioned the replacement dwelling higher up the site in an elevated position would have enjoyed these southerly views over the hamlet and valley. When the application was refused primarily due to the negative impact which was explained in the LVIA assessment, and they were compelled to build the replacement dwelling in the same position further down the slope then these excessive and inappropriate balconies were clumsily included in the new design. One can only conclude that this shows a clear intent to maximise the views and would result in a destruction of the natural woodland that forms the very character of this part of the protected hamlet.</p> <p>We will get these reports to you as soon as possible and request the opportunity for the above technical and factual errors to be corrected before it goes before the Committee members to be discussed and determined.</p> <p>We respectfully await your reply and confirmation.</p>
<p>2-3 Frithsden Gardens Hemel Hempstead Hertfordshire HP1 3DE</p>	<p>I wish to object to a building development that , if granted will transform the appearance , tranquility and tone of this rural hamlet known as Frithsden. I agree with all the points raised by my fellow residents who are objecting.</p> <p>I would, like one day, to see a regenerated vineyard on a scale appropriate to Frithsden, though given the plot size it could only be an artisan scale enterprise. So, allowing this excessive three storey elevated house with its 11 car spaces to be created, would put an end to any hope of a viable vineyard. The footprint and garden would use up most of what little space there is left to grow vines. The real vineyard would be lost forever and instead we Frithsden residents would have to endure a massive elevated carbuncle and lightbox, visually polluting the landscape day and night.</p> <p>This application cannot be allowed otherwise the hamlet of Frithsden would become yet another urbanised location, setting a precedent encouraging speculative developers and ruining our precious tranquil area and its heritage.</p>
<p>Bede Cottage Frithsden Lane</p>	<p>We object to the proposal.</p>



<p>Frithsden Hemel Hempstead Hertfordshire HP1 3DD</p>	<p>We note and support the detailed objections set out by the Nettleden &amp; Frithsden District Society, The Granary, Pipers Cottage and Shepherds Cottage.</p> <p>We make the following additional comments:</p> <p>The size and scale of this proposed dwelling are completely inappropriate in this special setting.</p> <p>The Conservation Area Document describes Frithsden as "idyllic", a place where "the vernacular scale of the buildings ..... ensures it retains an individual sense of place and a village character" and where no new dwelling has been erected since the late 19th century. In addition it is a rare survival in this area which is truly rural in character in that it is properly dark and "pin-drop" silent after nightfall apart from the occasional passing car and the noises of the abundant wildlife. Existing houses in the Conservation Area are "low -built, two-storey houses or cottages" "of vernacular scale" and the houses are "tucked away from public view" and "even garages have been designed to respect local materials and massing".</p> <p>The proposed property is extremely large with square footage twice the size of the existing home. It has large windows and skylights in the roof. It has been suggested this could easily be converted to third storey living accommodation and it is inevitably, at this height, going to be a source of light pollution. In general the massive area of glazing is out of keeping with the traditional windows in the rest of the village.</p> <p>Although they have tried to incorporate local materials in the building this does not in any way compensate for the inappropriate size and design of the proposed dwelling.</p> <p>It is disingenuous to suggest as the Heritage Statement does that the four listed buildings in the immediate vicinity of the proposed dwelling are of little merit and listed solely on account of their age and that "there will be no harm caused". We do not agree that there will be no impact on the setting of these properties or that they are of no heritage value. The value of the village lies in its overall character, and charm as detailed in the "Frithsden Conservation Area Character Appraisal &amp; Management Proposals" document.</p> <p>We agree with other objectors that owing to its size and height the proposed dwelling will be visible (and intrusive) from other properties and the surrounding landscape during winter months at least.</p> <p>We do not believe this proposal can be considered in isolation from the wider proposed winery and treehouses development which have been rejected but we, along with other local residents, expect will be re-presented at a later date. Along with other residents we believe this piecemeal approach to planning is unfair as our major concern is with a largescale hospitality / tourist venue and large winery business developing on the site.</p> <p>We fear that the design of the proposed property with large entertaining spaces, balconies and 11 parking spaces means that the intention may</p>
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be for future use as guest / Airbnb accommodation. We agree with the concerns of immediate neighbours that this may lead to excessive noise disturbance and increased traffic.

So far as we are aware the woods at Frithsden are part of the Chilterns Beechwood Special Area of Conservation (SAC) announced earlier this year and linked to the Habitat Regulations Assessment within Dacorum. Under these regulations you have a responsibility to ensure the SAC is not adversely affected by any new development. Increased visitor numbers have recently damaged and widened Roman Road, Frithsden Lane, the protected woodlands, local footpaths etc. and created noise and litter nuisance. We need to be reducing footfall to protect this special environment. We should also be opposing the replacement of any dwelling with a significantly larger property (particularly if this has the potential to be used for tourism ) in the immediate proximity - The HRA suggests "anything which results in an increase in the local population" (HRA FAQs Q6) should be of concern.

We have previously expressed our reservations about the development of the Vineyard as a winery and potential events venue. Events such as weddings would cause great noise disturbance throughout the Frithsden valley as well as significant excess traffic disturbance. Whilst it is laudable to encourage tourism and job growth this special place is totally unsuited to such developments. Noise ricochets and echoes widely across the valley due to the topography. Frithsden Lane is already suffering along all of its verges from erosion, damage and widening due to excess traffic. This type of development will further contribute to the erosion of the special character of this place in particular its rural nature, true darkness and silence which at the moment are greatly valued by its residents and others who walk and cycle in the area. These features also enable the local varied wildlife to flourish. It would be a great shame if Frithsden deteriorated to become another Home Counties "Millionaire's Row"

**ITEM NUMBER:**

<b>22/03037/FUL</b>	<b>Demolition of existing building and the development of the site to provide 1 additional dwelling (Use Class C3)</b>	
<b>Site Address:</b>	<b>The Croft Northchurch Common Berkhamsted Hertfordshire HP4 1LR</b>	
<b>Applicant/Agent:</b>	<b>Mr Day</b>	<b>Ms Emma Adams</b>
<b>Case Officer:</b>	<b>Elsbeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Northchurch Parish Council</b>	<b>Northchurch</b>
<b>Referral to Committee:</b>	<b>Objection from the Parish Council.</b>	

**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 include the demolition of the stables, summer house, taking into account an approved double garage (not built but extant) and the creation of a new dwelling.

2.2 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.

2.3 The overall size, scale and design of the proposed alterations are acceptable, they relate well to adjacent buildings 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 impact on the amenity of existing and future residents of The Croft of passing vehicles and pedestrians using the shared access in front of The Croft to access the proposed dwelling will be mitigated by enhancing the existing landscaping.

2.4 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.-

2.5 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS5, CS8, CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The application site lies on the northern side of an unclassified road (a BOAT) and comprises an existing dwelling known as The Croft and its long rear garden to the north, currently occupied by a stable building and summer house.

3.2 The access and a track to the stable building is provided along the western edge of the site.

3.3 The site lies within the Metropolitan Green Belt and the Chilterns AONB.

## **4. PROPOSAL**

4.1 The application seeks full planning permission to demolish the existing stable and summer house and the development of the site to provide 1 additional dwelling (Use Class C3). Two parking spaces will be provided to the front of the new dwelling with amenity space to the rear.

## **5. PLANNING HISTORY**

Planning Applications

4/01637/96/FUL - Loft conversion & new dormer  
*GRANTED - 5th February 1997*

4/01507/96/FHA - Demolition of existing garages, store and conservatory. Erection of double garage, store and conservatory  
*GRANTED - 6th February 1997*

4/01059/97/FUL - Erection of stable block  
*GRANTED - 6th November 1997*

4/01054/01/FHA - Utility room and roof to porch  
*GRANTED - 2nd August 2001*

4/02014/00/FUL - Conversion of redundant stable to provide granny annexe  
*REFUSED - 12th January 2001*

4/00140/02/FHA - Amendments to application 4/01054/01 (utility room and porch)  
*GRANTED - 13th March 2002*

## **6. CONSTRAINTS**

Area of Outstanding Natural Beauty: CAONB outside Dacorum  
BCA Townscape Group  
CIL Zone: CIL1  
Green Belt: Policy: CS5  
Parish: Northchurch CP  
RAF Halton and Chenies Zone: Red (10.7m)  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
Parking Standards: New Zone 3

## **7. REPRESENTATIONS**

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS24 – Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS29 - Sustainable Design and Construction

Local Plan 1991-2011 – Saved Policy 99 and Appendix 3

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

Other:

Chilterns Conservation Board Management Plan  
Chilterns Buildings Design Guide

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The site lies within the Green Belt wherein policy CS5 of the Core Strategy states that the Council will apply national planning policy in order to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. This policy does go on to state that small scale development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

9.3 The above is considered to be consistent with the NPPF which states at paragraph 149 (g) that the partial or complete redevelopment of previously developed land, whether redundant or in

continuing use, would be acceptable in the Green Belt, provided that it 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 identifiable affordable housing need within the area of the local planning authority. This scheme does not include the provision of affordable housing.

9.4 The NPPF at Annex 2 defines Previously Developed Land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes however, land that is or was last occupied by agricultural or forestry buildings.

9.5 Residential garden land outside of built up areas is considered PDL for Green Belt purposes. There are currently two outbuildings on site, located to the north of the dwelling, and confirmation that a garage outbuilding can be constructed on the land, has also been provided as part of the submission, due to extant planning permission (4/01507/96/FHA).

9.6 Based on the NPPF definition of Previously Developed Land, it is therefore considered that the redevelopment of the site, or part of it, would be acceptable in Green Belt principle terms. This is subject to the impact on openness being no greater than existing built form, which is further discussed below.

9.7 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) 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.

9.8 Policy CS17 of the Core Strategy acknowledges that windfall sites such as this are an element of housing supply.

Impact on the openness of the Green Belt

9.9 Consideration of both spatial and visual aspects are required in the assessment of whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.

9.10 In addition to the stables on the site, there is an extant permission for a double garage and store of approximately 42.5 square metres to the corner of the site behind the rear boundary of the adjacent Park House.

Parameter	Existing stables, summer house and approved garage	Proposed Dwelling	Difference
Footprint	Total 120 square metres	109 square metres	Minus 11 square metres
Volume	Total 395 square metres	418 square metres	Plus 23 cubic metres

Parameter	Stables	Approved garage	Proposed dwelling
Ridge height	3.2 metres	4.4 metres	6 metres
Eaves height	2 metres	1.9 metres	3.5 metres

9.11 It is acknowledged that there would be an increase in height of the proposed building compared with the heights of the existing/approved buildings but the proposal would have the effect of

consolidating built form, bringing it closer to the existing dwelling and away from the northern edge of the plot, which is more sensitive in landscape terms.

9.12 It is considered that this would be an enhancement in visual and spatial terms. In addition, the submission sets out that around half of the existing driveway leading to the stables would be removed, as a result of the dwelling being located towards the south and in line with “Lynmouth” and “The Barn”.

9.13 It is noted that Green Belt harm could arise through the intensification of the site, which would include an increase in population, as well as an increase in vehicular movements and domestic paraphernalia.

9.14 On balance however it is considered that the proposed scheme would reduce the sprawl of development across the site and focus the development towards the middle of the site and infilling the space between the two existing dwellings “Lynmouth” and “The Barn” and would assist in safeguarding the countryside from encroachment as outlined in Para 138 of the NPPF.

9.15 In order to control unrestricted sprawl across the site it is considered necessary and reasonable to condition the removal of outbuildings, ensure that the extant permission cannot be built and to remove class A, E and F Permitted development rights.

9.16 It is considered that the proposed scheme is appropriate development and would not have any greater impact on the openness of the Green Belt than the existing/approved development and therefore complies with the NPPF and CS5.

#### Impact on the Chilterns AONB

9.17 Policy CS24 of the Core Strategy states that the special qualities of the Chilterns AONB will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and actions set out in the Chilterns Conservation Board’s Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

9.18 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

9.19 Whilst it is recognised that the site falls within the Chilterns AONB, as set out above, there are already two dwellings set back in line with the proposed dwelling, on either side of the application site. Given that the proposed dwelling would sit between two existing buildings, it would appear from longer views to the north as though the dwelling follows an established building line. Similarly, although a new dwelling would likely lead to an increase in night time glow, this would be seen in the context of the two dwellings on either side.

9.20 The design of the new dwelling is simple in form, scale and materials and is in character with many of the outbuildings located near to the site. The materials to be used for the walls will be similar to those used on the adjacent dwelling “The Barn”. The design sits comfortably in this location and maintains the overall character of the area. The proposal will not be prominent in the skyline as it sits between the two existing dwellings and is single storey in design.

9.21 As such, it is considered that the proposal would not result in any significant levels of harm to the CAONB. The proposal therefore complies with policy CS24 of the Core Strategy.

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

9.22 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

9.23 The proposed dwelling would be broadly in line with “Lynmouth” and “The Barn”, each of which are accessed from the main highway via a track to the side of dwellings that front the road. Therefore the proposal could be seen as filling in a gap between two existing dwellings. Although back-land development is not generally supported, it is clear that “Lynmouth” and “The Barn” present a case for this being in keeping in spatial terms. The submission also indicates that the track leading up the western edge of the plot is already in situ.

9.24 The footprint of the building would be a T-shape which is acceptable in principle. The building would be kept to single storey and this again would appear appropriate. The majority of buildings fronting the highway are single storey bungalows although some houses do provide accommodation within the roofspace. The proposal respects these more prominent buildings and appears subservient.

9.25 The use of facing brickwork to the plinth, timber weatherboarding above and plain clay tiles are considered to be acceptable in principle, as these would have a suitably rural character.

9.26 The parking and turning area has the potential to dominate the area at the front of the dwelling, however as noted above there would be an overall reduction of hardstanding. In addition to this, it appears that the area to the front of “Lynmouth” and “The Barn” are hard surfaced in order to provide parking and turning areas. Therefore provided this area is limited, it would likely be acceptable in this instance.

9.27 It is acknowledged that in terms of plot size the scheme is different to the prevailing character of Northchurch Common but the immediate neighbour has an identical length of garden. The width of the neighbour’s garden is approximately 11 metres with the proposed garden for The Croft being approximately 9 metres wide at its widest and approximately 6 metres wide towards the end of the garden. So it is considered that overall there is very little difference. There are also some smaller plots to the north west of the site such as “Westcroft” and “Sunhaven” as you approach the settlement coming up the hill. On balance, it is not considered that the proposed garden size is harmful to the character and appearance of the area.

9.28 It is therefore considered that the scheme accords with policies CS11 and CS12 of the Core Strategy.

#### Impact on Residential Amenity

9.29 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, 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 proposals should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.

9.30 Based on the submitted plans and the fact that the dwelling is single storey, it appears that there would be no unreasonable harm to “Lynmouth” or “The Barn”. The dwelling would be set in from the boundaries and although it appears relatively close to the western boundary, “Lynmouth” is



set several metres away from this boundary. Similarly it is not expected that any significant levels of overlooking would occur, given the single storey nature of the building and the fact that the garden land can already be accessed on foot, meaning any views from the ground floor windows would be akin to simply standing on the site.

9.31 There is a two metre close boarded fence along the side boundary with “Lynmouth” and a two metre high brick wall along the side boundary with “The Barn” along with mature vegetation along parts of the boundary. Based on the boundary treatment it is not considered that there will be any direct overlooking into either of the neighbours from the new single storey dwelling. This boundary treatment also offers privacy for future residents of the new dwelling.

9.32 “The Barn” is a chalet bungalow with no first floor windows facing the site and “Lynmouth” also is a form of chalet bungalow which has no first floor windows facing the site thus ensuring that the residents of the new dwelling will not be overlooked.

9.33 The distance between the rear elevation of “The Croft” and the proposed new dwelling is well in excess of the minimum stated in Saved Appendix 3 of 23 metres. The back garden of the proposed new dwelling will be approx. 35 metres in length which is well in excess of the minimum of 11.5 metres stated for gardens and amenity space.

9.34 The access and driveway for the new dwelling will pass in front of the existing dwelling “The Croft” it is considered that any glare from headlights or overlooking can be dealt with via landscaping. It is recommended that the landscaping condition include additional planting for this area.

9.35 The windows in the side elevation of “The Croft” which face the vehicular access are secondary windows which will not be affected by the passing vehicles or pedestrians.

9.36 In principle, it is therefore considered that the development would be acceptable having regard to the impact on neighbouring properties as well as considering the living conditions of the future occupiers of the development, and those of the existing dwelling The Croft.

9.37 In order to safeguard the residential amenities of the existing and proposed dwellings it is considered necessary and reasonable to condition the removal class A, B, C, E and F Permitted development rights.

#### Impact on Highway Safety and Parking

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

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

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

9.40 The application does not propose any changes to the existing access.

9.41 HCC Highways have made a recommendation of ‘Other’ as the dwelling will not be accessed via the adopted highway network.

9.42 HCC Highways advised that the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, an 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, Highways recommend that Herts Fire and rescue be consulted.

9.43 Herts Fire and Rescue's Fire Safety Advisor has stated that there are two options to provide access for an appliance.

1. Provide turning that can be demonstrated (using a swept path analysis of the appropriate sized vehicle, in accordance with ADB Section B5).
2. Provided a fire appliance could stop 20m into the access road as it approaches from the highway, the application would be meeting guidance if this dwelling were to be fitted throughout with sprinklers.

9.44 The proposal meets option 2 and the new dwelling will be fitted throughout with sprinklers.

9.45 The requirement for sprinklers exists due to the guidance given in fire access and water provision ADB.

9.46 The fire appliance cannot turn around at the proposed dwelling and the maximum reversing distance is 20m on a road of 3.7m minimum width, leaving the fire appliance further than the 45m maximum distance required by the guidance.

9.47 A sprinkler system will control a fire for a period of time that will give the fire crews extra time they need to lay longer lengths of hose and equip themselves as necessary to tackle the fire.

9.48 Once this information was provided the Fire Safety Advisor had no further comments to make in regards to access and water.

9.49 The NPPF, Policies CS8 and CS12 of the Core Strategy 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.

9.50 The proposal would result in the provision of two car parking spaces towards the front of The Croft for this dwelling and two spaces towards the front of the new dwelling.

9.51 The parking requirement for the proposed two bedroom dwelling to be located in Accessibility Zone 3 is 1.5 spaces.

9.52 The Croft is a three bedroom dwelling and the parking requirement for a 3 bedroom dwelling in Accessibility Zone 3 is 2.25.

9.53 The proposal provides for a turning area to ensure vehicles can exit in forward gear. Electric Vehicle Charging Points will be provided for these spaces to accord with the requirements of the SPD. Provision of the EVC points will be a condition of any approval given.

9.54 The proposed 2 spaces for the new dwelling could be considered a small over-provision, however bearing in mind the site's rural location within the Green Belt, it is not considered that there would be any harm caused. There is sufficient space at the front of The Croft for additional parking so the 0.25 deficit would not be an issue. As such, it is considered that the proposal would be acceptable in respect of highway safety and parking provision.

#### Impact on Ecology

9.55 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.56 As the proposal involves the demolition of existing buildings HCC – Ecology were consulted.

9.57 The proposed development is accompanied by a Preliminary Roost Assessment (PRA) by '4 Acre Ecology Limited' (July 2022). The report found that the building had 'negligible potential' to support a bat roost so no further surveys are required but an informative is recommended regarding protection of bats and their roost.

9.58 The PRA identifies the low risk of great crested newts making use of the site from potential breeding ponds less than 500m distant. Great crested newts are afforded similar protection to bats and should be a consideration. The PRA identifies only a low risk that they could make use of the site given the distance and presence of unsuitable habitat for rest/hibernation and recommends the adoption of avoidance measures to be secured via a Working Method Statement. It is agreed that this approach and the great crested newt Method Statement should be secured by a condition. This will adequately reduce the risk of an offence being committed.

9.59 In addition to an assessment of the existing situation on site, the NPPF also requires all development to deliver a biodiversity net gain. These net gains can be delivered in various ways but typically include the installation of bat/bird boxes, bee bricks, new tree and hedge planting etc.

9.60 The opportunity exists to provide modest enhancements for biodiversity as part of this development. The installation of an integrated bat box in the new building and the introduction of night flowering plants as recommend in s7.13 & 7.14 of the PRA should be encouraged. It is recommended that this be made a prior to occupation condition.

#### Sustainable Design and Construction

9.61 Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the CS and saved Policy 129 of the DBLP, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

9.62 Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note. Any application should be accompanied by a Sustainability Statement as required by Para 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement, a template checklist for which is available on the DBC website.

9.63 Details of SUDS and any proposed renewable energy measures should be provided.

9.64 A condition will be set on any approval regarding the above.

#### Contaminated Land

9.65 The Contaminated Land Officer was consulted on the above application and raised no objection to the proposal on the grounds of land contamination and advised that there is no requirement for further contaminated land information to be provided.

9.66 The Contaminated Land Officer did recommended that certain informatives be included on any permission that is granted to reflect the fact that outbuildings, albeit of a domestic nature, are being

removed and that the areas currently occupied by them are being restored to soft landscaped private garden.

### Environmental Health

9.67 The Environmental Health Officer was consulted on the above application and raised no objections regarding noise, odour or air quality. Several informatives were recommended if approval given relating to waste management, construction working hours, dust, air quality and invasive and injurious weeds.

### Other Material Planning Considerations

#### *Thames Water*

9.68 Thames Water had no comments to make on the application.

#### *Impact on Trees and Landscaping*

9.69 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.

9.70 There are no Tree Preservation Orders or otherwise protected trees within the application site and the site is not located within a Conservation Area.

9.71 The proposed scheme proposes to retain existing landscaping and provide additional tree planting to enhance and create an overall biodiversity net gain. The area of hardstanding/access drive will also be reduced and replaced by grass/landscaping.

9.72 It is recommended that a condition requiring a landscaping scheme should be placed on any approval.

#### *Waste Management*

9.73 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling.

9.74 The plans show adequate space for the provision of domestic bin storage close to the access 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.

### Response to Neighbour Comments

9.75 Objections have been received raising the following concerns:

- no new houses should be built in the Green Belt or AONB;
- will be out of keeping;
- building more houses will affect the semi-rural character of the area;
- affect local ecology and trees;
- close to adjoining properties – result in loss of amenity;
- narrowness of the plot;
- development too high;
- loss of privacy;
- loss of light;
- noise nuisance and pollution;

- inadequate access and parking;
- increase in traffic;
- no access for a fire tender;
- contaminated land;
- overdevelopment of the site – should be more open land;
- inadequate public transport; and
- water supply;

The material planning considerations listed above have been addressed in the report.

### Town Council Comments

9.76 Northchurch Parish Council objects to the application noting that the drive to the new property is longer than the required maximum of 45m from the access road and that the area shown for turning emergency vehicles is inadequate.

9.77 The Council considers that the drawings shown are badly drawn and incorrect dimensions are shown.

9.78 The Council is also aware that the site is within the Chiltern Beechwoods SAC, next to AONB and the Green Belt.

9.79 The HCC Fire and Rescue are satisfied with the plans now provided and state that they comply with the safety requirements for access by emergency vehicles. There is no evidence that the plans submitted are incorrect.

### Community Infrastructure Levy (CIL)

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

### Chiltern Beechwood Special Area of Conservation

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

9.82 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.83 The development would cause additional reactional pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement. It is noted that the site is outside the SAC exclusion zone.

### *PLANNING BALANCE*

9.84 Paragraph 11 of the NPPF states the following:

11. *Plans and decisions should apply a presumption in favour of sustainable development.*

.....  
.....  
.....

*For decision making this means:*

....

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

....

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.85 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

9.86 It is acknowledged that the Council cannot demonstrate a five year housing land supply and that the presumption in favour of sustainable development – otherwise known as the ‘tilted balance’ – is applicable in this instance.

9.87 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.

9.88 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted.

9.89 As not considered inappropriate under para 149g residential development is considered acceptable in this instance and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

## **10. CONCLUSION**

10.1 The proposals are complicit with the development plan and National guidance when taken as a whole and material considerations are factored in, it is therefore recommended that the application 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:**

**Site Location Plan 2813.01A  
Proposed Site Plan 2813.04 A  
Proposed Elevations 2813.06  
Proposed Floor and Roof Plans 2813.05  
Fire Tender Access Plan 2813. FIRE**

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

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

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013).

4. **No development shall take place until a method statement that describes the 'reasonable avoidance measures' that will be put in place to reduce the risk of construction activities harming great crested newts within the development site. The method statement shall include:**

- **Purpose and objectives for the proposed works;**
- **The working methods to be adopted. These shall be proportionate to the level of risk;**
- **The area where the methods will be applied;**
- **The period of time these will be carried out and the people responsible; and**
- **The works shall be carried out strictly in accordance with the approved details.**

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

5. **Prior to occupation the installation of an integrated bat box in the new building and the introduction of night flowering plants as recommend in s7.13 & 7.14 of the PRA should be implemented and maintained in perpetuity.**

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

6. **Details of the proposed electric vehicle charging points and associated maintenance arrangement for the development shall be submitted to and approved in writing by**

**the Local Planning Authority and thereafter implemented prior to first occupation in accordance with the agreed details.**

Reason: To enable future occupiers to charge low emission vehicles in a safe and accessible way in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 112 (e) of the National Planning Policy Framework (2021).

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

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs in particular enhancing the existing vegetation immediately to the front of The Croft to reduce the amount of glare from headlights into the front windows and any loss of privacy that may occur from passing vehicles or pedestrians;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

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

**The approved landscaping scheme must be retained in perpetuity.**

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

**8. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:**

- (a) a timetable for its implementation; and,**
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

**The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of



surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

9. **The development hereby permitted shall not be occupied until a scheme for the installation of sprinklers ('the sprinkler system') has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be fully installed and operational prior to the occupation of any part of the development. The sprinkler system must be retained in the approved dwelling in perpetuity.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Borough Core Strategy (2013) and Section 8 of the National Planning Policy Framework (2021).

10. **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 and F**

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).

11. **No construction of the superstructure shall take place until details of proposed sustainability measures (a Sustainable Design and Construction Statement) within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

12. **The stables and summerhouse shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

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).

Reason: To accord with the approved plans and for the avoidance of doubt.

13. **The concrete yard around the stable and the gravel drive shall be removed and grassed prior to the commencement of use of the development hereby permitted.**

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).

Reason: To accord with the approved plans and for the avoidance of doubt.

14. **The development hereby permitted shall not be carried out and this permission shall become of no effect if the following permission:**

**4/01507/96/FHA Demolition of existing garages, store and conservatory. Erection of double garage and store and conservatory  
Granted 6/2/97**

**is at any time further implemented or built out.**

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

Reason: To accord with the approved plans and for the avoidance of doubt.

15. **The permission hereby granted is an alternative to and not in addition to, either wholly or in part the following:**

**4/01507/96/FHA Demolition of existing garages, store and conservatory. Erection of double garage and store and conservatory  
Granted 6/2/97**

**No further part of the development referred to in the above permission shall be carried out if any part of the development hereby permitted has been implemented.**

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

Reason: To accord with the approved plans and for the avoidance of doubt.

#### **Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method

statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

3. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:  
Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
4. Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.
5. 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](mailto: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.

6. 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.
7. 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.

8. 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>.
9. 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.
10. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Fire & Rescue (HCC)	<p>Apologies again for the delay in this reaching you. Following information sent to us from Highways Agency, with regards to the above planning application, we have examined the drawings and note that the provision for access does not appear to be adequate to comply with the building regulations 2010. Please see below the guidance which should be met to allow access for fire crews in the event of a fire.</p> <p><b>ACCESS AND FACILITIES</b></p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <ol style="list-style-type: none"> <li>1. Appliance access minimum width of the road between kerbs is to be 3.7m. Minimum width of gateways is 3.1 m</li> <li>2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance. The distance of 45m does not appear to being met, as the turning</li> </ol>

	<p>facilities (see 4.) do not appear to be adequate. If this is the case, vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 - 2015 Residential Buildings 50.1.2 states: Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <p>a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;</p> <p>b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).</p> <p>3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.</p> <p>4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5. The plans do not appear to show an adequate area for turning a fire appliance. If this is not the case, please could the applicant submit a swept path analysis using an HFRS vehicle measuring 8.1m long and 2.9m wide.</p> <p>In essence, there are 2 options to provide access for an appliance:</p> <p>1) Provide turning that can be demonstrated (using a swept path analysis of the sized vehicle as specified in 4. above), in accordance with ADB Section B5.</p> <p>2) Provided a fire appliance could stop 20m into the access road as it approaches from the highway, the application would be meeting guidance if this dwelling were to be fitted throughout with sprinklers as detailed in 2. above)</p> <p>We hope the above information assists you and if you have any questions please do not hesitate to contact us.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Environmental And	<p>Having reviewed the application submission and the ECP records I am</p>

<p>Community Protection (DBC)</p>	<p>able to confirm that there is no objection on the grounds of land contamination. Also, because of the residential nature of the historical land uses associated with the application site there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted. This reflects the fact that outbuildings, albeit of a domestic nature, are being removed and that the areas currently occupied by them restored to soft landscaped private garden.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Introduction/reinstatement of Soft Landscaped Private Gardens Informative: Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.</p>
<p>The Chiltern Society</p>	<p>The earlier advice from the planning officer suggested that an application would be acceptable in principle subject to satisfactory consideration of impact and design.</p> <p>Whilst the existing building and plot lie within the CAONB, it is noted that these are long thin plots along this unmade road and several neighbouring plots have built additional dwellings in the plots.</p> <p>The concern here is the narrowness of the plot and impact on the road</p>

	<p>outside and the lack of car parking for the existing dwelling. The impact on the adjoining property Park House needs to be considered and mitigated if that is possible.. The access road is not suitable for parking, as there are vehicle users servicing the properties and also there are very well used rights of way by the public on foot many with dogs.</p> <p>The Chilterns Design Guide should be followed, In our view the siting of the dwelling and access/parking should be re designed if that is possible on the plot, and this application should be refused.</p>
Parish/Town Council	<p>NPC: OBJECTION. The existing access to be used to reach the new building appears to be too narrow to allow emergency vehicles to attend. The access drive itself is very close to the building on the west, Park House, to be acceptable for traffic to pass frequently, which was not the case previously. The plot itself lies within the Green Belt and the AONB.</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>Page 2 of 6</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity</p>

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

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

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

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

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

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

#### Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory



	<p>framework to guide your decision and the role of local advice are explained below.</p> <p>Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.</p> <p>Page 3 of 6</p> <p>Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.</p> <p>We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.</p> <p>The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Camilla Davidge at <a href="mailto:Consultations@naturalengland.org.uk">Consultations@naturalengland.org.uk</a>. For any new consultations or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p>
Hertfordshire Ecology	<p>'No development shall take place until a method statement that describes the 'reasonable avoidance measures' that will be put in place to reduce the risk of construction activities harming great crested newts within the development site. The method statement shall include:</p> <ul style="list-style-type: none"> <li>. Purpose and objectives for the proposed works;</li> <li>. The working methods to be adopted. These shall be proportionate to the level of risk;</li> <li>. The area where the methods will be applied;</li> <li>. The period of time these will be carried out and the people responsible; and</li> </ul> <p>The works shall be carried out strictly in accordance with the approved</p>

	details.'
Environmental And Community Protection (DBC)	<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><b>Working Hours Informative</b> 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 <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> 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><b>Construction Dust Informative</b></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><b>Waste Management Informative</b> 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</p>

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-inva>

	sive-plants
Environmental And Community Protection (DBC)	<p>Elspeth,</p> <p>(Just confirming my earlier advice - see below)</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, because of the residential nature of the historical land uses associated with the application site there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted. This reflects the fact that outbuildings, albeit of a domestic nature, are being removed and that the areas currently occupied by them restored to soft landscaped private garden.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Introduction/reinstatement of Soft Landscaped Private Gardens Informative: Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.</p>

<p>Hertfordshire Highways (HCC)</p>	<p>Location THE CROFT NORTHCHURCH COMMON BERKHAMSTED HP4 1LR</p> <p>Application type Full Application</p> <p>Proposal AMENDED PROPOSAL Demolition of existing building and the development of the site to provide 1 dwelling (Use Class C3)</p> <p>Recommendation</p> <p>OTHER This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in. Their email is <a href="mailto:administration.cfs@hertfordshire.gov.uk">administration.cfs@hertfordshire.gov.uk</a></p>
<p>Hertfordshire Highways (HCC)</p>	<p>This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in. Their email is <a href="mailto:administration.cfs@hertfordshire.gov.uk">administration.cfs@hertfordshire.gov.uk</a>.</p>
<p>Natural England</p>	<p>Natural England has previously requested further information on this proposal in our letter dated 2 November 2022, NE reference number 409945.</p> <p>The Habitats Regulations Assessment (HRA) is still needed by Natural England to determine the significance of impacts on the Chilterns Beechwoods Special Area of Conservation (SAC). Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been</p>

	obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.
Parish/Town Council	<p>NPC objects to the application noting that the drive to the new property is longer than the required maximum of 45m from the access road and that the area shown for turning emergency vehicles is inadequate.</p> <p>The Council considers that the drawings shown are badly drawn and incorrect dimensions are shown.</p> <p>The Council is also aware that the site is within the Chiltern Beechwoods SAC, next to AONB and the Green Belt.</p>
Hertfordshire Highways (HCC)	<p>Recommendation OTHER</p> <p>This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, previously we stated that a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. The applicant has now proposed sprinklers. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in.</p> <p>Our comments are other owing to no relation for this dwelling to the adopted highway network. Therefore, we are happy to keep our other and within our response it recommends you contact herts fire and rescue. If you have done that then it is up to them to make a recommendation if the site is safe for fire access. Therefore, even with the additional plans of a swept path we would still recommend an other as it would be up to herts fire and rescue to decide.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	5	0	5	0

### Neighbour Responses

Address	Comments
Westcroft Northchurch Common Berkhamsted	The proposed development is in the Green Belt and AONB. DBC should be totally against new houses in Green Belt and this AONB.

<p>Hertfordshire HP4 1LR</p>	<p>The area is NOT on mains drainage which the planners seemed unaware of on a previous adjacent development. Building more houses in this area will affect its semi-rural nature. Many walkers appreciate this everyday.</p>
<p>Berkhamsted House 121 High Street Berkhamsted Hertfordshire HP4 2DJ</p>	<p>I have previously objected to this application and those objections still stand. However, revised location and site plans have been submitted therefore further comments are required. The location plan appears to have been amended as the previous plan may not have corresponded to the Land Registry Plan. This is just a location plan so is of little interest.</p> <p>However, the revised Site Plan Ref: 2813.04A fails on many counts:</p> <ol style="list-style-type: none"> <li>1 A 'balloon' enlargement has been added for the front garden parking and bin stores. Unless the Agent has information on the availability of cars that are only 2.4 metres long, and that are acceptable to the Highways Authority, I suggest this is plan re-drawn.</li> <li>2 The inaccurate scale mentioned in item 1 above makes the front parking area to The Croft appear considerably larger than it actually is as the cars are shown as 50% size.</li> <li>3 Still no visitor parking/turning facilities shown on this plan.</li> <li>4 Still no dimensions added.</li> <li>5 Still no swept path/ widths/ radii shown for Fire Tender access.</li> <li>6 Still none of the established boundary hedgerows shown - these must be retained and protected unless we are to see yet another development start works on site with the complete removal of all trees and vegetation.</li> <li>7 A full topographical survey of the whole of the site of The Croft, (not just the proposed plot) showing trees, levels, dimensions, hedgerows etc. must be submitted for further comment together with an Ecology report including the effect of new foundations on tree and hedgerow roots, before any decisions are reached on this development.</li> </ol> <p>I strongly object to this development for the many reasons I have listed below. Also, I object to the lack of accurate and detailed information that is needed to fully understand the scheme or appreciate the negative affect it will have upon the area and the safety of the occupants of the new dwelling.</p> <p>Any authority commenting on this application must insist upon a full topographical survey showing access track dimensions, overhanging roof eaves (that reduce access widths) and also show the abundance of established hedgerows and trees that would be affected by this development. This must be provided before any comments are provided:</p> <ol style="list-style-type: none"> <li>1 - A Fire Tender would not be able to reach the new dwelling.</li> </ol> <p>The Building Regulations are strict on these issues for good reason and should be paramount in the decision making when assessing any new residential development. We have to adhere to current Fire Regulations not just for the safety of the families that would occupy the new home but also to protect the wildlife and the precious National Trust woodlands that surround this site.</p>

We are likely to experience continuing drought conditions in the summers ahead, therefore not being able to reach a fire could have dire consequences.

The Building Regulations Part B5: Access and Facilities for the Fire Service state that an access road must provide 3.7 metres between kerbs, 3.1 metres between gate posts and the furthest point/wall of a property from the Fire Tender, must not be more than 45 metres (based upon hose length).

The rear wall of the new dwelling would be 100 metres from the common access track that serves dwellings and that runs parallel to the front boundary of The Croft. I doubt that a Fire Tender could enter the front driveway of The Croft but even if it could then it would still be 84 metres from the rear wall of the dwelling.

The Fire Tender would not be able to pass between the flank wall of The Croft and the boundary to Park House. I was given permission by the owner of Park House to check this dimension and did so with a laser. There exists 2.9 metres at the narrowest point between the boundary fence and the flank wall of The Croft. However, the roof eaves of the Croft overhangs approx. 0.3 metres and is approx. 2.5 metres to the underside. This reduces the effective width to 2.6 metres. A Fire Tender is in the order of 3.1 metres high and as noted above, requires 3.7m between kerbs and 3.1m between gate posts. The Fire Tender would therefore have to stop at this point in the front driveway of The Croft and not be able to fight a fire in the new dwelling.

The Fire Department and Building Inspector must be provided with the actual dimensions on site prior to commenting on access for the Fire Tender.

It is not good enough to argue that the 1930's-built dwelling, Lymouth, to the north-west of the site has a narrow access driveway. The Fire Regulations have seen many updates since then, thank goodness. But it should be noted that the large dwelling called The Barn to the south-east of the site that was built within the last 10 years has a wide drive and entrance and considerable space in front of the house to turn a large vehicle. A Fire Tender appears to have adequate access to The Barn.

2 The Site Plan provided by the Agent is an enlarged copy of the Ordnance Map. As noted above, it completely lacks vital detail: No parking shown to the retained house The Croft.

There is no on-street parking in this area therefore visitor parking spaces are essential to both dwellings - none is shown on the plan.

No sweep radii/reversing paths for cars or delivery vans shown.

The single small tree shown on the plan appears inaccurate. Looking from the rear garden of Park House, this tree has a much larger spread and reaches the boundary line.

No dividing fences are shown.

3 A full topographical survey is required showing all trees and hedgerows as these will be vulnerable to the development and so must



be recorded at application stage.

4 I note the Ecology Report appears to have been prepared without an existing tree and hedgerow plan having been provided. The plan should show the extent of the new development upon it. Only then can comment be made regarding potential tree and hedge root damage.

5 The Woodlands Officer's input and a site visit is vital.

6 Loss of amenity. The occupier of Park House and future occupiers of The Croft would have to experience a great deal of car movements to a new family home. The living room of Park House is only 1.35 metres from the access track so noise and vibration would be noticeable. I would image that currently the track is only used for occasional access to the domestic lightweight sheds at the end of the garden. The Agent states (point 4.26) that 'the proposal will not result in any significant loss of residential amenity to neighbours in terms of privacy, loss of light or overbearing impact'. I do not agree.

7 The Agent quotes (4.7) Para 149(g) of the NPPF as being relevant: 'limited infill or the partial or complete redevelopment of previously developed land, where redundant or in continuing use (excluding temporary buildings) which could not have a greater impact on the openness of the Green Belt than the existing development'

This is not 'previously developed land'. Neither a loose box nor a domestic shed can be considered to be anything other than temporary buildings and are therefore excluded from Para 149(g).

8 The Agent quotes (4.8) NPPF being reflected in Core Strategy Policy CS5 as being relevant in that it states 'provided that it supports the rural economy and maintenance of the wider countryside'  
I am at a complete loss to see how yet another single dwelling in the Green Belt and Area of Outstanding Natural Beauty can benefit the rural economy and maintenance of the wider countryside in any way whatsoever.

9 The Agent notes (4.22) ' the generous spacing in this area of Northchurch Common provides a richness to the area's appearance'

Surely this is a strong reason not to allow infill backland development.

10 Policy Statement CS12 states: Each site development should:  
Safe and satisfactory means of access for all users  
Provide sufficient parking and space for servicing  
Retain important trees etc.

(This development does not provide any of the above)

11 The Planning Officer's Pre-App comments apparently indicate encouragement. A full assessment of the application could not have been undertaken at that stage considering the lack of detailed essential information submitted with this application.

	<p>12 Please note that the Agent has ticked the box stating that the proposed use is not one that would be susceptible to contamination.</p> <p>A proposed new family home with young children playing in the garden is likely to be at the top of the list regarding susceptibility to contaminated ground. Garden sheds housing weed killers and the like always dictates the need for a full contamination report.</p> <p>13 Traffic and dwelling numbers. I would suggest that Highways comment regarding the steep winding single access (average only 2.7 metres wide) that leads from New Road. It serves all the dwellings on Northchurch Common and surely there must be a limit to how many more it can take.</p> <p>14 I do not wish to see this spacious semi-rural woodland part of the common, the Green Belt and the AONB succumb to development. I therefore ask the planning department to reject this application.</p> <p>I previously commented and objected to this proposal for many reasons. I note that the applicant's agent has subsequently submitted a 'Fire' drawing number, no. 2813.FIRE. This drawing is based upon an OS map that does not accurately reflect dimensions on site. I was able to check the distance between the flank wall of The Croft and the boundary fence to Park House. This measures 2.9 metres, however the roof eaves of The Croft overhangs 0.3m and is only 2.5m above ground level so effectively reducing the width for a fire tender to 2.6m.</p> <p>Submitted plan 2813.FIRE shows a written dimension of 3.8m which is considerably more than that on site. Furthermore, a fire tender cannot turn within the front area of The Croft.</p> <p>The correct dimension must be added to this drawing and must include the written dimensions of the front existing driveway and the vehicles within it. As mentioned by other consultees, accurate swept paths are required and checked on site before any decisions are reached on this application.</p> <p>I previously commented that this drawing is lacking information and is inaccurate as well as not showing any of the wide hedgerows etc. The drawing therefore gives the impression that there is much more space than actually exists.</p>
<p>14 Massey House Brook Street Tring Hertfordshire HP23 5AX</p>	<p>My reasons for objecting are:</p> <p>1. The area is known as an area of outstanding natural beauty and is used by many people to walk their dogs, in addition to families using it for walking. The increase in traffic (caused by the building of a new</p>

	<p>dwelling) will potentially be dangerous for both dogs and children, both of which run freely when walking there.</p> <p>2. The newly proposed property is potentially a grave Health &amp; Safety risk. Specifically, given the dimensions of the access point to the newly proposed property, which is very narrow, when taking the close proximity of the existing property (The Croft) to the neighbouring property, (Park House), in the event of a fire at the new property, it will be impossible for a fire engine to reach this property. This could lead to a loss of life.</p> <p>3. The road leading to the existing property (and neighbouring properties) is not a "made" road and its condition is likely to deteriorate further by the increased use of traffic.</p> <p>4. The existing road is very narrow and has very limited parking or manoeuvrability for vehicles, particularly larger ones such as vans. The new property will worsen this situation and will increase both congestion and parking ability.</p> <p>5. There will be a significant invasion of privacy for one of the existing properties, given the close proximity of the new property to it. All of the existing properties were originally built on plots which allowed for sufficient space between properties. This will not be the case with the new property, leading to residents being able to see into the rooms of their neighbour's houses.</p>
<p>Park House Northchurch Common Berkhamsted Hertfordshire HP4 1LR</p>	<p>Regarding the further plans added on the 29th Nov , all the issues still exist and it appears the front Garden looks bigger and the parking looks enlarged to what space will be available. No change for the very narrow access. Fencing still not included for the boundary of the croft , Still issues with the entrance from the unmade road into the narrow access for cars delivery vans. Still no visitor's parking and turning for the new dwelling. My objection still remains. Northchurch Common is part of the Green Belt and is an area of outstanding natural beauty. I strongly object to the proposed Planning Application (Reference: 22/03037/FUL) for a new dwelling in the garden of the property named "The Croft" in Northchurch Common. My reasons for objecting are:</p> <p>1. Loss of amenities and detriment to the enjoyment of my property (Park House): This includes the adverse impact of noise pollution, air pollution (from increased exhaust fumes from vehicles) and vibrations from the increased volume of traffic to the new dwelling (which will include delivery vans and cars). This increased traffic in a very narrow access will also lead to a loss of privacy, given the close proximity of the proposed driveway to my property. In addition, there will be a loss of light resulting from the construction of the new property.</p> <p>2. The proposed Plan does not show any parking for "The Croft" and the parking (and room for turning) shown on the plans for the new</p>

dwelling is inadequate. The increased volume of traffic will, therefore, lead to congestion. This congestion will be exacerbated by the fact that there is no "on-street" parking in the vicinity.

3. In the 16 years that I have lived on the Common, accommodation for horses has never been used in "The Croft". The use of the sheds is limited to domestic use for the storage of tools and furniture.

4. The sheds vary in height between 3.3 metres and 4.3 metres. The new dwelling exceeds these measures and, being substantially higher at 6 metres in height, will be visible over the hedges. In addition, all of the hedgerows, trees and additional fencing are missing from the Plan.

5. Does the normal domestic use of wooden sheds mean that a family home can be built on the Green Belt and an area of outstanding natural beauty?

6. The parcel of land opposite the properties is owned by the Council and is rented by the occupants of "Woodcroft" (a different neighbour on Northchurch Common).

7. The land on which the proposed house is to be built on should not be considered as "previously developed" and, therefore, cannot be used as a Planning reason to justify residential development.

8. The proposed access to the new property is extremely narrow. For this reason, the plot cannot be compared to the other properties listed in the Planning Application because they have more than adequate width of access and far more space.

9. The information on the Planning Application is extremely limited.

10. If Planning Permission is given to this proposed new property, it will set a precedent for other houses to be built on Northchurch Common's Green Belt, an area of outstanding natural beauty.

Northchurch Common is part of the Green Belt and is an area of outstanding natural beauty. I strongly object to the proposed Planning Application (Reference: 22/03037/FUL) for a new dwelling in the garden of the property named "The Croft" in Northchurch Common. My reasons for objecting are:

1. Loss of amenities and detriment to the enjoyment of my property (Park House): This includes the adverse impact of noise pollution, air pollution (from increased exhaust fumes from vehicles) and vibrations from the increased volume of traffic to the new dwelling (which will include delivery vans and cars). This increased traffic in a very narrow access will also lead to a loss of privacy, given the close proximity of the proposed driveway to my property. In addition, there will be a loss of light resulting from the construction of the new property.

2. The proposed Plan does not show any parking for "The Croft" and the parking (and room for turning) shown on the plans for the new

	<p>dwelling is inadequate. The increased volume of traffic will, therefore, lead to congestion. This congestion will be exacerbated by the fact that there is no "on-street" parking in the vicinity.</p> <p>3. In the 16 years that I have lived on the Common, accommodation for horses has never been used in "The Croft". The use of the sheds is limited to domestic use for the storage of tools and furniture.</p> <p>4. The sheds vary in height between 3.3 metres and 4.3 metres. The new dwelling exceeds these measures and, being substantially higher at 6 metres in height, will be visible over the hedges. In addition, all of the hedgerows, trees and additional fencing are missing from the Plan.</p> <p>5. Does the normal domestic use of wooden sheds mean that a family home can be built on the Green Belt and an area of outstanding natural beauty?</p> <p>6. The parcel of land opposite the properties is owned by the Council and is rented by the occupants of "Woodcroft" (a different neighbour on Northchurch Common).</p> <p>7. The land on which the proposed house is to be built on should not be considered as "previously developed" and, therefore, cannot be used as a Planning reason to justify residential development.</p> <p>8. The proposed access to the new property is extremely narrow. For this reason, the plot cannot be compared to the other properties listed in the Planning Application because they have more than adequate width of access and far more space.</p> <p>9. The information on the Planning Application is extremely limited.</p> <p>10. If Planning Permission is given to this proposed new property, it will set a precedent for other houses to be built on Northchurch Common's Green Belt, an area of outstanding natural beauty.</p>
<p>Brackenhurst Northchurch Common Berkhamsted Hertfordshire HP4 1LR</p>	<p>I am concerned about the water supply to the area. Affinity water say there is only a small water pipe coming uphill to all the properties, we seem to have to boost our individual supplies. Please can this be looked into with the water company before anyone else gets planning permission in this postcode area</p>

# Agenda Item 5d

ITEM NUMBER: 5d

<b>23/00768/FHA</b>	<b>Extension over and behind existing adjacent garage.</b>	
<b>Site Address:</b>	<b>Chiltern Summit Chesham Road Wigginton Tring Hertfordshire HP23 6HX</b>	
<b>Applicant/Agent:</b>	<b>Mr Peter Bickerstaff</b>	
<b>Case Officer:</b>	<b>Victor Unuigbe</b>	
<b>Parish/Ward:</b>	<b>Wigginton Parish Council</b>	<b>Aldbury &amp; Wigginton</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

## 1. RECOMMENDATION

That planning permission be REFUSED.

## 2. SUMMARY

- 2.1 The application site is located in the village of Wigginton and within the Metropolitan Green Belt, wherein Policy CS5 of the Dacorum Core Strategy (2013) requires the Council to apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.
- 2.2 The proposed development – incorporating first floor side and single storey side to rear extensions – would amount to disproportionate additions over the original size of the dwellinghouse on the site, and constitute inappropriate development in the Green Belt. No very special circumstances have been shown to exist on the site, and to justify that the need for the proposed development would outweigh any potential harm to the Green Belt.
- 2.3 The proposed development would result in harm to the Green Belt by reason of inappropriateness and is therefore not acceptable in principle. The proposal is therefore contrary to Policy CS5 of the Dacorum Borough Core Strategy (2013) and the Green Belt protection advice contained in paragraph 149 of the National Planning Policy Framework (NPPF) (2021).

## 3. SITE DESCRIPTION

- 3.1 The site is located on the eastern side of Chesham Road, Wigginton and contains a detached originally built bungalow with main gable end roof – addressed as ‘Chiltern Summit’ – with habitable accommodation in its converted roofspace.
- 3.2 The dwelling contains a front dormer, a rear dormer and pitch-roofed and flat-roofed single storey rear extensions. There is a pitch-roofed detached garage / workshop with archway link to the northern side of the dwelling and a driveway in the front garden.
- 3.3 To the east and south-east of the site is the Champneys College of Health and Beauty, and to the south is a lodge building that serves the college. The dwelling is considerably set back from the highway, and the site’s boundaries are all have dense screens of high level trees and hedging.
- 3.4 The site is located within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty.

## 4. PROPOSAL

- 4.1 The application proposes a first floor side extension with new front dormer and enlarged rear dormer over the garage, and a single storey side to rear extension (projecting from the garage and lining up with the existing rear extensions).
- 4.2 The proposal is broadly the same as that proposed with a previous application (with reference 4/00607/01/FHA), which was refused planning permission on 05/06/2001.

## **5. PLANNING HISTORY**

### 5.1 Planning Applications:

4/00607/01/FHA - Single and first floor extension  
*REF - 5th June 2001*

Appeals):

4/00607/01/FHA - Development Appeal  
*DISMISSED – 11th November 2001*

## **6. CONSTRAINTS**

Area of Outstanding Natural Beauty: CAONB outside Dacorum  
CIL Zone: CIL1  
Green Belt: Policy: CS5  
Parish: Wigginton CP  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Red (10.7m)  
Parking Standards: New Zone 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS5 – The Green Belt

CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 – The Chilterns Area of Outstanding Natural Beauty (AONB)  
CS29 - Sustainable Design and Construction

### Local Plan

Policy 97 – The Chilterns Area of Outstanding Natural Beauty (AONB)

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The impact on the appearance of the Chilterns AONB;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

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

Policy CS5 of the Dacorum Core Strategy (2013) specifies that the Council will apply national Green Belt policy – as contained in the text of paragraphs 147 to 151 of the National Planning Policy Framework (NPPF) (2021) – to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Paragraph 149 of the NPPF in particular, specifies that Councils should regard the construction of new buildings as inappropriate in the Green Belt, with one of a number of exceptions to this being: ‘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’.

Policy CS5 clarifies that small-scale development – such as limited extensions to existing buildings – 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.

9.3 The design and scale of the proposed development are broadly the same as those proposed with related previous application reference 4/00607/01/FHA, which was refused permission on 05/06/2001 for the following reason:



*'The application site is located in the Metropolitan Green Belt wherein there is strict control over the extension and alteration of existing dwellinghouses. The proposed extension will result in a substantial increase in the bulk of the dwelling, amounting to a disproportionate addition over the size of the original dwelling house, and the proposal would therefore constitute inappropriate development in a Green Belt area. For the above reasons, the proposal is contrary to Policy 20 of the Dacorum Borough Local Plan, Policy 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft and national advice contained in the Department of the Environment Planning Policy Guidance Note No. 2 - Green Belts.'*

- 9.4 As observed during the Case Officer visit to the site, there has been no material changes in the specific circumstances of the site since the refusal of application 4/00607/01/FHA. It is also instructive to note that even though the policies used to justify the refusal of application 4/00607/01/FHA were in place before the adoption of the current local plan, core strategy and the NPPF, the policy basis related to the protection of the Green Belt in the current plan and NPPF is similar to the previous local and national policies.
- 9.5 The original dwelling has been extended with the benefit of previous planning permissions, and as was calculated during the assessment of refused application 4/00607/01/FHA, the original dwelling had an approximate floorspace of 89.96 sq. metres (this included the floorspace of a kitchen addition to the rear). The dwelling was subsequently extended to include a lounge and new kitchen with the benefit of permission reference W/2382/70, which was granted on 15/09/1970. This permission also incorporated the relocation of an original garage. The permitted lounge and new kitchen extensions resulted in a net floor area of 28.98 square metres (40.4 square metres minus the original kitchen area of 11.42 square metres).
- 9.6 The dwelling was further extended with the benefit of permission reference 4/0872/80, which was granted on 01/07/1980. The 1980 permission involved the raising the roof of the dwelling and altering the roof from a hip to gable end to accommodate a first floor / converted roofspace. The permission also incorporated the erection of a front dormer and rear dormer, and the total floor space area resulting from the development was 61.58 square metres. The combined floor area of the existing extensions built with the benefit of the 1970 and 1980 permissions is 90.56 square metres (61.58 + 28.98), which represents a percentage increase of 100.7% over the original dwelling. The 100.7% increase in floor area for the existing dwelling is already excessively high and significantly exceeds the threshold for small scale and limited extensions relative to the size of the original dwelling.
- 9.7 The combined floor area of the extensions proposed with this current application would be 85.08 square metres (38.66 for the first floor side and 46.42 for the single storey side to rear). The 85.08 square metres floor area in combination with the floor area of the existing dwelling would result in a floor area of 175.64 square metres for the proposed enlarged dwelling. This floor area would constitute an appropriate percentage increase of 195% on the area of the original dwelling.
- 9.8 The existing garage has not been included in the floorspace calculations, given that permission reference W/2382/70 shows that there was an original garage located at the front of the dwelling. Even though information has not been provided for the volumes of the original and existing dwelling, the 195% percentage increase in floor area is such that the proposed extensions would not constitute 'limited extensions' to the dwelling. The proposed extensions would constitute disproportionate additions relative to the overall size of both the original and existing dwelling, and as such, the proposed development would constitute 'inappropriate development' in this Green Belt location.

- 9.9 It is therefore considered that any further extension(s) to the dwelling would not be limited and could not be considered proportionate. It is considered that the proposed development would result in harm to the Green Belt by reason of inappropriateness, contrary to Policy CS5 of the Dacorum Core Strategy (2013) and the Green Belt protection policy contained in paragraph 149 of the NPPF (2021).

Impact on the maintenance of the openness of the Green Belt

- 9.10 The undeveloped area over the existing garage to the side of the dwelling is such that it helps to maintain the openness of the Green Belt. The proposed development, by virtue of the first floor side extension with front and enlarged rear dormers, would result in the creation of additional upper level mass and bulk of the undeveloped area over the existing garage. The enlargement of the dwelling incorporating the undeveloped area over the garage will result in a significant adverse visual and spatial impact on the maintenance of the openness of the Green Belt. This is contrary to the Green Belt protection policy contained in the NPPF (2021), which requires Green Belt land to be kept permanently open.

Very Special Circumstances

- 9.11 Paragraph 148 of the NPPF (2021) specifies that '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. The applicant has not demonstrated that very special circumstances exist on the site to justify the need for the development or to outweigh the harm by virtue of its inappropriateness and the loss of the openness of the Green Belt by virtue of its additional mass and bulk.

Impact on the appearance of the Chilterns AONB

- 9.12 Paragraph 176 of the National Planning Policy Framework (NPPF) advises that great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty (AONB), which are stated to have the highest status of protection.
- 9.13 Section 85 (1) of the Countryside and Rights of Way Act puts a legal requirement on public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area.
- 9.14 Local planning policy – i.e. Policy CS24 of the Dacorum Core Strategy - requires development to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and to support the principles set out within the Chilterns Building Design Guide. Policy 97 of the Dacorum Local Plan also remains relevant and advocates the sympathetic siting and design of structures, with colours and materials fitting in with the traditional character of the area.
- 9.15 Even though the proposed side and rear extensions would not constitute proportionate additions to the existing dwelling, they would be well-related in terms of design and materiality. The proposed extensions would retain sufficient space around the dwelling to preserve its setting within the site. The first floor side element would not project above the existing ridgeline and given the well-screened location of the site, the extensions would not be visually intrusive on the open character of the surrounding countryside. The proposed extensions would cause no significant visual impact to the countryside, as the dwelling is set in substantial grounds and is screened from public view by dense belts of hedging and trees.

Given the domestic setting of the site and the relatively secluded and isolated location of the site, the development will not significantly detract from the appearance of the AONB.

- 9.16 In summary, the proposed development would not cause any significant harm to the AONB and it follows that the proposal is in accordance with Policy CS24 of the Dacorum Core Strategy and Policy 97 of the Dacorum Local Plan. Regard has been had to the legal requirement of public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area, which it is acknowledged is a higher duty.

#### Impact on Residential Amenity

- 9.17 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 Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy 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
- 9.18 The application site is located in an isolated and secluded section of Chesham Road. There is no residential property that borders the site to the north. The closest residential site – The Lodge building – is located a considerable distance to the south, whilst to the east and south-east is the expansive grounds of Champneys College. The proposed extensions would have no detrimental impact on the amenities of the adjacent neighbours at the Lodge site to the south, and given ample natural screening along the front, sides and rear boundaries, the development would be mainly hidden from public view.
- 9.19 The proposal therefore complies with the objectives of Policy CS12 of the Dacorum Core Strategy.

#### Impact on Highway Safety and Parking

- 9.20 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Council's Parking Standards Supplementary Planning Document (SPD) (2020), all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.21 The windy driveway in the front garden has an extensive length and forms an off-street car parking area (at the northern end of the garden) capable of accommodating at least 4 cars parked safely off the highway. This adequate parking provision is such that it exceeds the maximum provision required for a 3 plus bed dwelling in that parking zone, and it therefore accords with the objectives of the Council's Parking Standards SPD (2020)

#### Other Material Planning Considerations

##### Impact on Trees and Landscaping

- 9.22 It is proposed on the submitted plans that some hedging along the northern side boundary would be pruned, but that there would be no felling of any of the trees on the site. It is not considered that any pruning works would constitute felling works and as such, it is considered that the proposal would not prejudice the retention of any significant trees on the site.

##### Response to Neighbour Comments

9.23 No neighbour comments have been received.

Response to Parish Council

9.24 The Parish Council expressed a support for the proposal on the following grounds:

- The extension will be over the existing garage resulting in no increase on dwelling footprint.
- Materials selected to match existing dwelling.
- Little or no visual impact on the environs.

In response to the above comments from the Parish Council, while the comments are noted, it is considered that the points raised in respect of dwelling footprint, materials and visual impact do not constitute very special circumstances that could outweigh the identified harm resulting from inappropriateness and loss of openness. The NPPF (2021) gives emphasis that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt during the consideration of any planning application.

Community Infrastructure Levy (CIL)

9.25 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)

9.26 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.

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

**10. RECOMMENDATION**

10.1 That planning permission be REFUSED.

**Reason(s) for Refusal:**

1. The application site is located in the Metropolitan Green Belt and the proposed development would amount to disproportionate additions over the original size of the dwellinghouse, constituting inappropriate development in the Green Belt. No very special circumstances have been shown to exist on the site, and to justify that the need for the development would outweigh any potential harm to the Green Belt. The development would result in harm to the

Green Belt by reason of inappropriateness, and is therefore contrary to Policy CS5 of the Dacorum Borough Core Strategy (2013) and the Green Belt policy contained in paragraphs 148 and 149 of the National Planning Policy Framework (NPPF) (2021).

**Informatives:**

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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
Parish/Town Council	<p>Support</p> <p><u>The Parish Council expressed a support for the proposal on the following grounds:</u></p> <ul style="list-style-type: none"> <li>- <u>The extension will be over the existing garage resulting in no increase on dwelling footprint.</u></li> <li>- <u>Materials selected to match existing dwelling.</u></li> <li>- <u>Little or no visual impact on the environs.</u></li> </ul>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

**Neighbour Responses**

Address	Comments

# Agenda Item 5e

ITEM NUMBER: 5e

23/00807/FHA	Installation of trellis fencing and two gates.	
Site Address:	22 Ashlyns Road Berkhamsted Hertfordshire HP4 3BN	
Applicant/Agent:	Ms Rosalind Boreham	
Case Officer:	Heather Edey	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Contrary View of Parish Council	

## 1. RECOMMENDATION

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

## 2. SUMMARY

2.1 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Whilst significant in terms of their height and length, on balance, it is considered that the proposed new gates and trellis fencing are acceptable in this instance, given that they comprise an open nature, have been sympathetically sited and designed to respond to existing ground levels and are visually softened in appearance by way of the existing and proposed soft planning. Consideration has also been given to the unique character of Ashlyns Road, and to the fact that front means of enclosure are openly encouraged in this area.

2.2 Given the scale and nature of the development, it is not considered that the new gates and fencing would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds.

Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area (2004) and Saved Appendix 3 of the Local Plan (2004).

## 3. SITE DESCRIPTION

3.1 The application site comprises a large two storey detached dwellinghouse, with single storey detached garage, situated off Ashlyns Road within a designated residential area of Berkhamsted. Whilst the property and garage are positioned set back from the highway, the site occupies a prominent corner plot, and is sited following a steep rise in ground levels. A set of steps have been installed to the front of the dwelling, facilitating access to and from the property.

3.2 The property is served by a single area of private amenity space to the side of the dwelling.

## 4. PROPOSAL

### *Previous History*

4.1 In order to retain a degree of privacy and facilitate the use of the private amenity space to the side of the dwelling, former occupants of the site installed 1.8m high post and rail fencing along the front site boundary, to the rear of the existing grass highway verge. Whilst retrospective application

19/03171/RET was submitted to regularise these additions, this application was withdrawn in light of objections raised by the Highways Authority and previous Case Officer. In particular, the Highways Authority raised objections on the grounds that the additions extended across highways owned land, (and that incorrect notice had therefore been served), and that the fencing, (by reason of its solid form, height and siting), adversely impacted upon the safety and operation of the adjoining highway network. Similar concerns were also echoed by the previous Case Officer, who raised objections to the fencing on the grounds that the addition appeared a visually stark and prominent addition, therein detracting from the character and appearance of the street scene. These additions have since been removed.

#### *Current Application*

4.2 Planning permission is sought for the installation of two new timber gates with cut out detailing, (measuring 1.8m high and 2m wide), and the installation of new trellis style fencing, extending the full length of the front of the site.

## **5. PLANNING HISTORY**

#### Planning Applications (If Any):

19/03171/RET - Retrospective planning application for replacement of post and rail fencing on the south east elevation with a 6ft close board fence and erection of a garden structure (pergola) within 1m of the highways boundary  
*WDN - 21st January 2021*

22/02874/FHA - Installation of trellis fencing and a front entrance gate  
*WDN - 9th February 2023*

23/00160/FHA - Installation of trellis fence and gates 1.4m to 1.8m high  
*WDN - 22nd March 2023*

4/02062/11/FHA - Detached double garage with ancillary accommodation in roof space (amended scheme)  
*GRA - 4th January 2012*

4/01580/11/FHA - Detached double garage with ancillary accommodation in roof space  
*WDN - 8th November 2011*

4/00350/10/LDP - Single storey side extension and loft conversion  
*GRA - 22nd April 2010*

#### Appeals (If Any):

## **6. CONSTRAINTS**

BCA Townscape Group

CIL Zone: CIL1

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: BCA10

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 – Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 The site is situated within a designated residential area of Berkhamsted, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.



9.3 In light of the above policies, the proposed development, (i.e. installation of a new front entrance gate and trellis fencing), is acceptable in principle.

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

##### *Policy*

9.4 The NPPF (2021) states that planning policies and decisions should ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.5 The site falls within the BCA10: Ashlyns Character Appraisal Area (2004). This document characterises the area as comprising detached houses of mixed architectural styles and designs, informally laid out and comprising front gardens/forecourts enclosed by a variety of means. This document goes on to provide specific guidance for new means of enclosure, stating that the enclosure of front areas in this area is acceptable.

##### *Assessment*

9.6 In light of the objections raised by the Highways Authority and previous Case Officer under application 19/03171/RET, the Applicants submitted an application for pre-planning advice in order to engage with the Local Planning Authority to discuss alternative schemes for achieving new fencing on the site. As part of these discussions, the Applicants were advised that significant amendments would need to be made to both the scale/height of the fencing and its solid form in order to ensure that the new fencing and associated gates do not appear overtly prominent additions to the site. Furthermore, given that the property retain its permitted development rights to install new means of enclosure, (i.e. including new 1m high fencing/gates of solid form opposite the highway), under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it was advised that this be considered a starting point for a future scheme.

9.7 Following these discussions, the current scheme has been submitted, proposing the installation of two new timber gates with cut out detailing, (measuring 1.8m high and 2m wide), and the installation of new trellis style fencing, extending the full length of the front of the site. The submitted drawings indicate that three panels would be installed at the highest point of the site, (maintaining a maximum height of 1.48m), with further panels to the side of the gate being staggered in height, (i.e. positioned set down approximately 0.3m to reflect steeply falling ground levels).

9.8 The Town Council have raised objection to the scale of the new fencing, stating that these additions are too high and should be revised.

9.9 Whilst considerable by reason of their length, it is considered that the advice issued at pre-application stage has been followed, with the fencing being significantly reduced in height and sympathetically designed to reduce its solid nature. In particular, it is noted that the proposed new fence panels are of 'trellis style', (i.e. comprising regular gaps to reduce their solid form), and that they have been sympathetically sited, (i.e. predominantly comprising a staggered height), in order to reflect steeply falling ground levels.

9.10 In light of this, and noting that these additions would be sited significantly set back from the adjacent highway, (i.e. behind an existing grass verge and front steps, ahead of existing and new soft planting), on balance, it is considered that sufficient amendments have been made to the

scheme to ensure that the new fencing does not form a stark visual barrier, dominating the site and wider street scene.

9.11 As part of their objection, the Town Council have made reference to recent appeal case APP/A1910/D/21/3287227, suggesting that the conclusions made by the Inspector when dismissing the appeal for the retention of 1.9m high replacement fencing and associated piers and gates at 13 Anglefield Road are applicable to the current proposal. The Inspector made the following assessment under this case:

*'The solid form and considerable length of the timber fence and the solidity of the electronic timber gates, coupled with their slightly elevated position to the highway, means that they are significant and prominent features when seen from Anglefield Road. From this highway, the fence and gates draw the eye as a rather stark, solid and formal barriers. As a result, they have an overly imposing presence in the street scene in marked contrast with the more lowkey and informal appearance of the front boundary treatments prevailing along Anglefield Road. For these reasons, the fence and gates are obtrusive and have a deleterious effect on the character and appearance of the local area.'*

9.12 Whilst the proposed fencing would be considerable in form, it is not considered that they would be perceived as visually stark and solid barriers, by reason of their open nature and trellis style form. Furthermore, significant differences exist between ground levels at the application site and those at 13 Anglefield Road. In the appeal case, it is noted that the fencing was significantly higher than the current proposal, (i.e. 1.9m high), and was installed at an elevated position, at the top of a bank that rose steeply from the highway. In light of this, the visual prominence of this fencing was significantly increased, particularly when viewed from the adjacent footpath/highway.

9.13 Conversely, in the current case, it is noted that ground levels are not consistent across the front site boundary, with ground levels falling steeply towards 22A Ashlyns Road. It is considered that the siting and positioning of the new fencing and gates has been carefully considered in this instance, with the staggered height of the fence panels responding to existing ground levels by serving to reduce the visual bulk of the development.

9.14 Specific consideration should also be given to the unique character and context of Ashlyns Road. Whilst properties within the immediate street scene typically comprise low level front means of enclosure, as noted in the BCA10: Ashlyns Character Appraisal Area, properties are enclosed by a variety of means, (i.e. comprising solid boundary walls, fencing and soft landscaping). There is also noted to be significant variety of properties within the immediate street scene, with properties comprising mixed architectural styles and designs.

9.15 In light of the existing street scene character and noting that front means of enclosure are encouraged in this area, on balance, it is not considered that a refusal of the scheme on the grounds of its impact on the character and appearance of the street scene could be justified or sustained.

9.16 Given the above assessment, the proposal is considered to be acceptable on design/visual amenity grounds, according with Policies CS11 and CS12 of the Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area and the NPPF (2021).

#### Impact on Residential Amenity

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

9.18 Given the scale, nature and positioning of the development, it is not considered that the proposal adversely affects the residential amenity of neighbouring properties by being visually

overbearing or resulting in a significant loss of light or privacy. As such, no concerns are raised in this regard.

#### Impact on Highway Safety and Parking

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

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

9.21 The proposal does not involve any changes to the existing site access. Given that the application site occupies a prominent corner plot, and noting that the new fencing and gate would be within close proximity of the existing highway, the Highways Authority were consulted as part of the scheme and asked to assess the proposals' impact on the safety and operation of the existing highway network.

9.22 It is noted that the Highways Authority have raised no objection to the scheme on highway and pedestrian safety grounds, noting that the additions would have no adverse impact on the visibility of vehicles entering and exiting the site, nor on vehicles using the wider highway network.

9.23 The proposal is therefore considered to be acceptable on highway/pedestrian safety and parking grounds, therein according with Policies CS8 and CS12 of the Core Strategy (2013) and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2021).

#### Other Material Planning Considerations

##### *Land Ownership*

9.24 The Highways Authority raised objections under application 19/03171/RET and subsequent withdrawn applications 22/02874/FHA and 23/00160/FHA with respect to land ownership, disputing the Applicants claim that all of the land within the red outline falls within their ownership. The Applicants have since liaised with the Highways Authority directly, and it is understood that this issue has now been resolved, with the red outline being amended. Certificate A has been signed on the submitted application form confirming that the Applicants are the sole owners of the land and the Highways Authority have raised no objection to this.

##### *Stairs*

9.25 Stairs have been installed to the front of the site and across the existing grass verge, facilitating access to and from the property. The Highways Authority have raised objection to these additions on the grounds that they extend over highways owned land and would therefore prejudice the ability of the Highway Authority to provide improvements in the interest of safe or sustainable travel. Given that these additions are contrary to Policies 1, 5 and 7 of the Hertfordshire County Council's Local Transport Plan (Adopted 2018), the Highways Authority have confirmed that this issue will be further pursued by their enforcement team. For the avoidance of doubt, it has been requested that no plans showing the steps be included as part of the list of approved plans.

9.26 The Applicant's have been informed of everything above and have expressed a willingness to remove the existing steps. It is understood that the Applicants' are currently engaging with the Highways Authority and that this issue will be resolved outside of the planning process.

9.27 It is necessary to include a proposed block plan showing the existing step arrangement, (drawing reference NMKH\_02\_01), as part of the list of approved plans in order to confirm the siting of the new gates and fencing on the site. For the avoidance of doubt, it is therefore recommended that an informative be attached to the formal planning consent, confirming that in the event permission is issued, this consent applies solely for the proposed new gates and fencing.

### Response to Neighbour Comments

9.28 No neighbour comments or objections have been received. The Berkhamsted Citizens Association Townscape Group have however raised the following objections to the scheme on the grounds that the fencing is too high, visually intrusive and therefore detrimental to the street scene.

9.29 The impact of the fencing on visually amenity and on the character and appearance of the site and wider street scene has been considered in more detail during an earlier section of the report.

## **10. CONCLUSION**

10.1 The application is recommended for approval.

10.2 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Whilst significant in terms of their height and length, on balance, it is considered that the proposed new gates and trellis fencing are acceptable in this instance, given that they comprise an open nature, have been sympathetically sited and designed to respond to existing ground levels and are visually softened in appearance by way of the existing and proposed soft planning. Consideration has also been given to the unique character of Ashlyns Road, and to the fact that front means of enclosure are openly encouraged in this area.

10.3 Given the scale and nature of the development, it is not considered that the new gates and fencing would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds.

10.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area (2004) and Saved Appendix 3 of the Local Plan (2004).

## **11. RECOMMENDATION**

11.1 It is recommended that planning permission be GRANTED.

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

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

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

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

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

3. **No development above ground level shall take place until a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority.**

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

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

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

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

**NMKH\_02\_03  
NMKH\_02\_01**

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) Order 2015.
2. **APPROVED WORKS INFORMATIVE**  
  
The approval hereby issued relates solely to the following works described in the application description:  
  
Installation of trellis fencing and two gates.  
  
The existing steps shown on plan NMKH\_02\_01 do not form part of the current planning approval.
3. **HIGHWAY INFORMATIVES**

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

Further information is available by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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#### Comments

The proposal is for the installation of trellis fencing and a front entrance gate, extending the length of the property at 22 Ashlyns Road, Berkhamsted. The trellis and gate will not be located within the highway network nor will they impact of visibility for vehicles entering or existing the site. The stairs within the existing site plan are within the

	<p>highway network and are not deemed acceptable. HCC enforcement team have been informed. We therefore recommend to the Local Planning Authority that drawing number NMKH_02_01 not be included within the decision notice approved drawings owing to the stairs being within the adopted highway network. However, in relation to the trellis and front gated entrance, HCC Highways would not wish to restrict a grant of permission for this proposal.</p>
Parish/Town Council	<p>Objection</p> <p>The Committee objected to the proposed size of the fence, which is too high and should be revised. Officer's attention is drawn to regulations applied in Anglefield Road.</p>
BCA Townscape Group	<p>Response from the BCA Townscape Group</p> <p>Objection</p> <p>Although the plan is a small improvement on the previous application, the fence is still too high, intrusive and detrimental to the street scene.</p> <p>The Townscape Group suggests a smaller fence.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	0	0	0	0

### Neighbour Responses

Address	Comments