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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 13 JULY 2023 AT 7.00 PM
CONFERENCE ROOM 1 - 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

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) 22/02354/FUL - Construction of a Single Dwelling - 31 Hempstead Lane, Potten End (Pages 6 - 35)
- (b) 23/00413/FUL - Construction of dwelling - Land East Of Cyrita, Hogpits Bottom, Flaunden, Hertfordshire (Pages 36 - 86)
- (c) 23/00610/FHA - First floor front extension and double storey side extension - 253 Chambersbury Lane Hemel Hempstead Hertfordshire HP3 8BQ (Pages 87 - 95)

6. APPEALS UPDATE (Pages 96 - 114)

7. PLANNING ENFORCEMENT QUARTERLY REPORT (Pages 115 - 126)

INDEX TO PLANNING APPLICATIONS

Item No. No.	Application No.	Description and Address	Page
5a.	22/02354/FUL	Construction of two storey 4 bedroom dwelling 31 Hempstead Lane, Potten End, Berkhamsted, Hertfordshire	
5b.	23/00413/FUL	Construction of dwelling Land East Of Cyrita, Hogpits Bottom, Flaunden, Hemel Hempstead	
5c.	23/00610/FHA	First floor front extension and double storey side extension 253 Chambersbury Lane, Hemel Hempstead, Hertfordshire, HP3 8BQ	

Agenda Item 5a

Item: 5a

22/02354/FUL	Construction of a Single Dwelling	
Site Address:	31 Hempstead Lane, Potten End	
Applicant/Agent	Mr Kennedy/Denholf Design	
Case Officer:	Robert Freeman	
Parish/Ward:	Nettleden with Potten End	Ashridge
	Parish Council	
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

- 2.1 The proposed development would comprise infilling within the village of Potten End and as such would be acceptable in accordance with the NPPF and Policy CS6 of the Core Strategy.
- 2.2 The dwelling is considered to be appropriate in terms of its layout and design and would not significantly detract from the visual amenities of the area in which it would be located or the amenities of neighbouring properties in accordance with Policies CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The new access and parking arrangements for the proposed dwelling and the parent dwelling are not detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 2.4 The delivery of new housing would clearly weigh in favour of the grant of development in accordance with the NPPF and to meet the objectives of Policy CS17 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site is located within the village of Potten End, a designated village within the Green Belt.
- 3.2 The application site is located on the northern side of Hempstead Lane and to the east of the junction of Hempstead Lane and The Laurels. Hempstead Lane contains a variety of property styles and designs however certain overarching design principles are present including, but not limited to, projecting gable features, gable and hipped roof forms clad in tile, widespread use of brick and tile hanging and pitched roof dormers.
- 3.3 The site comprises the dwelling at 31 Hempstead Lane, its rear and side garden and small sections of the adjacent highway verge. 31 Hempstead Lane is a large semi-detached dwelling constructed in brick with render at first floor level. The property is set back a significant distance from the highway allowing for landscaping along the frontage and highway verge and providing a verdant setting. A large garage outbuilding is located within the front/side garden to the dwelling set forward in the street and between the property and

its neighbour at no.35 35 Hempstead Lane is a substantial detached dwelling located to the east of the application site in a relatively large plot of land.

4. BACKGROUND

- 4.1 The application follows the submission of a request for pre-application advice in 2021 (21/04298/PREE) for the construction of a four bedroom dwelling at the application site.
- 4.2 The pre-application advice concluded that the site represented a potential infill plot on Hempstead Lane but the design and siting of the proposed dwelling needed more careful consideration. The report suggested a less contemporary approach to the development of the site with a particular focus on the roof form, material choice and articulation of the elevations.

5. PROPOSALS

- 5.1 The proposals involve the demolition of an existing single storey garage building within the curtilage of 31 Hempstead Lane and the construction of a four bedroom dwelling.
- 5.2 The proposed dwelling would be constructed with Siberian Larch cladding, with a cement board clad porch/entrance and standing seam metal roof. A large number of photovoltaic panels would be located on the eastern and western roof slopes. An oriel window would be provided on the eastern flank elevation to the property angled to prevent the overlooking of the neighbouring terrace.
- 5.3 The dwelling would be designed to meet a Passivhaus standard. A Passivhaus is one which is created to rigorous energy efficient design standards so that they maintain an almost constant temperature. Passivhaus buildings are so well constructed, insulated and ventilated that they retain heat from the sun and the activities of their occupants, requiring very little additional heating or cooling.
- 5.4 The proposals also include the construction of a new crossover and driveway for the principle dwelling, 31 Hempstead Lane.
- 5.5 The proposals have been amended during the processing of the application with the property set back further from the frontage with Hempstead Lane and to increase the size of the rear garden thereto. Amendments have also been undertaken to the appearance of the dwelling, increasing the pitch of the gable roof form and altering the fenestration.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These comments are reproduced in full at Appendix B

7. PLANNING POLICIES

Main Documents¹:

National Planning Policy Framework (2021)
National Planning Policy Guidance
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
CS2 – Selection of Development Sites
CS5 – Green Belt
CS6 – Selected Small Villages in the Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17- New Homes
CS19 – Affordable Housing
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Countryside Place Strategy
CS35 – Infrastructure and Developer Contributions.

Saved Policies

Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – Size of New Dwellings
Policy 51 – Development and Transport Impacts
Policy 99 – Preservation of Trees, Hedgerows and Woodland
Appendix 3 – Layout of Residential Development

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Other Material Considerations

Affordable Housing Advice Note
Chiltern Beechwoods Special Area of Conservation Mitigation Strategy.

¹ Policies in the Dacorum Local Plan Emerging Strategy for Growth (2020-2038) can be afforded negligible weight given the status of this document.

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within the village of Potten End. Potten End is identified as a settlement within the Green Belt within which the limited infilling with residential development will be acceptable under the NPPF and Policies CS1, CS2 and CS6 of the Core Strategy.
- 8.2 The site forms part of the built up frontage on the northern side of Hempstead Lane occupying a position between Nos.31 and 35 Hempstead Lane and with the residential development of 'The Laurels' to the north/rear of the site. The proposals comprise infilling in accordance with the definition of infilling in the NPPF and Core Strategy and as such there is no objection in principle to the proposals.

Housing Land Supply

- 8.3 The Council has a target for the delivery of new housing as set out in Policy CS17 of the Core Strategy. The Council is required to provide a rolling five year housing land supply in accordance with the NPPF and where it is unable to demonstrate a five year housing land supply in accordance with paragraph 11 of the NPPF is obliged to grant planning permission unless policies in the NPPF provide a clear reason for refusal or the adverse implications of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. There is no clear reason for refusing this scheme given the designation of the site and the encouragement provided to limited infilling within villages in the Green Belt in the NPPF and as such the tilted balance is considered to be applicable to the determination of this proposal. .

Affordable Housing

- 8.4 Policy CS6 of the Core Strategy is inconsistent with the advice within the NPPF regards the supply and delivery of affordable housing. There is no requirement under the NPPF that infill properties within villages in the Green Belt need contribute to the supply of affordable homes. This threshold is more accurately reflected in Policy CS19 and the Affordable Housing Advice Note which set much higher thresholds for the delivery of affordable homes (10 units) in accordance with the NPPF and Ministerial Advice. There should be no objection in principle to the delivery of this home despite it not being justified in terms of local housing need or affordability.

Design and Layout

- 8.5 The primary consideration in this case is whether the layout and design of the proposed dwelling would be acceptable under the NPPF and under Policies CS10, CS11 and CS12 of the Core Strategy. Advice on the layout of new residential development is contained in the Strategic Site Design Guide and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.6 Policy CS12 amongst matters, seeks to ensure that development respects adjoining properties in terms of its layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 8.7 There is no consistent build line along the northern and southern sides of Hempstead Lane with properties following the curvature of Hempstead Lane. These dwellings are typically between 13m and 17m from the highway verge on the northern side of Hempstead Lane and extend either onto or within 1m of the common boundaries between houses thereto. There are significant changes in the building line between Nos.29-31 and Nos 35-37 and

properties 35-37 and Nos.39-49 which are not perceived from the street given the dense tree coverage along the highway verge. Properties on the southern side of Hempstead Lane are appreciably nearer to the highway (10-12m) within the immediate vicinity of the application site with a number having provided outbuildings between their front elevations and the highway. The proposed dwelling would have a set-back between 10-13m from the highway verge, thereby reflecting the typical character of the area in this regard.

- 8.8 The dichotomy between the parent building and No.35 provides arguably the starkest gap in spatial and visual terms within this street. The properties are off-set in this location with the garage for the host dwelling located within the gap between the dwellings. A garage and roof terrace extends on the western side of No.35; however, its single storey scale contributes to the perception of space between the properties.
- 8.9 The proposed dwelling would be appropriately sited upon the wider application site eroding the stagger between the principle elevations of Nos.29-31 and No.35 Hempstead Lane and providing a transition between them. Its layout and site coverage is considered to be appropriate in the context of surrounding residential developments which generally fill the width of their associated plots. In many cases, there is a limited amount of space between the properties and their site boundaries. The garden at 31 Hempstead Lane would be subdivided to the east of the flank wall thereto with the new boundary extending to the boundary with 6 The Laurels. The resulting gardens would be commensurate in size with those at The Laurels and 29 Hempstead Lane and as a consequence would not appear incongruous in this context.
- 8.10 Despite claims that the development would be a cramped form of development in this location, it would sit comfortably within its plot and would reflect the density of development at both The Laurels and No.29. The proposed dwelling is appropriately sited providing a suitable level of separation to the boundaries of the site and significant trees upon the frontage of the site and highway verge
- 8.11 The proposed dwelling is considered to be appropriate in terms of its scale, height and bulk in accordance with Policy CS12 of the Core Strategy. The dwelling would be two storeys in height and would have a ridge line subordinate to the main ridge line at the host property and stepped between the extension to No.31 and the neighbouring plot at No.35. The mass of the elevation would be relieved by the use of materials and fenestration.
- 8.12 The main concerns with the proposal are those relating to its more contemporary appearance and use of materials as set out within the comments of the Parish Council and neighbouring properties and whether such an approach would result in harm to the character and appearance of Hempstead Lane.
- 8.13 The applicants contend that the proposals are in accordance with paragraph 131 of the NPPF arguing that the proposals would be highly sustainable in view of their design and choice of material. They have scaled back the building mass, implemented a pitched roof and amendments to the fenestration to provide a more sympathetic vernacular to the proposals whilst retaining sustainable construction credentials of a low energy home. The timber frame and timber clad house would have generous levels of insulation and increased airtightness to address the requirements of the Building Regulations and Policy CS29 of the Core Strategy.
- 8.14 Hempstead Lane is characterised by a variety of different styles of property albeit with some common design themes such as the use of gabled roof forms, projecting gable features, the widespread use of brick and hanging tiles and to a lesser extent render on its southern side. A number of tall timber gates have been introduced at entrances to residential units on Hempstead Lane beyond which dwellings are set back a substantial

distance from the highway. Contemporary dwellings using timber cladding have been introduced to the village of Potten End; notably at 78 Hempstead Lane and The Thimbles, Rambling Way (4/00160/FUL) without significant detriment to the overall appearance of these streets.

- 8.15 The application site is similar to that at Thimbles, Rambling Way in that there is a clear contrast in dwelling type and density between The Laurels and Hempstead Lane and that between Rambling Way and Kiln Close. A significant tree belt extending to the front of the site in both locations screens both sites from the public highway and limits views thereto.
- 8.16 In this context, I do not consider that the use of timber cladding to the majority of the building, rendered panels and standing seam roof cladding would be particularly intrusive or harmful to the appearance of the area. The submission of materials and further details on finish to cladding sections should be requested by condition.

Residential Amenity

31 Hempstead Lane

- 8.17 The proposed development would see a reduction in the area of garden associated with No.31 Hempstead Lane and the loss of an existing garage to the property to facilitate the construction of the new dwelling. The loss of this garden land is not seen as overly harmful to the residential amenity of this property; the remaining garden of which would be commensurate with that to the adjoining residential unit at 29 Hempstead Lane in accordance with Saved Appendix 3 of the Local Plan 1991-2011.
- 8.18 The proposed dwelling would be located to the south east of 31 Hempstead Lane and despite being positioned further north on the site through a succession of amended plans would still project a significant distance to the front of the principle elevation to the host property.
- 8.19 The nearest rooms within the host property would be a large living room area at ground floor level and the master bedroom and en-suite at first floor. The living area is served by windows within the front bay together with large openings within the rear and flank elevations. The closest window within the front elevation at first floor would be an en-suite window. The proposed dwelling would clearly breach a 45 degree angle to the nearest habitable window within the dwelling and would during the day overshadow the bay window thereto. However, the proposed dwelling would not breach the 45 degree angle in elevation. Overall, I do not consider such a loss in daylight and sunlight to be significant in this case given the size and positioning of other fenestration within the nearest rooms of the property. I note some shadow is cast on the front elevation by the existing trees along the frontage with Hempstead Lane. Any loss in daylight or sunlight to the property, in this case, would not be sufficient to justify the refusal of this development in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.20 A new hedge is proposed between the host building and the proposed dwelling to reduce its visual impact upon the occupants of this property. The proposed dwelling is not considered to be visually intrusive or over bearing to the occupants of this property.

35 Hempstead Lane

- 8.21 This neighbouring property initially objected to the development on the grounds of a loss of amenity as a result of overlooking from windows in the flank elevation of the proposed dwelling. There were also some suggestions that the property may be overbearing to them given its close proximity. They have not commented on the latest amendments to the

proposals which have resulted in the proposed dwelling being moved north on the site thereby increasing the distance between the proposals and the rear elevation of No.35.

- 8.22 There would be two windows in the eastern flank elevation of the proposed dwelling facing the neighbour at No.35 however both are carefully designed and sited so as to avoid overlooking this neighbouring property. At ground level, the window would have a cill height of some 1.8m (6ft) above ground level and as such would not afford views onto neighbouring land. An oriel window would be located at first floor level angled to view down towards the rear of the neighbouring garden. This is not considered to result in any significant loss in privacy to this property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.23 The proposed development is not considered to result in any significant adverse impact in terms of daylight to the property given the juxtaposition of properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The proposed dwelling would be located to the north of No.35 and would not result in any loss of sunlight to this neighbouring property.

The Laurels

- 8.24 The occupants of 2 The Laurels have expressed concerns with regards to the impact of development upon their privacy however their property is located to the north west of the application site at an oblique angle to the windows within the rear elevation to the proposal. The rear elevation of 6 The Laurels would be located immediately to the north of the proposed dwelling with its garden backing onto the application site. This property would be over 30m from the rear elevation of the proposed building significantly in excess of separation distances within Appendix 3 of the Saved Local Plan 1991-2011. For these reasons, one would conclude that there would be no significant loss in amenity for properties in The Laurels.

Other Dwellings

- 8.25 The proposed development is not considered to be harmful to the residential amenities of any other properties in the locality of the application site in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Access and Parking

- 8.26 The Council expects all new developments to contribute towards a connected, sustainable and accessible transport system in accordance with Policy CS8 of the Core Strategy and in particular will expect proposals to prioritise the needs of pedestrians where appropriate. The traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, including any planned improvements and the cumulative effects of incremental developments. Sufficient, safe and convenient parking for residential properties should be provided in accordance with Policy CS12 and the Car Parking Standards SPD (2020).
- 8.27 The application site is located within Accessibility Zone 3 in the Parking Standards SPD (2020) In accordance with the Parking Standards SPD (2020) 3 off street parking spaces should be provided for the dwelling(s) There is sufficient space within the frontage of both dwellings and beyond the Root Protection Area (RPA) of trees to create hard standing areas within which an appropriate number of vehicles could park and manoeuvre safely onto the adjacent highway as set out in drawing 01.010 Revision PL3.

- 8.28 The Highway Authority have confirmed that there is no objection in principle to the construction of a new access onto Hempstead Lane to serve the existing dwelling, whilst the Trees and Woodlands officer has confirmed that the proposed access can be constructed without harm to any trees within the adjacent highway verge. There will be a need to hand dig the driveway section as this would fall within the RPA of a significant Oak tree and to ensure its longevity in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. Such matters have been conditioned.

Impact on Trees and Landscaping

- 8.25 The construction of the proposed dwelling would result in the loss of two Magnolia trees within the application site as a result of development. These trees have been categorized as B class trees with both trees reacting well to wounds within the trunks thereto. Although these trees are reasonable quality species, their lack of public visibility does not make them suitable for preservation by use of a Tree Preservation Order. There has been no objection received from the Tree Officer in relation to their loss in the circumstances and although unfortunate their loss cannot be considered to justify the refusal of this case.
- 8.26 The proposed dwelling has sited to the north of the site and highway verge in order to ensure that there is no significant adverse impact on the trees and landscaping at the front of the site which not only screens the application site, but makes a valuable contribution towards the open and verdant character of the street. The retention of trees at the front of the site is required in accordance with Policies CS12, CS13 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.
- 8.27 A landscaping scheme for the site should be secured by condition to compensate for the loss of the Magnolia trees and to ensure that adequate protection is provided to the highway trees in accordance with Policies CS12, CS13 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. The development should be carried out in accordance with the submitted Tree Protection Plan.

Other Material Planning Considerations

Contamination

- 8.28 The Environmental Health team have suggested a number of Informatives are attached to the application advising the applicants of an appropriate course of action in the event that they discover contaminative materials at the site. Such an approach would be consistent with the requirements at Policies CS31 and CS32 of the Core Strategy.

Sustainability

- 8.29 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.
- 8.30 The submitted Planning, Design and Access Statement sets out a clear desire for the proposed dwelling to meet the 'Low Energy Building Standard' as set by the Passivhaus Institute through the use of a timber frame house, generous insulation and increased air tightness. Photovoltaic panels are to be utilised on both roof slopes with a view to generating renewable energy. This forms an acceptable basis on which to grant planning permission with further details being secured by condition in accordance with Policies

CS29, CS31 and CS32. It is also suggested that a water efficiency condition is added to acknowledge the increased pressure on water within the locality.

Representations

- 8.31 In addition to those concerns addressed above neighbouring parties have also questioned the accuracy of the submitted information. I am satisfied that the plans provided accurately reflect the size of the application site and are consistent in terms of the proposed building and as such find these concerns to be unfounded.

Infrastructure

- 8.32 All new developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council adopted a Community Infrastructure Levy (CIL) in 2015 with the objective of collecting proportionate sums of money towards the cost of infrastructure. The construction of a new dwelling is liable for charge in accordance with the adopted Charging Schedule. The applicants are expected to submit a claim for an exemption from CIL as self-builders.

Chilterns Beechwoods Special Area of Conservation

- 8.33 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) but is outside the Zone of Exclusion. The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 8.34 The Council cannot rule out at this stage that the proposed development given its nature would not increase recreational pressure at the CBSAC and as such should apply a cautionary approach to development within this area. The applicants will be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

Conditions

- 8.35 The application is considered to be acceptable subject to the imposition of a number of planning conditions as set out above and as suggested within the consultation responses in Appendix A.

9. CONCLUSION

- 9.1 The proposed development would comprise infilling within the village of Potten End and as such would be acceptable in accordance with the NPPF and Policy CS6 of the Core Strategy.
- 9.2 The dwelling is considered to be appropriate in terms of its layout and design and would not significantly detract from the visual amenities of the area in which it would be located or the amenities of neighbouring properties in accordance with Policies CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 9.3 The new access and parking arrangements for the proposed dwelling and the parent dwelling are not detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 9.4 The delivery of new housing would clearly weigh in favour of the grant of development in accordance with the NPPF and to meet the objectives of Policy CS17 of the Core Strategy.

10. RECOMMENDATION.

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and the conditions below:
- 10.2 That the following Heads of Terms are included within the legal agreement
- A contribution of £913.88 is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
 - A contribution of £4,251.71 is secured towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Conditions:

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:**

SU.000 Revision PL3 (Site Location Plan)
01.000 Revision PL4 (Proposed Site Plan)
01.001 Revision PL3 (Proposed Floor Plans)
01.002 Revision PL3 (Proposed Elevations)
01.003 Revision PL3 (Proposed Street Scene)
01.01 Revision TPP1 (Tree Protection Plan)
01.10 Revision PL3 (Tree Location and Protection Plan)

Planning Design and Access Statement by denhofdesign

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

3. **No development shall commence until details of the finished slab level, eaves and ridge heights to the proposed building have been provided in relation to existing site levels and those of neighbouring development.**

Reason: To ensure that the dwelling has an appropriate relationship with neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

4. **No development above slab level shall commence until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

5. **No development above slab level shall commence until full details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,
- all means of enclosure to the site
- all exterior lighting of the site
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures including bin storage and any garden storage.

All planting shall be completed within one planting season of the completing of 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

6. **No development shall take place until tree protection measures have been provided fully in accordance with the Tree Protection Plans. These protective measures shall remain in-situ for the duration of the construction period.**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

7. **The new driveway hereby approved shall be constructed with a 'no-dig' surface layer (BodPave 40 or equivalent) as set out in drawing number 01.010 Revision PL3 (Tree Protection Plan)**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

8. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 01.010 PL3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

9. **The dwelling hereby approved shall not be occupied until the photovoltaic panels shown on drawing No 01.002 Revision PL3 (Proposed Elevations) have been installed and are operational. The dwelling shall also not be occupied until full details of the sustainability measures to be incorporated in the development have been submitted and approved in writing by the local planning authority. The development shall not be occupied until the sustainability measures have been provided in accordance with the approved details.**

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).

- 10. The development hereby approved shall not be occupied until full details of facilities for the charging of electric vehicles have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the charging facilities have been provided in accordance with the approved details.**

Reason: In the interests of sustainable transport and in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 11. The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the NPPF, and in accordance with Policies CS29, CS31 and CS32 of the Dacorum Core Strategy (2013).

INFORMATIVE

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.

Highway Informative

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.

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.

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.

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Contamination

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.

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.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative.

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

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-plantsrelevant>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Nettleden with Potten End Parish Council	<p>AMENDED PLANS</p> <p>Object</p> <p>The Council notes the proposed change in location but does not see any reason to change its original opinion that this development will result in a cramped development out of keeping with the spacious character of the surrounding area and as a result would be inappropriate development of the Green Belt and in conflict with Para 145 of the Framework and therefore also of CS5 of the Core Strategy. Also that the proposed building materials of Siberian larch timber cladding or equivalent on the walls and metal roofing is almost unique on the road which is primarily a mix of brick and painted render, and so doesn't integrate with the streetscape character. As a result, the Council has to conclude that the proposal also does not conform to CS11 or CS12.</p> <p>Object.</p> <p>The site lies within the Green Belt. Policy CS5 of the Core Strategy states that within the Green Belt, small scale development will be permitted ie (a) building for the uses defined as appropriate in national policy; (b) the replacement of existing buildings for the same use; (c) limited extensions to existing buildings; (d) the appropriate reuse of permanent, substantial buildings; and (e) the redevelopment of previously developed sites, including major sites which will be</p>

defined on the Proposals Map

The application involves the demolition of an existing garage and its replacement with a detached dwelling and as a result only para (a) could apply. National policy as articulated in Para 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate, but exceptions to this include limited infilling in the villages. There is no definition of the term limited infilling so it is a matter of planning judgement whether or not the proposed development can be considered as such.

The Parish Council notes that the house numbering on Hempstead Lane where the house immediately to the east of No.31 is No.35 implies that at some stage there may have been an intention for the construction of No.33. It agrees with the statement in the Design and Access Statement that Hempstead Lane is linear in form and characterised by large dwellings set back from the road in significant plots and notes that the existing plot of No.31 is amongst the widest on the road. The current plot is however by no means so wide that when split in two the new plot would be of similar scale to its neighbours. The fact that the new development cannot be accommodated on the same building line as Nos.29 and 31 is indicative of a lack of space for the proposed dwelling.

Policy CS6 of the Core Strategy states that within selected small villages in the Green Belt, of which Potten End is one, the following will be permitted: (a) The replacement of existing buildings; (b) Limited infilling with affordable housing for local people; (c) Conversion of houses into flats; (d) House extensions; (e) Development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and (f) Local facilities to meet the needs of the village.

Each development must (i) be sympathetic to its surrounding, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and (ii) retain and protect features essential to the character and appearance of the village.

Only paras (a) and (b) can apply to this proposal. The Parish Council doesn't consider that replacing a single storey c. 37 square metre garage with a 77 square metres two-storey detached house of can be considered a replacement, it is rather a very significant enlargement, and there is no suggestion that the house is to be affordable housing.

The Parish Council does not consider that the proposal meets the criteria set out in CS6

With regard to the proposed design, Policy CS11 states that development within settlements and neighbourhoods should (a) respect the typical density in an area and enhance spaces between buildings and general character, and (b) preserve attractive streetscapes, and Policy CS12 requires development to (f) integrate with the streetscape character and (g) respect adjoining properties in

	<p>terms of layout, site coverage, scale, height, bulk, materials and landscaping and amenity.</p> <p>The question of density has been covered above. The proposed Siberian larch timber cladding on the walls and metal roofing is almost unique on the road which is primarily a mix of brick and painted render, the only exception is No 78 which is the last house on the road when leaving Potten End. The Parish Council doesn't believe that the proposed design can be said to integrate with the streetscape character notwithstanding its low energy credentials of which in general the Parish Council is very supportive.</p> <p>It's not clear to the Parish Council whether Policies SP10, DM22 and DM23 in the as yet unadopted Emerging Strategy for Growth have any relevance to this application, and if they do what weight can be given to them relative to the existing streetscape.</p> <p>As a result, the Council has to conclude that the proposal does not conform to Policies CS11 and CS12 of the Core Strategy.</p>
Natural England	<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>.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation</p> <p>.</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>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p>

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

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

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

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

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

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

Other Advice

Protected Landscapes – Chilterns AONB

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the

	<p>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).</p> <p>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>Hertfordshire County Council – Highways Section.</p>	<p>AMENDED PROPOSALS/ADDITIONAL INFORMATION</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 subject to the following conditions:</p> <p>1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 01.010 PL3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p>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</p>

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.

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

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

Comments

The proposal is for the construction of two storey 4 bedroom dwelling

at 31 Hempstead Lane, Potten End, Berkhamsted. Hempstead Lane is a 30 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

There is an existing drive which will serve the new dwelling. Then there is proposed to be a new access to serve the existing dwelling. This access is deemed to be okay in size and its separation from the neighbouring dropped kerb. Some issues have arisen surrounding the new dropped kerb being placed within the root protection area of the adjacent old oak tree. In order to make this development acceptable the access and hardstanding within the highway network cannot be completed using the normal dropped kerb application process, it will need to be done under another section agreement - please see informatives. The work will need to be dug by hand to ensure that the roots of the oak are not greatly impacted. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

Drainage

The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the 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 each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010'.

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section Agreement) and conditions.

AMENDED PROPOSAL

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 recommends that permission be refused for the following reasons:

- 1) Following an interim response requesting more information

	<p>relating to the size of the proposed dropped kerb and its position in regards to the neighbouring dropped kerb, no additional information has been provided regarding these points. Therefore, HCC Highways cannot send an informed recommendation of grant owing to the lack of information. This lack of information means that HCC Highways cannot assess if the proposal is safe or viable in terms of Highway matters and therefore is against policy 5 within HCC Highways Local Transport Plan</p> <p>Comments</p> <p>The proposal is regarding amendments for the construction of two storey 4 bedroom dwelling at 31 Hempstead Lane, Potten End. The amendments follow comments by HCC Highways which stated; "This is an interim response in relation to concerns regarding the access. HCC Highways would like the applicant to show the neighbouring existing dropped kerb in relation to the new dropped kerb. This is to ensure that both dropped kerbs are split by at least 1 full height kerb. This is to ensure that the new dropped kerb is not greater than 5.4 metres (4 dropped kerbs and 2 risers). The applicant will need to illustrate the size of the dropped kerb as well to ensure it meets that size. Once this has been provided then HCC Highways can make an informed decision."</p> <p>HCC Highways believes this has not been met and as such the proposal lacks enough information for HCC Highways to make an informed recommendation of a grant. Therefore, owing to this lack of information HCC Highways would like to recommend a refusal for this application as stated in the reason above.</p> <p>There is additional concerns regarding the distance of the dropped kerb from the new VXO would be under the canopy of the Oak Tree and if I calculated the tree root protection area as radius of tree taken at 1.5m above ground level x 12 it would also be well within this protection area. This tree has a tree protection order on it and is a highway tree.</p>
Environmental Health	<p><u>Contamination</u></p> <p>The proposed development 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 is for a change in land use and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1:</p> <p>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>

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.

Noise, Odour and Pollution

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.

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Councils.

Waste Management Informative

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

Air Quality Informative.

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

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

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

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

In addition, mitigation in regards to NO_x emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO_x/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-plantsrelevant
Trees and Woodlands	<p>AMENDED PLANS/ADDITIONAL INFORMATION</p> <p>In order to facilitate the proposal incursions into the Root Protection Area (RPA) of T5 & T6 are required. The applicant has submitted a Tree Protection Plan (TPP) indicating the introduction of a 'no-dig' surface layer in these areas which is an industry recognised method of construction within an RPA. As such the proposal is in accordance with current best practice and therefore I have no concerns.</p>
Chiltern Society	<p>AMENDED PLANS</p> <p>The Chiltern Society maintain their objections to the plans.</p> <p>ORIGINAL PLANS</p> <p>The Chiltern Society objects to this proposal broadly for the same reasons as the Parish Council.</p> <p>In summary, this is construction of a new additional 4 bedroom 2 storey house in front of the existing house at 31 Hempstead Road. The land lies within the Green Belt. The proposal does not fall within the acceptable developments listed in Policy CS6. It is not a replacement dwelling and nor is it infilling, in fact the plot would accommodate and infill due to size, it is in front of the existing dwelling and pushing the existing building line forward. As a 4 bedroom dwelling it certainly does not meet the criteria of affordable housing.</p> <p>In terms of Policy CS11, the design is unsympathetic to the area, the quality of design is an issue the Chiltern Society is increasingly alarmed about in the borough generally. It needs to be sympathetic to the surroundings and no reference has been made to the Chiltern Design Guide.</p> <p>In terms of the Chilterns Beechwood SAC, the comments of Natural England should be observed.</p>

APPENDIX B – NEIGHBOUR RESPONSES

OBJECTIONS

Address	Comments
35 Hempstead Lane	<p>We have been instructed by the family of 35 Hempstead Lane to review the above application.</p> <p>Having reviewed the planning submission, we are writing to you to express our strong objections to the planning application.</p> <p>The proposed plans stipulate that a two storey dwelling will be developed replacing a single storey garage. Our objection is on the basis of the following grounds:</p> <ul style="list-style-type: none"> - Harm to the Character and Appearance of the area - Harm to the street scene in view of the Design - Unnecessary loss of Category B trees and - Harm to the neighbouring amenity <p><u>Harm to the Character and Appearance of the Area</u></p> <p>The proposed development would cause considerable harm to the character and appearance of the area. Whilst Hempstead Lane is a residential area, it is characterised by detached properties within larger plots. The subdivision of the plot of No.31 creates two smaller plots, with the proposed building the smallest. This would be considered wholly out of character with the area and would not result in quality living conditions.</p> <p>The result of this subdivision would mean the future occupiers of the proposed dwelling would have minimal amenity space, this would be a consequence for both properties, however specifically for the proposed dwelling. The proposed dwelling would have a very small garden given the size and nature of the dwelling.</p> <p>The resultant development, as can be seen from the site plan, would create an apparent over development of the wider plot, resulting in harm to the wider character of the area and provide a development that would be inappropriate for its setting.</p> <p>It is considered that this proposal will be contrary to Policy CS6 and CS11 of the Core Strategy.</p> <p><u>Harm to the Street Scene</u></p> <p>The proposed design is wholly inappropriate for the area and is completely out of character with Hempstead Lane, which is predominantly characterised by traditional two storey dwellings.</p> <p>Furthermore, the existing properties along Hempstead Lane are set</p>

back from the road and of a traditional construction primarily brick and tiled roofing. As such the contemporary design is highly inappropriate for the area and would be obtrusive and incongruous in the very traditional street scene.

The proposed dwelling is set further forward than the dwellings to the west. Consequently breaking the building line narrative. This would make the building visually prominent of a design that is at odds with the prevailing character and thus negatively impact upon the street scene.

The proposals would be contrary to Policy CS12 of the Core Strategy.

Loss of Trees

Notwithstanding the harm the approval of this proposal would cause to the street scene, it would also result in the unnecessary loss of 2 category B trees in order to facilitate the construction of the dwellings. The Arboricultural Survey undertaken by Butlers Trees Ltd states at paragraph 6.1 that “no trees identified within the site are decaying or diseased” and as such the removal of any trees is purely as a result of this development.

The proposal results in the loss of 2 category B trees – both of which are Magnolia’s that have a life expectancy exceeding that of 20+years. It is disappointing they are to be lost. Category B trees are identified as those desirable for retention and make a significant contribution, subsequently this would be contrary to the adopted Core Strategy and emerging policy DM36 from the emerging Local Plan. Furthermore, the development poses a threat to the remaining TPO trees along the road as a result of construction. The tree survey does not appear to be confident that no harm will result to the TPO’s in relation to the two driveways. The survey recommends significant permanent mitigation would be required to ensure that the TPO are protected.

Harm to Neighbouring Amenity

The new dwelling is proposed on the eastern boundary of the site, thus encroaching on the privacy of the neighbouring property to the east – no.35 Hempstead Lane.

Drawing no.01-002 Revision PL2 shows there are several proposed windows facing onto the neighbouring property. This includes a window at ground floor level, at a height of 1.8m which surpasses the proposed boundary treatment and the primary windows to bedrooms 2 and 3 at first floor level. The views from bedroom 2 and 3 will give direct views into the neighbouring outdoor amenity space and result in unacceptable harm to privacy and overall use of this space. The proposals are therefore contrary to 6.2.3 of the Strategic Site Design Guide and Policy CS11 of the Core Strategy.

The National Design Guide (2019) further stipulates at paragraph 124 that ‘good design promotes quality of life for occupants and

	<p>users of the buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, amenity, privacy, accessibility and adaptability’ Paragraph 129 highlights amenity space should have a reasonable degree of privacy. The proposed dwelling is not considered to comply with these policies.</p> <p>Overall, it is concluded that the proposed development of this two storey dwelling, replacing the single storey garage will have a significant harmful effect on the neighbouring dwelling – 35 Hempstead Lane with regards to overlooking and loss of amenity.</p> <p>We respectfully request that the Council determine the application in accordance with the adopted development plan policies and review the application on the basis that it is contrary to policies CS6, CS11 and CS12 of the Core Strategy, emerging policy DM36 in terms of its detrimental impact on character of the area and design quality and the Strategic Design Guide. It is contrary to Policy CS11 and paragraphs 124 and 129 of the National Design Guide in terms of the loss of trees and privacy.</p>
2 The Laurels	<p>I have the following concerns regarding the proposed development:</p> <p>1) An additional exit and entrance for cars on to the Hempstead Lane, a busy winding through road (a rat run) The Laurels, 29, 31 and the new house and 33 Hempstead Lane will all have drive’s in a very short section of road. Is there adequate space for parking and turning?</p> <p>2) I will be overlooked at the rear of my home and within the garden by the upper windows of the proposed building.</p> <p>3) I am concerned about the density of development in the village with Nos 29, 31, this new building and 33 [35] Hempstead Lane in very close proximity to each other.</p>
The Squirrels, Hempstead Lane	<p>9 AMENDED PLANS</p> <p>It is noted that amended plans have been submitted on this application. Nothing in these plans has overcome the considerable objections to the proposals and as such my objection is maintained.</p> <p>ORIGINAL PLANS</p> <p>I have been a resident in Potten End for over 30 years and have, of course, seen many changes to the road and the village - not all for the better!</p> <p>The fact that the village lies within the Chilterns has not had the importance it deserves in order to retain its semi-rural character and appearance. This application is an example of this. The proposed new detached dwelling in the front garden of no.31 will have a severely detrimental impact of this part of the village.</p> <p>Policy CS6 of the Dacorum Core Strategy states that within selected small villages in the Green Belt, of which Potten End is one, the following will be permitted: (a) The replacement of existing buildings;</p>

(b) Limited infilling with affordable housing for local people; (c) Conversion of houses into flats; (d) House extensions; (e) Development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and (f) Local facilities to meet the needs of the village.

Each development must (i) be sympathetic to its surrounding, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and (ii) retain and protect features essential to the character and appearance of the village. This development cannot be considered as falling within any of the above criteria and is therefore 'inappropriate development'. Paragraph 143 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. No such circumstances have been shown. It is not closely linked to agriculture etc. nor is it meeting the needs of local people as there is no mention of it being 'affordable for local people'.

Whilst it is located between two properties (no. 31 and 33), it cannot be considered as 'infilling' (criteria b), which is generally defined as a form of development whereby buildings are constructed within a gap along a clearly identifiable built-up frontage. It is acknowledged that there is a gap between the two properties, but the proposed dwelling is located on the front garden of no.31, completely in front of the building line of no.31 and no.33. A detached dwelling cannot be positioned closer to no. 31 due to the limited width of the plot at this point which is a clear indication that the site is of insufficient size to accommodate a separate dwelling resulting in overdevelopment of the site.

In the accompanying Design statement the applicant describes Hempstead Lane as: 'linear in form and characterised by large dwellings set back from the road in significant plots, a number of which contain outbuildings..... The area is very lush and green with low density overall and characterised by tree lined hedges and large trees with big front gardens and no prevailing building line.'

Policy CS11 (Quality of Neighbourhood Design) state that development within settlements and neighbourhoods should (a) respect the typical density in an area and enhance spaces between buildings and general character, and (b) preserve attractive streetscapes. Policy CS12 (Quality of Site Design) requires development to (f) integrate with the streetscape character and (g) respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping and amenity. This development fails in all respects.

The proposal dwelling is completely contrary to the applicant's own acknowledgement of the general character and appearance of Hempstead Lane. It is a small plot with a very cramped form of development; it will appear unduly dominant in terms of bulk and scale due to the limited plot size and its proposed forward projection.

The appearance of both the new and original properties will be

	<p>dominate by very constricted car parking. Hempstead Lane is a narrow, busy road and any manoeuvring must be carried out within the site with no reversing onto the road which would compromise highway safety.</p> <p>The immediate area at present is dominated by attractive mature trees and large shrubs which enhance the general street scene. The proposal will compromise the health and safety of this vegetation. It is important to note that existing planting cannot be relied upon to provide solid or permanent screening which none the less should not be relied upon to screen an unacceptable development.</p> <p>Paragraph 130 of the NPPF states permission should be refused for development of poor design that fails to improve the character and quality of an area. The general design is alien to the general character of properties in Hempstead Lane, is indicative of the limited size of the plot and fails to take into account the Chiltern Design Guide. Great emphasis is made on the sustainability of the new dwelling, but one would expect any new dwelling to comply with this requirement. It is not a justification for a totally unacceptable proposal.</p> <p>It is of interest that an application for a detached car port in the front garden of no.7 Hempstead Lane was refused permission in May 2021 (ref.21/01062/FHA) as it was not considered 'infilling' and it failed to meet the criteria for development in the Green Belt. If a modest car port was considered unacceptable then a two storey dwelling in a more prominent location must be unacceptable!</p> <p>This application fails to meet the exceptions outlined in both the NPPF and the Dacorum Borough Core Strategy for the provision of new buildings within the Green Belt. Therefore, it constitutes inappropriate development which by definition is harmful to the openness of the Green Belt. In addition, due to the limited size of the site, it's positioning within the plot and its design, it is considered to be severely detrimental to the overall appearance and character of this part of Potten End.</p> <p>Therefore, I object to this application and respectfully request that permission is refused</p>
29 Hempstead Lane	<p>I would query the accuracy of the site plan and am concerned that the proposals will detrimentally affect the roots of surrounding magnificent trees, particularly the large Blue Cedar tree (on the applicants land) and the large Oak tree very near the driveway (not on the applicants land) These trees bring great character to the area and are good for the environment.</p>
34 Hempstead Lane	<p>The proposed house has been designed with the objective to get a saleable dwelling onto a very small piece of current garden, jammed in against a nice current dwelling,</p> <p>It is NOT a desirable "low energy" modern house - No figures have been provided re its energy requirements and there is no mention of a heat pump to provide heat. The small windows and its very limited</p>

	<p>floor area are a result of the plot being too small (even with its design of minimum size bedrooms) - NOT because there is a design target for its energy requirements.</p> <p>The proposed dwelling is out of keeping with Hempstead Lane - not because it is "modern" – but because it is jammed into a small space very close to the existing property. Other modern buildings in Potten End are on much larger plots where the positive aspects of their elevations can be properly seen and appreciated.</p> <p>The proposal will require an additional new road entrance for the existing no 31. This would be on a narrow and difficult bend in the road where there are already too many incidents and "near misses". The parking and vehicle manoeuvring capacities for both the existing and the proposed dwelling are clearly far too tight, adding to the risk of having to dangerously back out on to the narrow bend of Hempstead Lane.</p> <p>I respectfully object to this application.</p>
38 Upper Golf Links Road, Broadstone	I strongly object to the proposals including revised submission documents as it's against the authorities policies and strategies as set out in other objections. The proposal is causing anxiety to the elderly neighbour as it will significantly harm their amenities.

Agenda Item 5b

ITEM NUMBER: 5b

23/00413/FUL	Construction of dwelling	
Site Address:	Land East Of Cyrita, Hogpits Bottom, Flaunden, Hertfordshire	
Applicant/Agent:	Staunton BC	DLA Town Planning Ltd
Case Officer:	Patrick Doyle	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Due to contrary views of Parish Council and call in from ward Councillor Riddick	

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to appropriate conditions and an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to prevent harm to the Chiltern Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 On balance the development the proposed development is considered to meet one of the defined exceptions for development within the Green Belt, constituting limited infill within a village. The proposed scale and design is considered appropriate to the plot and locality whilst preserving good quality living conditions of neighbouring properties overall. The potentially adverse impacts of the development can be mitigated against through the use of conditions and legal agreement.

3. SITE DESCRIPTION

3.1 The site is located on the southern side of Hogpits Bottom opposite the entrance to Flaunden Park and between the residential units of Cyrita and The Orchards. The site does not appear to fall within the curtilage of Cyrita, but acts as an area of open space alongside the property. There is a public footpath alongside the eastern boundary of the site extending to St Mary Magdalene Church within Flaunden village.

3.2 Hogpits Bottom comprises a variety of detached residential units to the north of the main village of Flaunden and to the west of the Bricklayers public house. A new dwelling is currently under construction at Bag End and approximately 100m to the east of the site.

4. PROPOSAL

4.1 This application seeks the construction of a new detached four bedroom chalet bungalow with associated access, parking and landscaping.

5. PLANNING HISTORY

Planning Applications:

22/00939/FUL - Construction of a dwelling.

REFUSED - 16th June 2022

22/02586/FUL - Construction of dwelling
REFUSED - 25th November 2022

4/00066/19/FHA - Proposed single width garage to side of existing House.
GRANTED - 7th March 2019

4/00474/10/FHA - Two storey and single storey rear extensions and front porch
GRANTED - 12th May 2010

22/00939/FUL - Construction of a dwelling.
REFUSED - 16th June 2022

22/02586/FUL - Construction of dwelling
REFUSED - 25th November 2022

Appeals:

23/00005/REFU - Construction of dwelling
PENDING

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Flaunden CP
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

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
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil, and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Local Plan

Saved Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Parking Standards (2020)
Planning Obligations (2011)
Environmental Guidelines (2004)
Energy and Conservation
Water Conservation
Landscape Character Assessment
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

Background

9.1 The site has been subject of several planning applications which have been refused, most recently 22/02586/FUL, which was refused on the following grounds:

- 1. The proposed development, in view of its design, site coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.*

2. *The proposed development would have a detrimental impact on the safety of users of the adjacent bridleway contrary to Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)*
3. *The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy.*

9.2 This decision is subject of an appeal lodged with the Planning Inspectorate and awaiting a decision.

9.3 To address the concerns from the previous refusal the following changes have been made:

- Relocation of the access away from the bridlepath
- Change in house type from being two storeys, to being a bungalow with rooms in the roof space.
- Reduction in ridge height of the property by 1.2m
- Significant reduction in the eaves height of the property by 2.5m, 50% of their previous height.
- Reduction in width of the property by 0.5m

9.4 Following discussions during the application further amendments to the plans include:

- Removal of side facing dormer, to improve space/sky gap between proposed development and neighbouring dwelling Cyrita.

9.5 If the application was likely to be approved the applicant has indicated a willingness to enter into a legal agreement to secure appropriate mitigation funding for the potential effects upon the Chiltern Beechwood Special Area of Conservation

Principle of Development

9.6 The application is located within the Metropolitan Green Belt. The Government attaches great importance to the Green Belt. 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. The concept of "openness" is a broad policy concept understood to have a spatial and visual aspect, relevant to the underlying aims of the Green Belt policy is "to prevent urban sprawl by keeping land permanently open" and wider five purposes outlined in NPPF paragraph 138. It is not necessarily a statement about the visual qualities of the land, though in some cases that might be an aspect of the planning judgement involved. It is held to mean a general absence from inappropriate forms of development.

9.7 Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except unless very special circumstances exist.

9.8 Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy. Paragraph 149 of the NPPF (2021) states that the construction of new buildings within the Green Belt is inappropriate development. However, a number of exceptions to this are listed, one of which being “limited infilling in villages”.

9.9 Generally limited infilling implies the infilling of a small gap in an otherwise built up frontage (appeal ref: 3261261, para.10 pg.2). The Core Strategy (2013) defines ‘limited’ as development which does not create more than two extra dwellings. However, it is also noted appeal decisions within borough have allowed up to five dwellings under the limited infilling provision. The provision of 1 dwelling is considered to be limited infilling, if located within a village.

9.10 Flaunden or its wider environs is not listed as small village within the Green Belt under Policy CS6 with only Chipperfield, Flamstead, Potten End and Wigginton being listed under this policy. However, recent appeal decisions have shown that the boundaries contained within the Development Plan are not determinative and an on the ground assessment should take place in order to determine whether a particular site is located within a built up settlement.

9.11 Consideration is also given to conclusions reached by the Planning Inspectorate in case APP/A1910/W/17/3185846 (Bag End, Hogpits Bottom, Flaunden) and judgements referred to in *Lee Valley Regional Park Authority v Epping Forest District Council* [2015] EWHC 1471 (Admin) and *Lee Valley Regional Park Authority, R (on the application of) Epping Forest District Council and Anor (Rev 1)* [2016] EWCA Civ 404 regarding these issues.

9.12 The proposed dwelling would be located between dwellings in Hogpits Bottom and would be within the ribbon of development extending to the north of Flaunden. It would clearly infill a gap between properties in this location. In light of the appeal decision at Bag End, it is considered the application site is within a wider definition of the village of Flaunden.

9.13 It would therefore appear to constitute spatially an appropriate form of development within the Green Belt. In this case given the siting, open aspect of the field and proximity to bridleway, the site contributes to the visual qualities of openness of the Green Belt at broad policy concept level and it is appropriate to consider the visual impacts of the development consistent with the Samuel Smith supreme court judgement (*Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council* [2020] UKSC 3). Whilst NPPF paragraph 149 enables the limited infilling of villages this is also to be balanced with NPPF paragraphs 137 and 138 and 148 of the NPPF which seeks to retain the essential characteristics of the Green Belt it’s permanence and openness and also to give substantial weight to any harm to the Green Belt.

9.14 The extent of the residential curtilage accords with the established line of neighbouring rear gardens and is considered appropriate in the context of infill within the

village. The house is appropriate in scale and sufficient space is retained around the dwelling and a condition requiring appropriate planting will ensure the fundamental aims of the green belt will not be undermined when balanced with the limited infilling nature of the development.

9.15 The proposed development is considered to be acceptable in principle subject to meeting the objectives of other relevant policies of the development plan.

Quality of Design / Impact on Visual Amenity

9.16 Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and paragraph 130 of the NPPF (2021) all seek to ensure that any new development will function well and add to the overall quality of the area. Proposals should be visually attractive and sympathetic to local character, respecting adjacent properties in terms of scale, massing, materials, layout, bulk and height. Paragraph 134 of the NPPF states “Development that is not well designed should be refused”.

9.17 The creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning process as set out in Chapter 12 of the NPPF and is reflected in the strong policy framework objectives for good design. Policies CS10, CS11 and CS12 of the Core Strategy indicate that the design of individual buildings should reflect the scale, density and character of the areas in which they would be located with Policy CS12 placing an emphasis on having an appropriate relationship with neighbouring properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping. In this case, the proposed dwelling also needs to have an appropriate relationship with the adjoining countryside and with particular attention to the impact of the proposals upon the use of the adjacent bridleway.

9.18 Policy CS6 refers to villages within the Green Belt and states development should be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale and landscaping. Development should also retain and protect features essential to the character and appearance of the village.

9.19 Following the refusal of planning applications 22/00939/FUL and 22/02586/FUL, the applicants have attempted to address concerns with the design of the proposed development and its cramped built form by reducing the overall height, eaves height of the proposed dwelling and providing a dual pitched roof, with side dormer, creating a chalet style bungalow. The space between the proposed dwelling and Cyrita has also be increased by 0.5m whilst the boundary treatment to the adjacent bridleway has been softened by the introduction of soft landscaping.

9.20 The use of the chalet bungalow design with dual pitched roof opens up an appropriate visual break between the development and Cyrita and allied to reduced scale avoids a cramped appearance and sits within the plot more comfortably than previous applications.

9.21 There is varied form and character in the styling of the housing in the street but generally plots have a wider and spacious character between and amongst the plots. Now, the house appears to sit more comfortably within the plot and in particular with

appropriate spacing at first floor level, the proposals are not considered to detract from the overall quality or character of the area. Those dwellings that are sited on smaller plots, maintain a degree of spaciousness by their single storey built form and use of hipped roofs; with accommodation being provided within the associated roof space. Hogpits Bottom is described in the above appeal decision as being “characterised by detached dwellings on large spacious plots” The Inspector notes a “strong verdant character” and “generous open gaps between dwellings and neighbouring properties”. The reduction in height and low eaves, chalet bungalow design and the removal of the large side dormer facing Cyrita during the application, allows the proposals to retain a sense of sky gaps and spaciousness between the adjoining buildings, not inconsistent with other smaller plots within the streetscene and wider settlement.

9.22 Landscape details and enhancements can be secured to ensure the verdant character of the locality is maintained and mitigate any loss of planting through the creation of the access and clearance of vegetation on site.

9.23 The use of materials will be important to the overall character and appearance of the building and design, the use of large areas of glazing is a modern approach to design but in itself is not considered intrinsically harmful to the character, noting the lack of uniformity of design as a prevailing characteristic. The use of high quality brickwork is proposed and this will be reviewed and secured by condition. Roof materials have not been specified on plans but the use of good quality clay tile would be appropriate to the local character and again to be reviewed and secured by condition.

9.24 Given the siting in the development and rural aspect beyond the site and overall character of the streetscene and locality has been a significant consideration in forming the view it is appropriate to remove permitted development rights. In particular large scale additions to the dwelling especially to its roof possible under permitted development rights, such as large box dormers in the roof slope and large single storey additions and outbuildings which may lead to a cramped character and detract from local character and green belt principles of development. Likewise additional hardstanding and means of enclosure would further erode the character of the plot and locality including undermine the semi-rural aspect and green belt designation.

9.25 There shall be no enlargement of the dwelling or the construction of additional outbuildings or hardstanding or development falling within the classes A, B, C, E, F, G of part 1 or Class B of part 2 the Town and Country Planning (General Permitted Development) Order 2015 (as amended) shall be carried out without the prior written approval of the Local Planning Authority.

9.26 As such, the removal of permitted development rights outlined is reasonable and necessary.

9.27 Overall the proposals are considered to be of an acceptable appearance and impact upon the broader locality consistent the objectives of policies CS10, CS11 and CS12 of the Core Strategy and the NPPF.

Impact on Residential Amenity

9.28 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.

9.29 Consistent with saved policy appendix 3, Building research establishment report "Site Layout for Daylight and Sunlight" is a useful starting point to indicate if a development will likely have a negative impact upon daylight/sunlight issues. The proposed dwelling would be arranged so as to respect the 45 and 25 degree principles and have adequate spacing between them so as to avoid loss of outlook, privacy and receive good daylight and sunlight to habitable rooms and amenity space. Good quality living conditions would be maintained for neighbouring dwellings.

9.30 Some rearward views over gardens from first floor windows is not deemed harmful given the broader residential context, however directly facing windows such as those in the side elevations could have harmful impact upon privacy affording direct and untypical views into adjacent properties. To avoid this these windows shall be conditioned to be obscure glazed and non-openable below 1.7m above finished floor level (with the exception of emergencies e.g. for fire escape). It is noted the presence vegetation between Cyrita and the Orchards, however these fall outside the control of the applicant and their longevity cannot be guaranteed.

9.31 Whilst the above condition may prove sub-optimal outlook for new occupiers of bedroom three, overall the property would benefit from good outlook. Bedroom 1 side dormer window is a secondary window and primary outlook would be maintained to the rear facing window. Whilst bedroom 4 on the ground floor has window facing Cyrita, it is unlikely to afford any harmful views due to boundary treatment separating the property. The outlook for future occupiers will be compromised by such an arrangement but as it is secondary bedroom and the overall quality of accommodation on offer it is not considered a reason to withhold planning permission.

9.32 The proposal has had regard to the Technical housing standards - nationally described space standards which is a material consideration and an indicator if adequate floorspace is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers. For 4bed 8 person dwelling over 2 storeys a minimum of 124 sq.m of floorspace should be provided. The proposed dwelling is in excess of this requirement (150 sq.m).

9.33 Garden size is generous for the house and affords ample opportunity for outdoor amenity.

Impact on Highway Safety and Parking

9.34 NPPF paragraph 111 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

9.35 Core Strategy Policy CS8 requires amongst other things to ensure well integrated and connected transport system, other forms of transport should be prioritised over the motor vehicle, create after footpath and cycle networks, improve road safety and safeguard residential amenity and highway safety and maintain the rural rights of way network. Whilst Core Strategy policy CS12 seeks safe and accessible forms of development for all. The development is located amongst other residential dwellings and would have accessibility to facilities of Flaunden and other nearby settlements such as Chipperfield akin to its neighbours. Whilst there would be some reliance on private motor vehicle the location is considered sustainable in the village setting context.

9.36 The site is located within parking zone 3 as defined by the Parking Standards SPD (2020). The proposals would provide a large area of hardstanding capable of accommodating 3 cars with room to come and go in a forward gear. This is in line with the requirements of the Parking SPD.

9.37 Parking provision is expected to be provided with electric charging points. This is now a building regulations requirement and is unnecessary to use in a planning condition.

9.38 Secure bicycle parking should be provided with each dwelling. A secure cycle store is included on plans.

9.39 The highway authority do not foresee any detrimental impact to the highway from the proposals subject to conditions requiring the access to be built to approved standard.

9.40 This development site abuts Flaunden bridleway 1 along the entirety of the site's eastern boundary.

9.41 The proposed access for the property is now for an access independent of the bridleway, whereas previously a shared surface was proposed. This removes potential safety concerns for access both during any development phase and thereafter of previous applications. The Countryside access and rights of way officer does not raise any objections although would encourage boundary planting along the shared path with the bridleway as opposed to more suburban style close-board fencing and that any such planting should be within the plot so as not to narrow or impede the bridleway. This can be secured by condition.

9.42 Any matters relating to ownership and rights of way are a civil matter outside the scope of consideration of the planning permission and for the developer to ascertain certainty over all legal rights and obligations are fulfilled before embarking on development.

9.43 No adverse impacts on the safe and efficient flow of the highway have been identified by the highway authority. The developer would have to enter into an agreement with the Highway authority for the provision/alteration of dropped kerbs. The proposals overall are unlikely to give rise to unacceptable or severe impacts to the highway and are therefore considered complicit with the aims of Core Strategy policy CS8 and CS12.

Trees and Landscaping

9.44 The LPA Tree officers have made an assessment of the trees and note none of the trees to be removed are not capable of being protected by a preservation order and of limited quality. Retained trees could be adequately protected subject to appropriate conditions. There is scope for replacement planting across the broader site, in addition to other landscape enhancements which could be secured by condition if the application were to be approved.

9.45 Residents have highlighted the premature removal of a tree prior to the submission of the application. As the tree was not present at the time of the application and there are not other statutory protections for the tree, limited weight can be given to the previous presence of the tree.

9.46 Officers do not raise any concerns with the removal of any trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. A plan showing how trees would be protected during construction has been submitted and this plan is considered to be appropriate to be conditioned. Landscaping of the site is likely to provide compensation for any loss in trees/soft landscaping and further details of this could also be secured by condition.

Sustainability

9.47 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. The Council therefore expects all new developments to meet a high standard of sustainable design. There is limited information provided in relation to the requirements of policies CS29, CS31 and CS32 of the Core Strategy and therefore further information should be provided by condition.

Ecology

9.48 Decision makers must have regard to their duties to protect wildlife under other sources of legislation including:

- The Environment Act 2021
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- Wildlife and Countryside Act 1981 as amended.
- Countryside and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.

9.49 Paragraphs 174 and 179 of the NPPF and the Core Strategy Policies CS26 and CS29 seek to enhance ecology, biodiversity and natural environment on development sites.

9.50 The site appears to be well connected via tree lines and hedgerows to adjoining semi natural areas and the surrounding countryside. The applicant has submitted a Preliminary Ecological Appraisal and Protected Species Assessment by a suitably qualified and experienced ecologist to consider the nature of the site and extent of any impacts on habitats or species of conservation significance.

9.51 The habitats on site are predominantly scrub which would have importance in the immediate vicinity for invertebrates and birds however, no notable, rare or protected habitats were found to be present. The Council's Ecologist has no reason to disagree with this assessment. It is recommended that native hedgerow species should be utilised in any landscaping to retain some of the existing biodiversity value of the site. The ecological report includes recommended enhancements which would provide an ecological improvement to the existing scheme including the inclusion of an integrated bird or bat box as part of the proposed property. The recommendations of the ecology report can be conditioned so as to secure ecological enhancements to the site.

9.52 Due consideration to wildlife, habitats and protected species consistent with the legislation and Core Strategy policies CS26 and CS29 and the NPPF has been given and the development considered acceptable in this regard.

Other Material Considerations

Contamination

9.53 The Council's scientific officer has confirmed that there are no objections to the proposals on grounds of contamination.

Drainage and Flood Risk

9.54 The Parish Council have indicated that the fields and bridleway in this location are subject to flooding. This comment appears to relate to concerns with surface water run-off from the south of the site. This would need to be mitigated by an appropriate drainage strategy for the site which could include SuD solutions. Such matters should be secured by condition in the event of approval.

Services Accessibility

9.55 Given the proximity to the public highway emergency access should be achievable.

9.56 Waste collection would be accessible from placing bins at the roadside on collection day.

Tilted Balance

9.57 It is acknowledged the Council do not currently have a 5 year land supply and the contribution of 1 dwelling would make a modest but valuable contribution to the local housing choice and supply. Paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. However footnote 7 also makes clear this presumption in favour of sustainable development does not apply in designated areas such as Green Belt.

9.58 Paragraph 12 goes on to state “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”

Chilterns Beechwoods Special Area of Conservation

9.59 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.

9.60 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 .

9.61 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.

9.62 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).

9.63 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.

9.64 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.

9.65 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.

9.66 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.

9.67 The applicant has confirmed their intention to enter into legal agreement to secure appropriate mitigation to the Chilterns Beechwoods Special Area of Conservation should the application be found acceptable.

9.68 On this basis the proposals could be acceptable with Policies CS25 and CS26 of the Core Strategy, NPPF and Habitat regulations.

Response to Neighbour Comments

9.69 Any material planning matters raised have been addressed above.

Community Infrastructure Levy (CIL)

9.70 All new developments are expected to contribute to the cost of the on-site, local and strategic infrastructure required to address the needs arising from the development in accordance with Policy CS35 of the Core Strategy. In most instances, such contributions will extend to the payment of the Council's Community infrastructure Levy (CIL) and required sums for SAMM and SANG. The proposals would be CIL liable if approved and appropriate charges will need to be levied in accordance with the adopted Charging Schedule at the index linked rate relevant at the time of commencement.

10. CONCLUSION

10.1 On balance the proposed development is considered to meet one of the defined exceptions for development within the Green Belt, constituting limited infill within a village. The proposed scale and design is considered appropriate to the plot and locality whilst preserving good quality living conditions of neighbouring properties overall. The potentially adverse impacts of the development can be mitigated against through the use of conditions and legal agreement.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to APPROVAL subject to appropriate conditions and an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to prevent harm to the Chiltern 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 (unless otherwise required by any other condition associated with this Planning permission):**

**NA 220102 2PL-101C
NA 220102 2PL-201C
NA 220102 2PL-301C
NA 220102 2PL-302C
NA 220102 SK-401
TPP_LCLLFH_010 B - Tree protection plan
Arboricultural Report
Cherryfield Ecology Report - Recommendations and Recommended Enhancements and Mitigation**

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

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

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

4. **No construction above ground level 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, including gates;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5; years from planting fails to become established,

becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development, its contribution to biodiversity and the local environment and neutralise impact upon the Green Belt, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS1, CS6, CS12 (e) of the Dacorum Borough Council Core Strategy (2013) and the NPPF

5. **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) there shall be no enlargement of the dwelling or the construction of additional outbuildings or hardstanding or development falling within the classes A, B, C, E, F, G of part 1 or Class B of part 2 the Order shall be carried out without the prior written approval of the Local Planning Authority.**

Reason: To ensure the principle of development which justified this development is not undermined and no additional harm is further arises to the openness and purposes of the Green belt and 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 CS1, CS5, CS6, CS10, CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and chapter 13 – *Protecting Green Belt Land* of the National Planning Policy Framework (2021).

6. **No development shall take place until details of surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include an assessment of the potential for disposal of surface water by means of a sustainable drainage system. Where a sustainable drainage system is to be provided, the submitted details shall include:**

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;**
- (b) include a timetable for its implementation; and,**
- (c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme 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).

7. **The development shall not be occupied until the recommendations of the Cherryfield Ecology report for the enhancement of the site for biodiversity purposes, are implemented. An integrated bird and/or bat box shall form part of the development. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.**

Reason: To enhance local wildlife and the natural environment, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

8. **Windows at first floor level in the side elevations shall be obscure glazed and non-opening (except in the cases of emergency escape) below 1.7m above finished floor level.**

Reason: In the interest neighbouring amenity (privacy) and to secure high standards of amenity in accordance with Core Strategy policy CS12 and NPPF paragraph 130.

9. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 2PL- 101 C in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy policies CS8 and CS12 and the NPPF.

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

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. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
4. 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.
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.
7. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.

8. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
9. 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.
10. AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN 5) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

6. In the event that ground contamination is 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 because, the safe development and secure occupancy of the site lies with the developer.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flaunden Parish Council	<p>The application relates to the construction of a four bedroom dwelling in the Green Belt. The proposed development is in a field which extends into open fields to the south, with the road, Hoggpits Bottom to the north. There has never been any built form on the site and previous applications to build here have been turned down. The site is very narrow with Cyrita to one side and a busy bridleway to the other. We believe that the site is too narrow to support development without causing harm to the openness, character and appearance of the area.</p> <p>This proposed development claims to have been modestly</p>

reduced in scale from the previous application (22/02586/FU which was refused. One of the reasons for refusal of the prior application was that:

"The proposed development, in view of its design, site coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.
"

Flaunden Parish Council remain of the view that the development would be cramped in the site and at odds with the pattern of development on this side of the road, which generally has a wider and more spacious character between and amongst the plots. The inspector commented in the Appeal Decision relating to Bag End (Appeal Decision ref: APP/A1910/W/17/3185846) that Hogpits Bottom has a "strong verdant character" and "generous open gaps between dwellings and neighbouring properties". This proposed dwelling is too large for the site and has a negative impact on the character and appearance of the area. The application does not support, protect and enhance the Green Belt and damages the existing character of the village.

L)

The applicant states (1.3.2 of the Planning Statement) that the proposed dwelling would not cause harm to any existing or neighbouring occupiers. The Applicant refers to Appendix 3 of the Dacorum Local Plan which sets out the layout and design principles for residential areas and claims that the proposals adhere to these principles as: "The proposed development is designed to retain privacy for existing occupiers, neighbours and future occupants through significant distancing between the dwellings, orientation and internal layout". Flaunden Parish Council is of the view that the application fails to adhere to these principals and does cause harm to a neighbouring property. The plans show windows to both sides of the property with five windows facing Cyrita which will result in loss of privacy for this neighbouring property.

The plans submitted by the applicant indicate that the proposed dwelling would be 3.1m from the adjacent property (Cyrita) to the west. However, this hasn't changed since the second application. The proposed dwelling would still be 1.3m from the eastern boundary. This lack of space between the properties leaves a very limited gap, encroaching on the green spaces between the dwellings that characterises this part of the village.

The site's frontage on Hogpits Bottom contains dense landscaping, with a wide hedgerow and significant number of mature trees. Entry to the property has been moved and a new access is proposed that does not require access across the busy bridleway. However, the proposed access to the site on Hogpits Bottom is now opposite to the entrance to Flaunden Park which is very busy due to the large number of homes within that site. The impact on the highway is of concern and should be considered. Further, the access now requires that a telegraph pole and a utility pole be moved and necessitates removal of mature hedgerow and trees (see image below).

The proposed new entrance would also affect the bus stop which is located alongside the wooden bench (see above image). Where would this be relocated to?

The site has natural boundaries comprising hedgerows and trees and more scattered trees throughout the site. The proposal will result in significant loss of vegetation and urbanisation of this rural spot. The plans still show wooden fencing to the property and this is considered inappropriate. The mature hedging straddling the boundary should not be removed and removal of the roadside hedge that comprises of two mature native Field Maples and a large Sycamore tree should be avoided.

The removal of mature trees and hedges on this site will cause significant harm to the character and appearance of the site and its rural setting.

Flaunden Parish Council would like to point out the lack of arboricultural assessment and the failure to update the Ecology Report to reflect the destruction of trees and hedgerow necessitated by the revised application.

Should this application be approved Flaunden Parish Council

would request that a Condition is included which requires the bridleway to be 4 metres in width, as recommended by Dacorum's Countryside Access Officer.

The extensive flooding that has occurred along Hogpits Bottom continues to be of concern. There is history of flooding in Flaunden in 1993, 2009 and 2014 where two properties on Hogpits Bottom were flooded. Bungalows were flooded and the fire brigade had to be called out, leading to insurance claims. The proposed dwelling is located in an area that is prone to flooding following extreme rainfall (the field at the end of the plot of land is regularly waterlogged and this subsequently seeps through the land adjacent to Cyrita and the Orchards as well as their gardens). The urbanisation of this site with built form and hardstanding will increase the likelihood of flooding along Hogpits Bottom.

The Planning Statement (2.5.1) suggests that future residents could cycle to Bovingdon to access the services of this large village. It should be noted that very few, if any, Flaunden residents would consider cycling along narrow lanes a safe or convenient way of accessing facilities. It should be noted that the only available public transportation to the site would be two bus stops located within walking distance, which infrequently go towards Chipperfield (route 51). This route runs once a day, two days a week. No other public transportation is available. In addition, the village of Flaunden does not have any shops. The new house would therefore require an overreliance on private motor vehicles to access local services and be contrary to Development Plan's settlement strategy. As such the proposal would constitute unsustainable development.

Chiltern Beechwood Special Area of Conservation

Another of the reasons given for the refusal of the previous application (22/02586/FUL) was that:

"The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such

	<p>information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy. "</p> <p>The Delegated Report refers to the fact that the application site resides within the above-mentioned 'Zone of Influence'. Natural England has not been consulted but it is clear that there would be an objection to the proposal on the grounds that a Habitats Regulations Assessment (HRA) is required to determine likely significant effects and that that mitigation measures will be necessary to rule out adverse effects on integrity of the identified qualifying features within the SAC designation.</p> <p>A site-specific HRA has not been provided and the applicant fails to give evidence to ensure that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation.</p> <p>Conclusion</p> <p>In conclusion, the proposed development would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.</p> <p>Flaunden Parish Council strongly recommend refusal of this planning application.</p>
<p>Flaunden Parish Council (Revised plans)</p>	<p>Flaunden Parish Council have reviewed the revised plans and note that the revised site and block plan has not addressed the lack of space between the adjacent property (Cyrita), there is still a very limited gap, encroaching on the green spaces between the dwellings that characterises this part of the village.</p> <p>The revised plans appear to have only addressed one aspect of Flaunden Parish Council's objections to this application. This proposed development in the Green Belt has no exceptional circumstances that would overturn the central policy decision regarding not building on Green Belt land. The proposal is for a rather narrow house on a very narrow piece of land that would</p>

	<p>damage the appearance of the area. All our previous objections except the one regarding the fenestration to the west flank still apply and even then, the proposed skylight windows still appear to potentially overlook Cyrita.</p> <p>Our original objections have not been appeased by this latest version of the proposed development. Flaunden Parish Council therefore remain of the view that the development would be cramped in the site and at odds with the pattern of development on this side of the road, which generally has a wider and more spacious character between and amongst the plots.</p> <p>Flaunden Parish Council strongly recommend refusal of this planning application.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the application above, for which I have the following comments:</p> <p>Summary of advice:</p> <ul style="list-style-type: none"> o No fundamental Ecological constraints o Advice the use of native hedgerow planting, and the inclusion of an integrated bird or bat box. o Precautionary Informative for nesting birds. <p>Supporting documents:</p> <ul style="list-style-type: none"> o Ecological appraisal by Cherryfield Ecology (report date 08/08/2022). o <p>Comments:</p> <p>The present application is supported by an Ecological appraisal, aside for nesting birds no constraints relating to protected species have been reported from the site. The habitats on site are predominantly scrub which would have importance in the immediate vicinity for invertebrates and birds however, no notable, rare or protected habitats were found to be present. I have no reason to disagree with this assessment. I would advise that native hedgerow species should be utilised in any landscaping to retain some of the existing biodiversity value of the site. The ecological report includes recommended enhancements which would provide an ecological improvement to the existing scheme. I advised the inclusion of an integrated bird or bat box as part of the proposed property.</p> <p>The removal of the scrub risks harm to nesting birds, to avoid an offence being committed, I advise the following precautionary</p>

	<p>Information is included with any permission given.</p> <p>"Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Scientific officer comments:</p> <p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>However, given that there will be a degree of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Environmental Health Officer Comments:</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.

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative.

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

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

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

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

In addition, mitigation in regards to NOx emissions should be

	<p>addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>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</p>
Thames Water	<p>WASTE COMMENTS:Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant</p>

is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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

	<p>capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER COMMENTS: The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</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>
Trees & Woodlands	<p>The agent has provided a Tree Protection Plan clearly showing minimal tree removals are required for the development. Furthermore, appropriate protection has been afforded to retained trees, ensuring they safeguarded during the development. As such, I have no further concerns.</p>
Hertfordshire Highways (HCC)	<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</p>

Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 2PL- 101 B in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate

arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop>

ped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act

1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or

deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN 5) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be

maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Comments

The proposal is for the construction of a dwelling on Land Adj. Cyrita, Hogpits Bottom, Flaunden, Hemel Hempstead. Hogpits Bottom in this location is 30 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

The site in question has no existing access to the highway network. The verge fronting the site is highway maintainable at public expense and is part of the adopted highway network. The proposal is to create a new dropped kerb fronting the proposed site to access the proposed parking. The dropped kerb is to be created to 5.4 metres total which is deemed acceptable. Both the dropped kerb and hardstanding on the highway verge would need to be done through a section 184 agreement by a contractor who has been chosen by HCC Highways - see informative 1. The relocation of the telegraph pole will have to be agreed by the owner of the pole and might come at the cost of the applicant. As per condition 1 above we would not expect the

	<p>dwelling to be inhabited until the access has been built and this would be subject to the agreement of the relocation of the pole and the gas pole adjacent. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.</p> <p>The dwelling is not considered to be in a transport sustainable location, however, in this instance the single dwelling would have the same transport impacts as the neighbouring property and therefore it is considered too minor an impact to result in a recommendation of a refusal.</p> <p>Drainage</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 new driveway would need to be collected and disposed of on site.</p> <p>Refuse / Waste Collection</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>Emergency Vehicle Access</p> <p>The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</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 highway informative (in relation to entering into a Section 184 Agreement) and condition.</p>
Rights Of Way (DBC)	<p>I see the entrance and fencing are no longer an issue for the bridleway.</p> <p>The proposed hedging would need to be planted in the plot, not right on the boundary, as it will 'obstruct' the bridleway when it grows across the boundary. It needs maintenance needs to be addressed by the owner of the property.</p>

	The marking of the 'existing bridleway' is a bit misleading as the whole width of that strip of land is bridleway, not just the stone/worn route.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	6	0	3	1

Neighbour Responses

Address	Comments
September Cottage Hogpits Bottom Flauden Hemel Hempstead Hertfordshire HP3 0QB	<p>Re: Application Reference 23/00413/FUL Land adjacent to Cyrita and The Orchards, Hogpits Bottom, Flauden Hemel Hempstead</p> <p>We wish to object to the above application on the following grounds:</p> <ol style="list-style-type: none"> 1. Out of character build in the Green Belt <ol style="list-style-type: none"> a. The proposed dwelling would be overdevelopment of the plot and out of character with other properties in the vicinity, which are on much larger/wider plots with large gaps between adjacent properties. The design of the property clashes with the general design of properties in the area and is more in keeping with a modern suburban setting. The current application has reduced the width of the property marginally, which does not materially change the situation and does not overcome this objection. b. The construction will also remove essential uncultivated Green Belt, home to local wildlife. 2. Damage to the street scene and destruction of mature trees <ol style="list-style-type: none"> a. The application proposes a new entrance which will require removal of mature trees, a dramatic and adverse change to the street scene and will be damaging to the general appearance of this attractive rural area.

	<p>3. Dangerous placing of the new entrance on the highway</p> <p>a. The proposed new entrance is immediately opposite the well-used entrance to Flaunden Park and presents a danger to road traffic given the lack of and inappropriateness of safety features such as traffic lights.</p> <p>b. The entrance would also remove the bus stop and require removal of a bench for bus users, both of which are conveniently placed near the access to Flaunden Park, where the main users of the bus live. There would seem no alternative convenient place to site the bus stop near its source of passengers. This is the only bus stop in Flaunden.</p> <p>4. Reliance on cars will conflict with Development Plan's settlement strategy.</p> <p>a. The Planning Statement states that being within the village of Flaunden means that the site has access to all the amenities, services and facilities. It should be noted that the only available public transportation to the site would be the bus stop located at the site and within walking distance, which infrequently goes towards Chipperfield (route 51). This route runs once a day, two days a week. No other public transportation is available. In addition, the village of Flaunden does not have any shops. Few, if any Flaunden residents let alone the older Flaunden Park residents would consider cycling along narrow lanes a safe or convenient way of accessing facilities. As a result of the lack of public transport the site would be heavily car dependent. The new house would therefore require an overreliance on private motor vehicles to access local services and be contrary to Development Plan's settlement strategy. As such the proposal would constitute unsustainable development. The development will therefore adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation.</p> <p>5. Against Core Strategy as inappropriate Development in the Green Belt</p> <p>a. This application does not support, protect and enhance the Green Belt and damages the existing character of the village and is therefore in contravention of policy CS1 of the Core Strategy. This policy states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy. Flaunden is considered to be included in Category 5, which refers to 'Other Small Villages and the Countryside'. As such is identified as falling within an 'Area of Development Restraint' being one of the least sustainable areas of the borough, where significant environmental constraints apply, such as the countryside between settlements. Policy SC1 and Table 1 specifically refers to the need to conserve the rural character of the borough.</p>
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	<p>The proposal causes damage to the existing rural character of the village and would be harmful to the spacious character and appearance of the area and the wider landscape. It would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density area.</p>
<p>The Orchards Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0QB</p>	<p>We object to the new planning application between The Orchards and Cyrita Flaunden as under mentioned</p> <p>The paperwork submitted states 'Footpath then it refers to a 'Bridleway' in the same documents, this is misleading. Please note that the Land in question abuts a bridlepath. Which has a busy 'footfall with horses, bikers, people waking dogs and pushing prams, runners and village community walking to the church in Flaunden. Everyone who uses the Bridleway can view the green belt land in question.</p> <p>The plot of land in question can be seen from the bridleway, there is a wooden fence separating the Bridleway and the land in question.</p> <p>The plot is grazing land and falls under 'Green Belt' it should not be possible to build on Green Belt. The plot is very narrow and therefore 3 meter rule must apply between neighbouring properties.</p> <p>The plans are for a high pitched roof which suggests future conversion into 2 storey building. This is a visual intrusion, loss of privacy and added noise pollution to our property and the immediate houses in Hogpitts Bottom.</p> <p>The noise pollution must be taken into consideration regarding a new design for a side door adjacent to The Orchards, Visual intrusion and loss of privacy.</p> <p>I believe there are 2 huts, on the site in question, which should be checked for asbestos. This is in the interested of the community for health and safety reasons.</p> <p>The Tree report is misleading because the Popular tree and other tree's mentioned like the Cypress are in the curtilage of The Orchards, do not interfere with our tree's. They do not over hang the bridleway. We maintain these tree's. Please note Popular Tree's only grow upwards and do not overhang, therefore they cannot be interfered with by the developer.</p> <p>Please note that flooding occurs at the top of the building plot in question. There is a dew pond which floods when heavy rain falls, it runs down the bridleway</p>

	<p>Having looked at the plans and documents of this latest application on our Portal, I can see no fundamental difference from the previously Refused applications and consequently, I also support the concerns as submitted by Flaunden Parish Council.</p> <p>If, after the consultation period you are minded to Refuse this latest application, then please proceed to deal with it accordingly, under Delegated Powers.</p> <p>However, if you are not so minded, then I must request that the application is called in for deliberation by the DMC Committee.</p> <p>Please keep me informed as to how this application will be dealt with.</p>
<p>Cyrita Hogpits Bottom Flaunden HP3 0QB</p>	<p>We write on behalf of [redacted] and provide our objection to the above planning application. [redacted] are the owners of Cyrita, which lies immediately to the west of the Application Site.</p> <p>By way of background, the Local Planning Authority will be aware that we made representations on their behalf to the previous applications submitted on the site, namely:</p> <ul style="list-style-type: none"> o Planning Application Reference 22/00939/FUL (the "First Application"); and o Planning Application Reference 22/02587/FUL (the "Second Application"). <p>Both applications sought permission for the erection of a detached dwelling on the Application Site, and both were refused by the Council. Although the reasons for refusal were not identical, they covered the following issues:</p> <ul style="list-style-type: none"> o The harm of the proposed development to the character of the area; o The detrimental impact on the safety of users of the adjacent bridleway; o The failure to provide an ecology survey and necessary information on biodiversity; and o The failure to address the Chilterns Beechwoods Special Area for Conservation. <p>The Applicant has now submitted yet another application in an attempt to address the concerns. It is also suggested in the documentation that an appeal has been submitted against the Council's refusal of the Second Application, though our client has not yet received any formal notification of this (it is assumed that the appeal has not yet been registered).</p> <p>We remain of the view that the proposed development is contrary to national and local planning policies and</p>

notwithstanding the changes to the scheme, it would continue to result in a form of development that would cause unacceptable harm to the character and appearance of the area.

The reasons for our continued objection are explained below.

Site Description

The application concerns a narrow strip of land between two existing properties on Hogpits Bottom, Flaunden.

It is understood that the application site is approximately 883sqm in size (though the application form refers to an area of 0.1 hectares). The applicant owns a further, larger parcel of land to the rear of the Application Site. This parcel of land wraps around the rear of our client's property, and the site was historically a single plot together with Cyrita.

The site's frontage on the Hogpits Bottom contains dense landscaping, with a wide hedgerow and a significant number of mature trees. These include oak, sycamore and beech trees.

A public bridleway runs alongside the Application Site's eastern boundary, and the northern section of this at the site's entrance falls within the defined Application Site. The bridleway continues south on land within the applicant's control.

Turning to consider the wider area, Hogpits Bottom has a rural character. It contains a mix of different dwelling sizes and designs, but is typically characterised by large, detached properties, set within spacious grounds. Like the Application Site, the area contains established planting with trees and hedges along the lane.

The village of Flaunden does not have any defined settlement boundary within the Development Plan.

However, the historic core of the village lies to the south of Hogpits Bottom and is physically divorced from it, being separated by an area of undeveloped open fields. This further enhances the rural setting of the site and the surrounding area.

The Proposal

The application seeks full planning permission for the erection of a detached dwelling. As noted above, it follows the Council's refusal of two previous applications. It attempts to address the various reasons for refusal. The Applicant's Planning Statement refers to the changes as follows:

- o Relocation of the access away from the bridlepath;
- o Change in house type, from two storey to a 1.5 storey

property;

- o Reduction in ridge height of the property by 1.2m;
- o Reduction in the eaves height of the property by 2.5m; and
- o Reduction in width of the property by 0.5m.

In terms of the front elevation, the previous plans included dominant, two storey gable features. The revised scheme continues to provide a 'feature' gable on the front elevation, which contains extensive glazing.

The building is essentially orientated with the ridge of the house now running from front to back. Windows have been introduced on the side of the proposed dwelling, including two dormer windows and a roof light in the east elevation. A secondary gable is shown on the western elevation.

The proposed dwelling would provide accommodation over two levels and contains four bedrooms (with one bedroom at ground floor level). It appears that the proposed house would be constructed in brick.

The Applicant has now submitted a streetscene elevation (which had been omitted from the previous applications).

Planning Policy Guidance

We provide a very brief overview of relevant policies below. These will of course be familiar to the Council, and we need not repeat them in detail. 'National Planning Policy Framework' 2021: The site lies within the Green Belt and the Government's policy advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

1 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and '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.

2 The Framework confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but it is recognised that there are exceptions. These exceptions include 'limited infilling' in villages.

3 The Framework places importance on achieving well designed places. It states that:

4 " ... The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities ... " Planning policies and decisions should ensure amongst other things, that

developments:5

- o Will function well and add to the overall quality of the area;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character and history ... ; and
- o Establish or maintain a strong sense of place ...

The guidance further states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that ... opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.

Ultimately, the Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.⁷

Development Plan: The statutory development plan comprises the following:

- o Adopted Site Allocations Development Plan Document' 2017;
- o Adopted 'Core Strategy' 2013; and
- o 'Dacorum Local Plan' 2004.

The adopted development plan is 'out of date' and due weight must be afforded relevant policies according to their degree of consistency with the Framework. Of primary relevance, it will be noted that the development plan does not define any settlement boundaries for Flaunden and that the village falls within the Green Belt. The Green Belt covers the Application Site and all the surrounding land. Of note, Policy CS5 'Green Belt' in the adopted Core Strategy is broadly consistent with the Framework. However, while it makes provision for 'small scale development' to be permitted, the exceptions referred to do not contemplate 'infill' development, though some 'limited infilling with affordable housing for local people' is accepted in specific, larger settlements. In this regard, the Development Plan takes a slightly different approach to the consideration of development within the Green Belt than that now contemplated in the Framework.

The development plan contains other relevant policies, including the following:

- o Policy CS1 'Distribution of Development';
- o Policy CS11 'Quality of Neighbourhood Design'; and
- o Policy CS12 'Quality of Design'.

Emerging Development Plan: The Dacorum Local Plan (2020 to 2038) 'Emerging Strategy for Growth' was published in November 2020. Once adopted, this will replace the existing development plan documents. The plan was the subject of a second stage of public consultation in 2021. Following this, the Council's Cabinet decided that the next stage of consultation for

the Local Plan would take place once further information had been gathered to examine development constraints in the Borough, particularly the Green Belt; the Chilterns Area of Outstanding Natural Beauty; and the Chilterns Beechwoods Special Area of Conservation. It is understood that the Council will also revisit analysis of development opportunities in urban areas, to further reduce the impact on the Green Belt. It will be noted that the emerging development plan takes a different approach to development in the Green Belt when compared to the adopted plan. The emerging Policy SP11 'Development in the Green Belt' states that the Green Belt boundary has been reviewed. The policy goes on to set out a more restrictive approach, which only allows development in specific locations. Reference is made to Policy DM39 'Limited Infilling in Selected Small Villages in the Green Belt'. This policy applies only to specific villages in which limited infilling is allowed (subject to various considerations). Flaunden is not one of the identified villages.

The supporting text to the emerging policy explains that it clarifies the Council's approach and how they interpret the Government's policy on infilling in villages. It is explained that only four settlements are of sufficient size and importance to support a minimum level of services and facilities needed to meet the daily needs of residents. Other settlements are not considered to constitute 'villages' for the purposes of the policy, and infilling is not believed to be justified in the rural area. Accordingly, the emerging plan would not tolerate infilling within Flaunden.

Assessment and Scope of Objection

Principle of Development: In terms of the principle of development, it is recognised that the Government's policy allows for 'limited infill' within the Green Belt. The Council's determination of the First and Second Applications found that the development was acceptable in principle, based on the adopted development plan. However, as discussed above, the relevant policies concerning development in the Green Belt are found within the Core Strategy and this must now be considered 'out of date', having been adopted a decade ago.

The Council's emerging policy now clarifies the intended approach. It presents a more restrictive framework to development in the Green Belt, allowing limited infilling only in four specific villages under Policy DM39.

Flaunden is not a defined 'village' under this policy, and so development on the Application Site conflicts with the policy. The Applicant's Planning Statement does not acknowledge the emerging policy, but they are no doubt mindful of it and seeking to secure a permission prior to its formal adoption.

We would suggest that the emerging policy should now be afforded weight in the determination of this third application. The existing statutory development plan is increasingly 'out of date' and not entirely consistent with the provisions of the Framework. Meanwhile, the emerging plan presents the most up to date expression of policy and way in which the Council interprets the approach infilling in villages, consistent with the Framework.

Previous assessments of the principle of development in relation to the First Application and the Second Application have also drawn reference to the appeal decision concerning development at Bag End, Hogpits Bottom. However this appeal was determined five years ago in 2018. It did not reflect upon the Council's emerging Local Plan, which had not been published at that time. Any reliance upon this is similarly increasingly tenuous given the passing of time and the clarification now provided in the Council's emerging policy over the definition of what constitutes a 'village' for the purposes of applying its policy.

Given the emerging policy position, we believe that the principle of development must now be examined again.

Character of the Area: The Council's refusal of the previous two applications have identified numerous concerns in relation to the impact of development on the character and appearance of the area. These echoed our own comments and objections, and we would concur with the Council's determination of these earlier submissions. It is not necessary to repeat the Council's assessment of these in detail or to rehearse the site's planning history. However, it is helpful to briefly review the relevant commentary.

The concerns over the impact of the development on the character of the area were articulated in the Council's first reason for refusal for the First Application, which stated:

" ... By reason of its siting, plot layout and coverage, excessive scale, mass, bulk, height the proposals appear cramped and contrary to pattern of development locally, the proposals fail to add to overall quality of the area, amounting to poor design and unsympathetic to local character, causing visual harm to the rural character and openness of the Green Belt and should be refused ... "

While changes were made in the Second Application, the Council's corresponding reason for refusal noted:

" ... The proposed development, in view of its design, site

coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt ... "

This third application now proposes further amendments. In design terms, the most significant change is the reduction to a 1.5 storey property, rather than a two storey dwelling. It is suggested that this results in a reduction in the ridge height by 1.2m. The two large gable features shown on the Second Application have also been removed from the front elevation.

While these changes do reduce the height of the building, they have also altered the design approach. The building has in essence, been reorientated on the site such that it is perpendicular to the road frontage, with the ridge running from front to back. The new glass gable feature which sits on the front elevation, is in essence the side of the house.

This is illustrated in the depth of the building: while the dwelling on the Second Application had a depth of 12.5m, the dwelling in this revised application now has a depth of 15m from front to back. The applicant has sought to mitigate the loss of floorspace by elongating the house, but the increased depth of the dwelling is not acknowledged in the supporting submissions.

In addition, the reorientation and elongation of the building means that windows have now had to be inserted into the side elevations of the property. There are two dormer windows and a rooflight on the eastern elevation, the appearance of which is now more reminiscent of a traditional front elevation.

The Planning Statement submitted on behalf of the Applicant also suggests that the width of the property has been reduced by 0.5m. This is not entirely accurate. The submitted plans show that the proposed dwelling would be 3.1m from our client's property to the west. This distance is unaltered when compared to the Second Application. Similarly, the proposed dwelling would remain 1.3m from the eastern boundary. This distance is unchanged. Accordingly, the suggestion that the dwelling has reduced in width is rather disingenuous. We have previously noted that such a limited gap is insufficient to provide an appropriate 'breathing space' that reflects the site's generally rural location, within the Green Belt. The Local Planning Authority concurred with this view.

The suggested reduction in width relates only to part of the

building's front elevation, where there is a 'stepped design' with a recessed front door. The set back of the front door (which is obviously the primary access to the house), results in an awkward and artificial design, done only to try and lessen the impact.

Overall, its design and appearance will be inconsistent with the traditional character of the area. We would refer to the Officer's assessment in relation to the Second Application in this regard, which stated:

" ... The development would, in my opinion, still appear cramped and at odds with the pattern of development of this side of the road, which generally has a wider and spacious character between and amongst the plots.

Although I appreciate that there are two storey dwellings within Hogpits Bottom, these units generally sit on more spacious plots with a high level of segregation between units. Those dwellings that are sited on smaller plots, maintain a degree of spaciousness by their single storey built form and use of hipped roofs; with accommodation being provided within the associated roof space. Hogpits Bottom is described in the above appeal decision as being 'characterised by detached dwellings on large spacious plots'. The Inspector notes a 'strong verdant character' and 'generous open gaps between dwellings and neighbouring properties'.

In contrast, I find that the overall height of the proposed building and the minimal spacing between the property and its boundaries to be incongruous. The building is still significantly taller than a number of neighbouring properties and any benefits to openness from the introduction of the hipped roof are negated by the provision of two gabled projections to the front elevation of the proposed building which unfortunately emphasises its height. The imposing mass, depth and height of the proposed building to the adjacent bridleway and users of the countryside rights of way network remains unacceptable, would not respect the

countryside border / setting and would encroach upon the countryside through the enclosure (and a potential reduction in width) of the bridleway contrary to Policies CS5, CS10, CS11 and CS12 of the Core Strategy ... "

The Officer's assessment consistently refers to factors such as 'spacious' plots, and generous separation between buildings and neighbouring plots. These are the key characteristics of the area. It is acknowledged that the assessment refers to examples where there are single storey properties, but their orientation to the road presents a more traditional linear frontage orientated to face the street, unlike the proposed development, which is now perpendicular. A narrow, gabled elevation is quite different in character and appearance to a traditionally proportioned and

designed frontage.

The Officer's assessment of the Second Application remarked that a gable ended roof form, was at odds with the prevailing pattern of development and general character of the area. While the design of the gabled features in the Second Application was different, we suggest that it applies equally to this third application, where the glazed gable is similarly at odds with the surrounding area.

Cumulatively, the alterations that have been made in an attempt to address the Council's concerns over the bulk and mass of the building, have resulted in a rather contrived and awkward design. The layout, orientation and appearance of the proposed dwelling has been consistently driven by a desire to maximise the site's development potential, rather than 'good design'. As stated above, the Framework requires that planning policies and decisions should ensure that developments:

- o Will function well and add to the overall quality of the area;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character and history ... ; and
- o Establish or maintain a strong sense of place ...

The proposed development achieves none of these requirements. Indeed, the various applications have demonstrated that the plot is fundamentally too small to accommodate a dwelling without harm to the character of the area.

Amenity: Although we had not previously raised concerns over the impact of the proposed development on our client's amenity, the revised scheme now introduces windows within the side elevations at first floor level. The relevant windows in the western elevation proposed property appear to serve a stairway and a bathroom. Accordingly, the amended proposal now has the potential to result in harm to the amenity. These windows would directly face the eastern elevation of our client's property, where there is a bathroom and bedroom window. It will be necessary to ensure that controls are imposed to mitigate any impact and potential for overlooking.

Loss of Trees: The Applicant has now moved the access position. This tries to address the Council's concerns over the impact of the original access and the potential conflict with the bridleway along the site's eastern boundary. It now occupies a location more central to the site's frontage.

However, the application entirely fails to acknowledge the impact that this revised access will have on the existing mature trees along the site's frontage. The position of the access is immediately adjacent to mature oak and beech trees, amongst others. The proposed layout plan that was submitted with the application

appears to have now removed the tree canopies from the baseline topographical survey (which were included on copies of the topographical survey and layout plans submitted with the previous applications). It would appear that this presentation and omission of detail is deliberately contrived to avoid highlighting the impact of the new access on the existing trees.

Furthermore, the completed Application Forms have stated that there are no trees or hedges on the proposed development site. The forms are plainly wrong in this respect and misleading. It is evident that the proper acknowledgment of the existence of trees and hedgerows on the site would have triggered a requirement for an Arboricultural Impact Assessment to support the application yet none has been submitted: the application should not have been validated without this.

In our experience, it is inconceivable that any Arboricultural Impact Assessment would find that the Proposed Development and formation of the access immediately adjacent to these trees would not have a detrimental impact. The application acknowledges that an existing maple will be removed, but suggests that the access will be 500mm from the oak and beech trees. The reality is that the trees will most likely need to be removed to facilitate the access.

The removal of these mature trees will result in significant harm to the character and appearance of the site, and its rural setting, previously described by the Inspector as 'verdant'. As noted above, the Framework confirms that trees make an important contribution to the character and quality of urban environments. Planning policies and decisions should ensure that existing trees are retained wherever possible.

11 This impact will further compound the detrimental impact and harm to the Green Belt. Moreover, the loss of existing, mature trees will result in harm to the site's biodiversity.

In this context and with such inevitable findings, the Applicant's apparent reluctance to submit any Arboricultural Impact Assessment is perhaps unsurprising. Indeed, it is rather telling that the Applicant provided an Arboricultural Impact Assessment in support of the Second Application but has consciously elected not to do so in this submission, when it could have been readily updated.

Ecology: In response to the Council's previous reasons for refusal on the First Application, an ecological appraisal was submitted in support of the Second Application.

The Applicant has now resubmitted this report, but the

assessment has not been updated to reflect the revised scheme. Of particular relevance, it does not therefore take any account of the ecological impact of the removal of mature trees. The ecological assessment must therefore be updated.

Furthermore, the Ecological Assessment does not contain any bio-diversity matrix however to demonstrate that the proposal can achieve an improvement in the existing biodiversity on the site as required under the Framework. This should be requested.

Access and Impact on the Bridleway: The Council's refusal of the Second Application raised concerns over the likely impact of the proposed access on the safety of the adjacent bridleway. Specifically, the reason for refusal stated that:

" ... The proposed development would have a detrimental impact on the safety of users of the adjacent bridleway contrary to Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD ... "

The refusal was based on the objection received from the Rights of Way Officer.

To address this concern, the current submission proposes to amend the location of the access. The Applicant's Planning Statement responds as follows:

" ... The Council refused the application on these grounds, and whilst this is contested and costs have been applied for against the Council, the proposed scheme has relocated the access to a new point away from the bridleway. This therefore overcomes the previous concerns from the Council in application reference 22/02586/FUL ... "

It appears from this that an appeal has been submitted against the Council's refusal of the Second Application, but the Applicant offers no further commentary. It is not apparent what evidence may have been submitted to 'contest' the Council's position, and no Transport Assessment or technical note is submitted in support of this revised application. Despite contesting the Council's concerns and apparently seeking costs, the Applicant has nevertheless now moved the access.

The position of the revised access is now immediately opposite the entrance to Flaunden Park, which is a site of static caravans. There is a potential point of conflict here, and this should be assessed to ensure that the access will not result in harm to highway safety.

As noted above, the relocation of this access will require the removal of existing mature trees on the site's frontage and is therefore unacceptable for the reasons we have already identified.

Summary and Conclusion

Having regard to the above, we believe that the Proposed Development fails to comply with relevant national and local planning policy guidance. While it is acknowledged that the Framework allows 'limited infilling' in villages, the Council's emerging local plan confirms that Flaunden is not considered a 'village' for the purposes of applying this policy. As such, the development fails to comply with this policy. It is recognised that this emerging policy has not yet been adopted, but the existing development plan is now a decade old, and it predates the National Planning Policy Framework; weight must be afforded to it accordingly. The appeal decision that the Applicant draws support from is also five years old, and pre-dates the clarification set out in the Council's emerging Plan in this respect.

Turning to the appearance of the development, it is evident that notwithstanding the changes that have been made, the proposed dwelling remains out of keeping with the character of the area. The revised design is contrived in its approach. There is a large, glazed gable feature on the front; the front door set back in one corner of the front elevation away from the parking spaces; the orientation of the mass and roof form is perpendicular to the road and inconsistent with the prevailing character; the form has been elongated and the depth of the building significantly increased; and windows have been added to the side elevation at first floor level. All of these amendments are solutions to overcome the problems and Second Applications, and cumulatively they result in an awkward and contrived appearance. The proposal fails to represent 'good design' and demonstrate that the plot is too small to accommodate a new dwelling.

Despite the changes, the proposal continues to result in a cramped form of development because of the proposed layout and the scale of built form. It will be harmful to the rural character and appearance of the area, and to the wider Green Belt and rural setting of the site.

The revised scheme also introduces windows at first floor level that will overlook our client's property. The proposed windows face the existing windows in the eastern elevation of Cyrita and are unacceptable.

The applicant has repeatedly adopted a selective approach to the submission of information. In the past, no

	<p>street scene elevations have been provided as they would not have assisted their case, and in this current application the submission fails to provide an Arboricultural Impact Assessment or updated Ecological Assessment. The tree canopies have now been removed from the topographical survey shown on the proposed layout plan, and the application forms has been incorrectly completed to state that there are no trees on the site. This approach and the failure to provide the necessary information is at best unhelpful to the Council's determination of the application.</p> <p>On the above basis, we continue to object to the proposed development of the site. We trust that our points will be taken into consideration, and we would be pleased to discuss them further if this is of assistance. We would reserve the opportunity to comment on any further representations or submissions made by the applicant, but in the meantime, I should be grateful if you were able to acknowledge receipt of our correspondence.</p>
<p>Great Moonshine Bragmans Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PL</p>	<p>I object to this proposed development on the basis that this is greenfield land which has never been built on before.</p> <p>I further object because the space where the house is proposed is too narrow. The planned dwelling is crammed into the space leaving inadequate space between the adjoining house, Cyrita and the busy bridleway. The bridleway is the main artery between the two parts of the village for walkers, cyclists and horse riders.</p> <p>The proposed access to the dwelling requires destruction of mature trees and hedging and further destruction of trees on the site itself.</p> <p>The dwelling is out of character with other properties along the road which are set in open plots and face the road.</p> <p>This property is orientated sideways in an attempt to squeeze it in and it is not appropriate in this rural, green belt location.</p> <p>My view is that this application should be refused.</p>
<p>Bag End Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX</p>	<p>I would like to comment on the above application for Construction of dwelling Land Adj. Cyrita Hogpits Bottom.</p> <p>Having had the previous application refused on various points, I feel this new application shows a great deal of consideration for the reasons of previous refusal. This design is smaller in scale and bulk than before, incorporates a better solution to the previous access proposal (by proposing a new vehicular access) and generally 'fits in' better with the adjacent street scene.</p> <p>The design is far superior in my opinion than the previous proposal and is much better suited to its setting.</p> <p>I have NO objections to the new proposal and would hope the</p>

	planning officer supports the current application and recommends for APPROVAL.
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ITEM NUMBER: 5c

23/00610/FHA	First floor front extension and double storey side extension	
Site Address:	253 Chambersbury Lane Hemel Hempstead Hertfordshire HP3 8BQ	
Applicant/Agent:	Webb	Mr Sukhdev Lota
Case Officer:	Heather Edey	
Parish/Ward:	Hemel Hempstead (No Parish)	Nash Mills
Referral to Committee:	Applicant is a DBC Employee/Call-in Request	

1. RECOMMENDATION

That planning permission be REFUSED.

2. SUMMARY

2.1 No objections or concerns are raised in regards to the proposed two storey side extension. Whilst the proposed first floor extension is considered to be acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy (2013), concerns are raised that the proposed extension is unacceptable in design/visual amenity terms, failing to harmonise with the existing dwelling and wider streetscene.

2.2 By virtue of its scale, depth and height, the proposed first floor front extension would significantly alter the visual bulk, mass and prominence of the dwelling, dominating the main house and appearing an overtly prominent addition to the wider streetscene. The harm of this addition is exacerbated by reason of its context, given that a degree of uniformity is retained by way of the established uniform first floor building line of properties along this part of Chambersbury Lane, noting that the resultant dwelling would project beyond this, appearing visually prominent when approaching the dwelling from both directions.

2.3 As such, the proposal is unacceptable in design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

3. SITE DESCRIPTION

3.1 The application site comprises a two storey, gable ended detached dwellinghouse, situated off Chambersbury Lane within a designated residential area of Hemel Hempstead. The dwelling currently comprises a 4m deep and 3.96m high, single storey front extension with gable roof to match the main house, fronted by a gravel driveway that facilitates off-street car parking provision for two cars.

3.2 The site falls within the HCA19: Nash Mills Character Appraisal Area, wherein it is noted that dwellings are mixed in character and laid out in neat, ordered groups around an informal, curving road layout of Chambersbury Lane. Whilst Chambersbury Lane comprises a variety of dwelling types with mixed external brick and render finishes, a degree of uniformity is retained by reason of the established build line of existing dwellings.

4. PROPOSAL

Previous History

4.1 Planning permission was previously sought for the construction of a first floor front extension and double storey side extension under application 22/01749/FHA. This application was however refused on the following grounds:

By virtue of its scale, depth and height, the proposed first floor front extension would significantly alter the visual bulk, mass and prominence of the dwelling, dominating the main house and appearing an overtly prominent addition to the wider streetscene. The harm of this addition is exacerbated by reason of its context, given that a degree of uniformity is retained by way of the established uniform building line of properties along this part of Chambersbury Lane, noting that the resultant dwelling would project beyond this, appearing visually prominent when approaching the dwelling from both directions. As such, the proposal is unacceptable in design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

The proposed two storey side extension is also considered to be unacceptable in design terms, failing to respect the original design of the main house, (detracting from the simple front facing gable form of the application dwelling), and failing to appear a subordinate addition, by reason of its scale and height. The proposal is therefore unacceptable in design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

Current Application

4.2 Similarly to the previous scheme, planning permission is sought under the current application for the construction of a first floor front extension and double storey side extension. Whilst alterations have been made to the scale/design of the proposed two storey side extension, (i.e. with this addition being set down approximately 0.25m from the existing roof, and marginally set back from the front elevation of the dwelling), the proposed first floor front extension remains the same as previously proposed, extending the full 4m depth of the existing front extension and comprising a gable ended roof with a maximum height of approximately 7.2m.

5. PLANNING HISTORY

Planning Applications (If Any):

22/01749/FHA - First floor front extension and double storey side extension
REF - 26th July 2022

4/02075/15/FHA - Single storey front and side extension. Internal alterations including garage Conversion.
GRA - 10th August 2015

Appeals (If Any):

22/00057/REFU - First floor front extension and double storey side extension
WITHDRAWN

6. CONSTRAINTS

CIL Zone: CIL3

Heathrow Safeguarding Zone: LHR Wind Turbine

Open Land: Open Land

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: HCA19

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

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

Local Plan

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

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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 Hemel Hempstead, 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. construction of a first floor front extension and two storey side extension), is acceptable in principle.

Quality of Design / Impact on Visual Amenity

Policy

9.4 The NPPF (2021), Policies CS11 and CS12 of the Core Strategy (2013) and Saved Appendix 7 of the Local Plan (2004) all seek to ensure that new development respects the character of the surrounding area and adjacent properties in terms of scale, mass, materials, layout, bulk and height. Furthermore, Saved Appendix 7 of the Local Plan (2004) provides specific design guidance for extensions, stating that strict requirements will apply to prominent side extensions, (with these additions needing to be positioned set back from the front wall to ensure that they do not upset the balance of the front elevation), and that front extensions may be considered acceptable where they are 'fairly small' and do not project beyond the front wall of the dwelling in a way that dominates the streetscene.

Assessment

9.5 Whilst the application dwelling is noted to be unique in the context of the wider streetscene, (i.e. given that the application dwelling is detached in comparison to properties along Chambersbury Lane which are typically terraced and semi-detached), the property contributes to the degree of uniformity within the streetscene, by reason of its comparable ridge height, form and siting. Whilst the dwelling projects slightly forward of the established uniform building line of properties along this part of Chambersbury Lane, (i.e. by reason of its existing single storey front projection), by reason of its single storey height, it is not considered that the dwelling appears overtly prominent within this context.

9.6 The application proposes the construction of a first floor front extension, projecting the full 4m depth over the existing single storey front projection. Whilst being sympathetically designed to retain the form of the existing dwelling, (i.e. retaining the prominent front facing gable roof), by virtue of its scale, depth and height, it is considered that this addition would significantly alter the visual bulk, mass and prominence of the resultant dwelling, appearing a dominant addition to the house and wider streetscene.

9.7 The harm of this addition is exacerbated by reason of the existing nature/pattern of development, (i.e. noting that a degree of uniformity is retained by way of the established uniform first floor level building line of properties in the immediate streetscene), given that the resultant dwelling would project significantly deeper than neighbouring development, therein appearing visually prominent when viewed from both directions in the streetscene.

9.8 The submitted Planning Statement challenges the above assessment, with the comparison of the existing and proposed building lines shown in Figure 5, (as per page 7 of this document), argued to indicate that no uniform build line exists.

9.9 Whilst properties along Chambersbury Lane are noted to comprise a mix of single storey front projections of varied depth; at first floor level, it is considered that a degree of uniformity is retained in the immediate streetscene with respect to the existing pattern of development. Whilst Figure 5 is

therefore useful in providing an understanding of the existing pattern of development along Chambersbury Lane, it is not considered that it provides an accurate reflection of the existing pattern of development on the ground, or that it overcomes the concerns earlier raised.

9.10 The submitted Planning Statement also comprises computer generated images, (shown in Figure 6, on pages 8-9 of the document), and it is argued by the Agent that these evidence that the proposed first floor front extension would not appear a prominent addition to the streetscene.

9.11 Whilst these images are to some extent helpful in providing an understanding of how the resultant dwelling will integrate with neighbouring development, these images do not provide views of the dwelling from the key vantage points in the streetscene at which it is considered that the new first floor extension will appear most visually prominent and harmful. In light of this, it is not considered that these images are sufficient to overcome the concerns previously identified.

9.12 The application also proposes the construction of a two storey side extension. Given its modest 1.1m width, marginal set back from the front elevation of the dwelling and its height/design, (i.e. noting that the new extension would be set down from the front gable roof), it is considered that this extension would appear a subordinate addition to the dwelling, respecting the original design and character of the main house by way of preserving the prominent front gable. Taking this into account, and noting that the extension would be constructed in materials sympathetic to the main house/wider streetscene, this addition is considered to be acceptable in design/visual amenity terms.

9.13 Whilst the proposed two storey side extension is considered to be acceptable on design grounds, the proposed first floor extension is unacceptable, given that the addition would dominate the streetscene. The proposal therefore fails to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

Impact on Residential Amenity

Policy

9.14 Policies CS12 of the Core Strategy (2013) states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Local Plan (2004) states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.

Assessment

9.15 The application site shares side boundaries with neighbouring property 251 Chambersbury Lane and Chambersbury Primary School, and a rear boundary with neighbouring property 21 Hill Common.

Impact on 21 Hill Common

9.16 Given the nature and scale of the proposed works and the separation distances retained between the proposed additions and neighbouring property 21 Hill Common, it is not considered that the proposal would have any adverse impacts on the residential amenity of this property in terms of being visually overbearing or resulting in a significant loss of light or privacy.

Impact on 251 Chambersbury Lane

9.17 By virtue of its positioning, it is not considered that the proposed first floor side extension would have any adverse impacts on the residential amenity of no. 251.

9.18 Whilst not indicated on any of the currently proposed plans, under previous scheme 22/01749/PREF, it was evidenced that the first floor front extension would clear a 45 degree line taken from the nearest habitable window of no. 251. Given that no changes have been made to the scale/depth of the proposed first floor front extension, it is evident that this line was also cleared under the current scheme. In light of this, it is not considered that this addition would result in a significant loss of light to this neighbouring property.

9.19 The application proposes the addition of two ground floor level windows, facing towards no. 251. By reason of their scale, height and siting, and noting that they would be predominantly screened by way of the existing boundary treatment between the two properties, it is not considered that these openings would facilitate a significant loss of privacy to this neighboring property.

9.20 In order to facilitate the new first floor layout, the application proposes an increase to the width of the first floor window serving the ensuite bathroom to the master bedroom. Given its positioning and the positioning of windows on the side elevation of no. 251, it is not considered that this opening could be used to facilitate any harmful overlooking of this neighbouring property

9.21 Whilst the proposed first floor front extension would significantly alter the visual appearance of the dwelling, increasing its visual prominence in the streetscene, it is not considered that it would appear a significantly visually intrusive addition when viewed from no. 251, or that a refusal of the scheme could be sustained on this basis, given the existing relationship between the two properties.

Chambersbury Primary School

9.22 Given the nature and scale of the proposed additions, and the relationship between the application dwelling and the Chambersbury Primary School, (i.e. noting the separation distances retained between the two structures), it is not considered that the proposal would result in a significant loss of light or appear visually overbearing to this neighbouring building.

9.23 The application proposes the installation of two first floor side windows facing into the grounds of the Chambersbury Primary School. Given that no local planning policies deal specifically with the relationship between new windows overlooking schools/associated playgrounds, it is considered that an assessment of this element of the scheme is subjective and a matter of planning judgement. Whilst the proposed arrangement of windows is not ideal, in this instance, the relationship between these openings and the neighbouring school is such that it is not considered that a significantly harmful level of overlooking would be facilitated. With this in mind, and noting the lack of local planning policy specifically considering this relationship, on balance, it is not considered that a refusal of the scheme on these grounds could be justified or sustained on these grounds. These proposed new first floor level openings are therefore considered to be acceptable.

9.24 Given the above assessment, the proposal is acceptable in terms of its impact on the residential amenity of neighbouring properties/buildings, therein according with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

Policy

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

Assessment

9.26 The proposal would not involve any changes or alterations to the site access or public highway. In light of this and given the nature of the proposed works, it is not considered that the proposal would generate any highway or pedestrian safety concerns.

9.27 Whilst the submitted plans indicate that the property would remain a three bedroom dwelling following the construction of the works, the study shown on submitted floor plan CL12 Rev A, indicates that this room would be significant in scale, comprising a bed. In light of this, and given the nature and scale of this room, the proposal has been considered on the assumption that this room would function as a fourth bedroom.

9.28 The Parking Standards Supplementary Planning Document (2020) note that a four bed dwelling in this location should provide off-street car parking provision for three cars. Given that the site currently only provides off-street parking for two cars and no additional spaces are proposed to be provided on the site, the proposal would generate a shortfall of a single off-street car parking spaces.

9.29 In accordance with Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020), changes to the Council's parking standards may be appropriate or required where the Council accepts robust evidence of the following, 'the nature, type and location of the development proposed is likely to make this acceptable.'

9.30 No evidence has been provided in support of the application to justify the shortfall in parking generated by the development. Consideration is however given to the nature of the application site, whilst currently only providing two off-street car parking spaces, the application dwelling is sited within a highly accessible location with on-street car parking available. Taking this into account and noting that dwellings along Chambersbury Lane typically comprise front driveways/garages, (therein accommodating off-street car parking provision), it is felt that there is sufficient spare capacity to accommodate the on-street parking generated by the development.

9.31 Given the above assessment, the proposal is considered, on balance, to be acceptable in terms of its impact on highway/pedestrian safety and on parking grounds. The proposal therefore accords with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2021).

Other Material Planning Considerations

Accuracy of Submitted Plans

9.32 Whilst the application does not propose an increase to the height of the dwelling or any alterations to existing ground levels, having compared the existing and proposed elevation plans, it is evident that there are some inconsistencies between the two; in particular with regards to the ground levels on which the dwelling would be sited and in the relationship/ separation distance between the application dwelling and no. 251 Chambersbury Lane.

9.33 Having visited the site, it is however considered that the proposed plans correctly indicate the nature of existing ground levels and the relationship between the application dwelling and no. 251 Chambersbury Lane, and as such, the application has been assessed on these grounds.

Response to Consultation Responses

9.34 No neighbour comments or objections have been received.

9.35 Councillor Maddern has commented in support of the application, noting that the removal of the existing single storey front projection would amount to a significant benefit, improving the visual appearance of the dwelling and character/appearance of the dwelling in the streetscene.

9.36 Whilst it is considered that the removal of the existing single storey front projection would improve the visual appearance of the dwelling, concerns remain that the first floor front projection, (by reason of its scale, height and depth), would dominate the main house and wider streetscene.

CONCLUSION

10.1 It is recommended that the application be REFUSED.

10.2 Whilst the proposed first floor extension is considered to be acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy (2013), concerns are raised that the proposed extension is unacceptable in design/visual amenity terms, failing to harmonise with the existing dwelling and wider streetscene.

10.3 By virtue of its scale, depth and height, the proposed first floor front extension would significantly alter the visual bulk, mass and prominence of the dwelling, dominating the main house and appearing an overtly prominent addition to the wider streetscene. The harm of this addition is exacerbated by reason of its context, given that a degree of uniformity is retained by way of the established uniform first floor building line of properties along this part of Chambersbury Lane, noting that the resultant dwelling would project beyond this, appearing visually prominent when approaching the dwelling from both directions.

10.4 As such, the proposal is unacceptable in design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

11. RECOMMENDATION

11.1 That planning permission be refused.

Reason(s) for Refusal:

By virtue of its scale, depth and height, the proposed first floor front extension would significantly alter the visual bulk, mass and prominence of the dwelling, dominating the main house and appearing an overtly prominent addition to the wider streetscene. The harm of this addition is exacerbated by reason of its context, given that a degree of uniformity is retained by way of the established uniform first floor level building line of properties along this part of Chambersbury Lane, noting that the resultant dwelling would project beyond this, appearing visually prominent when approaching the dwelling from both directions. As such, the proposal is unacceptable in design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour	Contributors	Neutral	Objections	Support

Consultations				
7	0	0	0	0

Neighbour Responses

Address	Comments

APPENDIX C: COUNCILLOR COMMENTS

Details	Comments
Councillor Maddern	<p>I am the Dacorum Borough Councillor for Nash Mills, Hemel Hempstead, and I would like to add my perspective to the application on the above property.</p> <p>This property is the last house in a long row of houses. Whilst most were built at the same time and were of a uniform design, all have been altered over the years, and this property was built later and is of a slightly different style.</p> <p>Several years ago a large front single storey extension was built onto the house, which made the property look very different and not in keeping with the street scene. In my opinion the proposed extension will balance the look of the property with the street scene much better than its current elevation.</p> <p>In my opinion, I see no reason why this application was refused and would like my support of the application to be recorded. This extension would enable the owners to increase their living space, and would improve the visual aspect of the property.</p>

Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03241/FUL	W/23/332209	Abilea Meadows, Friendless Lane, Flamstead	Written Representations
2	22/03760/FHA	D/23/3322514	29 Langley Hill, Kings Langley	Householder
3	22/03491/FUL	W/23/3322549	Land Adj To Rose Cottage, River Hill, Flamstead	Written Representations
4	23/00047/FUL	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
5	22/03405/TEL	W/23/3322972	Queensway, Alexandra Road, Hemel Hempstead	Written Representations
6	22/03066/RET	W/23/3322991	Sky House, 1 Fairy dell Close, Kings Langley	Written Representations
7	23/00070/FUL	W/23/3323376	Wood End Farm Grain Stores, Wood End Lane, Markyate	Written Representations
8	23/00364/FUL	W/23/3324042	The Maple, Roe End Lane, Markyate	Written Representations
9	22/02115/OUT	W/23/3324939	Oak Cottage, 20 Bourne End Lane	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/01323/FHA	D/22/3303397	118 Hempstead Road, Kings Langley	Householder
	Date of Decision:		12/05/2023	
	Link to full decision:			
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303397	
	Inspector's Key conclusions:			
	The development proposed is described as 'rear extension ground level with lower extension below, not basement'.			
	Based on what I have seen and the evidence before me, I am more persuaded by the Council's evidence in this instance. More particularly, when			

<p>the proposed extensions are considered cumulatively with the previous extensions, they would represent disproportionate additions over and above the size of the original building. I conclude the development would be inappropriate in the Green Belt.</p> <p>While the extensions would occupy a previously developed area occupied by hard surfaced patios, there would be a spatial impact by virtue of the height and volume of the extensions. Given their scale, position to the rear elevation of the host dwelling, and the intervening mature planting to the southern boundary of the site, the development would not be highly discernible from Hempstead Road. However, on my site visit I noted that there would be transient views of the development for train passengers travelling along the line which sits close by to the east of the site. Taken together, the spatial and visual impacts of the extension would have a modest effect on the openness of the Green Belt. In this regard, the extension would not preserve the openness of the Green Belt.</p> <p>To the rear elevation of the appeal dwelling, there are steps down to a patio area. This patio area is flanked by a high brick wall to the boundary with No 120. The wall substantively screens views of the area to the immediate rear of No 120 in views from the patio on the appeal site. Beyond the patio, the boundary with the neighbouring garden steps away. There is also the potential for oblique views of some parts of the neighbouring garden from the upper floor windows serving the appeal dwelling. Overall, these factors ensure that the outdoor areas serving No 120 are not materially overlooked from within the appeal site.</p> <p>However, the ground floor extension would have a floor level corresponding with the internal floor level of the existing dwelling. As a result, anyone standing inside the extension would be in an elevated position relative to the existing patio levels. This means that the rear window would facilitate oblique elevated views resulting in a degree of overlooking towards the more peripheral parts of the neighbouring garden. Moreover, the cross section on the proposed drawings indicates that occupiers of the dwelling would be able to utilise the roof of the lower level extension as a terrace. This would allow for close up direct views towards the boundary and into the private rear garden areas serving No 120. I conclude, the development would have a harmful effect on the living conditions of occupiers of No 120 Hempstead Road with particular regard to privacy.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	22/02060/FHA	D/22/3308023	Honeysuckle Barn, Birch Lane, Flaunden	Householder
Date of Decision:			02/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023				
Inspector's Key conclusions:				
The development proposed is the installation of conservation style rooflights in the rear roof slope.				

<p>The site lies within the Flaunden Conservation Area (CA). Whilst the proposed rear-facing rooflights would not be readily visible from much of Birch Lane, they would be glimpsed between breaks in landscaping and, in any case, viewed from the multiple private vantage points of nearby properties. Although mature and semi-mature trees exist along part of the boundary of the site, these cannot be relied on in perpetuity to provide the same level of cover as at present. The number of rooflights proposed, together with their positioning within the same roofslope, would dominate the currently uninterrupted rear roofslope, forming a cluttered and incongruous addition to the appeal property. The highly domestic nature of the proposal would be out of keeping with the appearance of the appeal property.</p> <p>Overall, the proposed development would harm the character and appearance of the host property and surrounding area and would fail to preserve or enhance the CA. It would cause less than substantial harm to the significance of the heritage asset and in the absence of any public benefit to outweigh that harm, the proposed development would be in conflict with the relevant provisions of Policy CS27 of the Dacorum Borough Core Strategy (2013).</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/03180/LBC	Y/22/3290758	Cottage 110, Wharf Lane, Cow Roast	Written Representations
Date of Decision:			02/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290758				
Inspector's Key conclusions:				
<p>The works proposed are the construction of new 2 storey rear extension incorporating existing outrigger and construction of new raised veranda and steps to garden. Reinstatement of front right hand side window and various internal alterations.</p> <p>The appeal before me relates to the listed building application. The main issue is whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as Lock House and Adjoining Lock Cottage at Lock No 46 on Grand Union Canal.</p> <p>From the evidence before me, the special interest and significance of the listed building, comprising both Nos 110 and 111, is largely found in its fine and relatively rare example of traditional canal lock cottages and, in part, in its group value. Pertinent to the appeal, from the front and side, Cottage 110 mostly retains its traditional features and proportions, and it has a modest and simple character and size. Internally, its historic floor plan is still legible and some historic features have been retained.</p> <p>The proposed introduction of a two-storey extension to the rear of the property would represent a sizeable addition to this modest historical cottage. The depth of the proposed extension would mirror the host property and its limited return of around 50mm would not be sufficient to make the extension subservient. It would be readily visible from the public footpath</p>				

<p>when approaching the property and would appear as a bulky and featureless addition from the side.</p> <p>Whilst the proposed extension would involve the modification of the inharmonious flat roofed rear extension and be raised to retain the cellar window, it would also further mask the historic rear elevation and features of the property. This would diminish the historic legibility of the building with a dominant and poorly proportioned addition. Furthermore, the veranda would be a substantial structure which would further alter the restrained, functional nature of the cottage and would be an overly modern addition.</p> <p>The internal alterations to create a large open plan area to the ground floor and three new openings to the first floor would result in a significant open plan area to the ground floor which would result in the irreversible loss of the historic fabric. These works would considerably undermine the integrity of the historic floor plan within this modest historic cottage.</p> <p>For the above reasons, I find that the proposed development would not be sufficiently subservient to the modest host cottage, would obscure the historic legibility of the original property and would make it difficult to appreciate its historical features and context. The proposal would therefore fail to preserve the special architectural and historic interest of this Grade II listed building. As such, it would harm the significance of this designated heritage asset.</p> <p>I consider the harm to be less than substantial given the extent of the proposal and its consequent effects but nevertheless I give this harm considerable importance and weight in the planning balance.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	22/01794/RET	W/22/3307916	Buttercup And Ziggy Barns, Birch Lane, Flaunden	Written Representations
Date of Decision:			08/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3307916				
Inspector's Key conclusions:				
<p>I accept that the land in question would be used as amenity space for each of the established dwellings and that the garden areas are currently, in the most part, made up of mown lawns. Those mown lawns retain a relatively open appearance, albeit they are set within a boundary fence. However, there is no substantive evidence before me to demonstrate that those garden spaces would remain as they currently appear going forward. Ornamental planting, hard landscaping, garden buildings and domestic paraphernalia would, in all likelihood, increase over time once the currently vacant dwellings are occupied. This covers a significantly greater area than was the case under the permitted scheme and is in addition to the boundary features already erected. All of this would inevitably lead to a loss of openness, both physically and visually.</p>				

<p>That a circular horse walking contraption previously existed on the site, near to the original agricultural building, does not amount to the same effect on openness as I have identified under the appeal scheme. Based on the evidence before me, that equipment did not cover the entire area that now forms the extended garden areas. Moreover, the use of the site as garden land, for the reasons given above, would be significantly more visually prominent from nearby properties. Accordingly, the development harms the openness of the Green Belt.</p> <p>For the foregoing reasons, as the development would fail to preserve openness, it would be inappropriate development in the Green Belt rather than an exception permissible under Framework paragraphs 149 or 150. Those impacts would fairly be described as moderate.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	22/02002/FUL	W/22/3309919	11 Moorland Road, Hemel Hempstead	Written Representations
Date of Decision:			12/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309919				
Inspector's Key conclusions:				
<p>The development proposed is described on the application form as "Demolition of a single storey office building to the rear of the site and the construction of a two storey detached dwelling house with a room in the roof. New off street parking for the existing and proposed dwelling and general external works".</p> <p>As a result of the appeal site's gradient and compact size, the proposed dwelling would sit on higher ground than Nos 9 and 11 Moorland Road and be in close proximity to their rear gardens. As a consequence of this and its 2- storey height, the proposed dwelling would appear visually intrusive & oppressive to the occupants of these neighbouring properties when using their rear gardens and dominate the outlook therefrom, which would be harmful to their living conditions.</p> <p>There would also be limited intervening distance between the proposed 2nd floor rear elevation dormer window and the rear gardens of Nos 7 & 9 Moorland Road and No 1 Grove Road, which would give rise to significant overlooking. I also have concerns about the potential for overlooking from this dormer into the first floor side elevation bedroom window of No 1 Grove Road. As a consequence, the scheme would be harmful to the living conditions of occupiers of these properties by reason of loss of privacy.</p> <p>In terms of No 9...the proposed dwelling would be in very close proximity to the shared boundary with its neighbour and accordingly cause a significant reduction in diffuse daylight to this property's garden. The combined reduction in direct sunlight and diffuse daylight to No 9 has led me to conclude that its occupiers would not continue to receive an adequate overall standard of light to their rear garden, which would be harmful to their living conditions.</p>				

	<p>Whilst I agree with the appellant that the development would result in an efficient use of land, it would not maintain the setting of residential gardens to neighbouring properties and neither do I consider the site to be underutilised. As a consequence, the development would not accord with Paragraphs 120 and 124 of the Framework.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	20/03557/FUL	W/22/3298981	1 Park Road, Hemel Hempstead	Written Representations
	Date of Decision:		14/06/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298981			
	Inspector's Key conclusions:			
	<p>The proposed development is '1 x 1 bedroom flat and 6 x 2 bedroom flats'.</p> <p>Having regard to the above advice and the specific scale and location of the development before me, I consider that the net increase of six dwellings would be likely to have a significant effect on the internationally important features of the SAC, both on its own or in combination with other projects, arising from increased recreational pressure.</p> <p>The Council's mitigation strategy makes clear that financial contributions towards SAMMS and SANG will be secured through either a Unilateral Undertaking or a Section 106 Agreement. A completed legal agreement with the necessary SAMM contribution and any agreed SANG contribution following such discussions with the Council has not been provided. The Grampian condition suggested by the appellant would not give sufficient certainty that any required payments would be agreed and therefore that an appropriate level of mitigation to protect the integrity of the SAC would be secured and delivered. Therefore, I cannot be certain that an appropriate level of mitigation is available in this instance to protect the integrity of the SAC, and even if it is, I am not in a position to secure it.</p> <p>Accordingly, the development would conflict with the requirements of the Habitats Regulations as well as the conservation and restoration objectives for priority habitats and species of Policy CS26 of the Dacorum Borough Council Core Strategy (2013) (CS) and paragraphs 179 and 180 of the National Planning Policy Framework (the Framework).</p> <p>The L-shaped layout would help to address the site's corner position. The front elevations would closely align with the front elevations of the neighbouring dwellings at No 9 Park Road and No 15 Charles Street. The height of the building would generally reflect the maximum heights of buildings on these respective streets and would successfully negotiate the change in levels to respond to the stepped roof line along Charles Street. The hipped roofs would help to minimise the bulk of the building and on Park Road the height of the building would reduce towards the boundary with the bungalow at No 9. The modestly scaled dormers would sit comfortably within the roof slopes. The street facing elevations would include variation in the</p>			

building line and on Park Road would incorporate a series of bay windows. Together with the mix of brick and render facing materials, these design features would help to break up the expanse of built form.

I am satisfied that the balance of amenity space and built form would be acceptable in this instance as the development would sit comfortably within the context of its immediate surroundings. I conclude that the development would have an acceptable effect on the character and appearance of the area.

The proposal would provide no off-street parking facilities and the appellant suggests that it would be a car-free development. The Council's Car Parking Standards Supplementary Planning Document (2020) (SPD) makes it clear that car-free residential development may be considered in high accessibility locations and that the level of parking may be omitted or reduced on the basis of the type of development provided. Furthermore, the SPD states that there may be exceptional circumstances, when robust justification can be provided to vary from the parking standards.

The site is located in the 'Zone 3 - Lower Accessibility' area identified in the SPD. In the circumstances car-free development would not usually be supported by the SPD. Based on the parking requirements for Zone 3 in the SPD, the appellant has calculated that the proposed development would usually require 7.2 parking spaces for unallocated parking provision and 11 parking spaces for allocated parking provision and this has not been disputed by the Council.

There are a wide variety of services and facilities in comfortable walking or cycling distance from the site, including those within Hemel Hempstead town centre. In these respects, I find that the footpath network and public transport options in the area offer good sustainable transport options. Therefore, this may present a situation where there could be a variation from the usually required parking standards if this was robustly justified.

However, the proposal specifically proposes to omit parking not just reduce provision. A range of travel options doesn't on its own guarantee that future occupiers of the development would not own a private vehicle and that the development would be truly car-free. I cannot rule out that some occupiers of the development would want to own a private vehicle and would require parking space. There is no detailed evidence before me to suggest there is capacity within the CPZ to accommodate the parking requirements that could be generated by the development. In the absence of a suitable legal mechanism to secure the development as car-free, there is therefore the potential that the proposal would unacceptably impact upon parking-stress levels in the area causing inconvenience for local residents.

I conclude, it has not been robustly justified that parking provision is not required in this instance particularly in the absence of a suitable mechanism to secure the proposal as a car-free development.

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/04607/PIP	W/22/3303737	Land Adj Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
	Date of Decision:		15/06/2023	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737	
	Inspector's Key conclusions:			
	<p>The development proposed is described as 'Construction of a detached dwelling on land adjacent to Honeysuckle Barn'.</p> <p>The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.</p> <p>The undeveloped open nature of the appeal site contributes to a pleasant sense of spaciousness between the village and the Chapel and its graveyard and reflects the rural character of the area. The scheme would be separated from The Chapel by the remaining part of the open space, which would be apparent in views from the lane. Furthermore, the quantum of development would be modest and sensitive siting of the dwelling to minimise its effect could be agreed at the technical details consent (TDC) stage. The proposed dwelling would reflect the residential nature of the surrounding development, and the plot size would not be dissimilar to others in the vicinity, which would ensure the development would not appear cramped. I also acknowledge that the proposal could be of a high quality design, which would reflect the architectural qualities of the CA, again this would be a consideration at the TDC stage.</p> <p>However, the introduction of a residential unit as proposed would nevertheless be discordant with the otherwise open and verdant quality of the site. Moreover, despite the retention of an element of the open space immediately adjoining the appeal site, the existing gap would be greatly reduced. I find therefore that the development would result in a significant encroachment into the open area of greenspace, which would consequently erode its rural character. The forgoing considerations regarding the quantum and type of development would not outweigh the harm I have identified.</p> <p>Accordingly, I conclude that the proposal would result in a form of development which would fail to preserve or enhance the character and</p>			

	<p>appearance of the CA. As the harm that would arise would be localised, the proposal would cause less than substantial harm to the CA as a designated heritage asset.</p> <p>The public benefits of the appeal scheme are of no more than limited weight and would therefore not outweigh the harm to the significance of the designated heritage asset that I have identified.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	22/03434/FHA	D/23/3316926	31 Cemetery Hill, Hemel Hempstead	Householder
	Date of Decision:		21/06/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316926			
	Inspector's Key conclusions:			
	<p>The development proposed is the erection of a single storey front and part two storey front extension.</p> <p>Although the character of this residential area is varied, the 3 pairs of semi-detached dwellings form a distinct group of properties within the streetscene, including along part of Heath Lane at its junction with Cemetery Hill. They have a consistency in their design, character and appearance, including the single storey front additions. Although originally a garage some of the owners have converted the space into habitable accommodation, including at the appeal property.</p> <p>The proposed development would have a full width 2-storey front extension from which a single storey extension would project further forward equating to the same length as the existing addition. By reason of scale, siting and design, the appeal scheme would unbalance this pair of semi-detached dwellings and be detrimental to the character and appearance of the group of similarly designed dwellings. For these reasons, the resulting dwelling would be an incongruous form of development which would have a negative impact on the appearance of the streetscene. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene.</p> <p>The flank wall of the appeal scheme would project further forward than the property and, as a consequence, it would visually dominate the outlook from the kitchen window of No. 29. Further, the proposed flank wall would be sited opposite the entrance door and, as such, it would physically and visually be overbearing for the occupiers of No. 29 when entering or exiting their property. This unacceptable harm would be accentuated by the higher ground level of the property when compared to No. 29. By reason of siting and height, there would be the potential for a reduction in levels of daylight reaching the kitchen window of No. 29. It is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 29 Cemetery Hill.</p>			

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/00596/FHA	D/22/3303596	20 Hempstead Lane, Potten End	Householder
	Date of Decision:		15/05/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303596			
	Inspector's Key conclusions:			
	<p>The development proposed is removal of existing side lean to and replace with two-storey side extension.</p> <p>The proposal would give the front elevation of the host dwelling a pleasant degree of symmetry. I accept that it would increase the bulk of the dwelling at first floor level in close proximity to the boundary with No 18 Hempstead Lane. Even so, the extension would be clearly distinguishable from the dwelling at No 18 due to the contrasting designs and the relative alignment of these dwellings to the street. The spacious frontages to this section of the street and the subservient design means that the extension would not have an imposing presence in the street scene. In addition, the planting along Hempstead Lane would also heavily filter views of the development. The generous spacing between the side elevations of the host dwelling and No 18 would also remain evident to passers-by, particularly in views through the access point to No 18.</p> <p>Taking all the above factors into account, the development would effectively assimilate into the street scene. I conclude, the development would have an acceptable effect on the character and appearance of the area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	22/00015/FHA	D/23/3316958	49 Crouchfield, Hemel Hempstead	Householder
	Date of Decision:		22/05/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316958			
	Inspector's Key conclusions:			
	<p>The development proposed is construction of detached ancillary building.</p> <p>Although the garden of the appeal dwelling is relatively small, the bungalow is on noticeably higher ground than the proposed outbuilding and this, coupled with the distance and open aspect towards Thistlecroft would ensure an adequate separation between the two. An appreciable gap would also be</p>			

<p>retained between the outbuilding and 1 Thistlecroft such that overall it did not appear cramped. Moreover, the outbuilding would be clearly subservient to the host dwelling.</p> <p>In terms of height, although the proposed outbuilding would be over 5m to the ridge it would be noticeably smaller than No 1 and appear significantly lower in the street scene than the host dwelling. This would ensure that it sat comfortably between the two and, although closer to the highway than No 1, the setback would be sufficient to ensure it did not appear overbearing or unacceptably prominent. It is concluded on the first main issue that the proposed outbuilding would have a satisfactory appearance and visual relationship with both the host dwelling and other dwellings in Thistlecroft such that it had no materially detrimental effect on the character or appearance of the host dwelling, Thistlecroft or the surrounding area.</p> <p>In terms of outlook, the proposed outbuilding would be clearly seen from No 47 at a distance of some 10m. However, as this dwelling, a bungalow, is set on noticeably higher land and views would be at an angle, with direct views remaining towards the side elevation of No 1, I do not consider that the limited loss of outlook and visual obstruction would materially harm the living conditions of occupiers. Although the proposed rear dormer window would face towards the garden of No 47, this would serve a wet room and the plans indicate that it would be obscure glazed. A planning condition could secure this together with limited opening. This would ensure no loss of privacy occurred.</p> <p>It is concluded on the second main issue that the proposed outbuilding would have no materially harmful effect on the living conditions of occupiers of surrounding and adjacent dwellings, particularly 47 Crouchfield, with respect to outlook or privacy.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	22/01897/FUL	W/22/3310230	37A & 39 Highfield Road, Berkhamsted	Written Representations
Date of Decision:			01/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310230				
Inspector's Key conclusions:				
<p>The proposed development would involve the construction of an attached pair of identical outbuildings at the rear of the sites of Nos 39 and 37A. These are shown as comprising an office, garden store and toilet in each building. The appeal property already benefits from a recent planning permission for a similar attached pair of buildings. The only difference between the drawings of the approved buildings and the current scheme would appear to be the variations in roof design and associated heights of ridge and eaves. I take this earlier permission as a significant fall-back position.</p> <p>The Council has accepted that the character and appearance of the CA would not be adversely affected by the development; that the layout is</p>				

<p>acceptable; that site coverage is not excessive; and that it would not be visible from the Highfield Lane street scene. I concur with these conclusions and agree that the scheme would preserve the character and appearance of the CA.</p> <p>I note that the proposed structure would be seen largely within a very wide gap between Nos 34 and 35 Curtis Way, and that the ridge of the building would be lined approximately with the boundary between those two properties. On this basis, it would not lie immediately behind either of the two houses. Moreover, although the ridge would be around 1.2 metres higher than the earlier approved scheme, the eaves would be lower, such that the apparent bulk of the building would, arguably, be reduced. The height to the eaves of the proposed building would be lowered from the previously permitted scheme to a point at or below the level of the existing boundary fences and this would reduce the visual impact of the building when seen from neighbouring dwellings on each side. On this basis, and given that the footprint would remain the same as that earlier scheme, I do not consider that the proposal would appear dominant or cramped, and it would not be out of character with the surrounding area in this context.</p> <p>I do not consider that the proposal would be harmful to the living conditions of the occupiers of No 35 by way of visual intrusion or overlooking, nor do I find that the proposed scheme would result in any additional harm to the privacy of the occupiers of No 37.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	21/04573/DRC	W/22/3301877	11 Bridge Street, Hemel Hempstead	Written Representations
Date of Decision:			12/06/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301877				
Inspector's Key conclusions:				
<p>The development proposed is described on the decision notice as "Details as required by condition 7 (corner feature panel), attached to planning permission 4/01914/17/ROC".</p> <p>The appeal site building has been recently subject to substantial development works that include, amongst other things, an additional storey and new rendered finish & windows. As a consequence, its original architectural character and articulation, which identified it as forming part of the original construction of the New Town, has been significantly eroded.</p> <p>The proposed corner panel would have an understated and muted finish, just as the previous corner feature panel did on the building before it was rendered. It would not therefore look out of place or be contrary to the original architectural vision for this part of the New Town heritage area. It would however give some articulation and interest to the corner of this structure and complement the simple form and appearance of the building's new rendered finish.</p>				

	<p>The Council has raised concerns in respect of long term weathering of the proposed corner panel. However, I see no reason why its 25mm projection would result in any more staining or plant growth than other architectural features on the building or why it would necessitate any more maintenance than that routinely required in connection with the external surfaces and windows. In any event, if lack of maintenance resulted in the external condition of the building harming the amenity of the area, powers exist under s215 of the 1990 Town and Country Planning Act (as amended) for the local planning authority to serve a notice requiring this to be remedied.</p> <p>In light of the above, it is my view that the subtle contemporary form of the proposed corner panel would be more coherent with the new rendered finish of the building and represents an appropriate design response in keeping with its New Town heritage location. I therefore conclude that the development would not be harmful to the character, appearance & function of the area.</p>
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6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn or invalid between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/00113/LDE	W/22/3299549	Gable End, 1 Threefields, Hemel Hempstead	Written Representations
	Date of Decision:		21/03/2023	
	Link to full decision:			
	n/a			
	Inspector's Key conclusions:			
	Appeal withdrawn by appellant.			

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/22/00280/NPP	C/23/3322239	Abilea Meadows, Friendless Lane, Flamstead	Written Representations
2	E/22/00368/COL	C/23/3322546	25 Crossways, Hemel Hempstead	Written Representations
3	E/22/00314/COB	C/23/3322825	86 Chipperfield Road, Kings Langley	Written Representations
4	E/23/00123/NPP	C/23/3323871	Land at Church Road, Little Gaddesden	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 12 May 2023 and 02 July 2023.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 12 May 2023 and 02 July 2023.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 12 May 2023 and 02 July 2023.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2023 (up to 02 July 2023).

APPEALS LODGED IN 2023	
PLANNING APPEALS LODGED	33
ENFORCEMENT APPEALS LODGED	10
TOTAL APPEALS LODGED	43

APPEALS DECIDED IN 2023 (excl. invalid appeals)	TOTAL	%
TOTAL	30	100
APPEALS DISMISSED	17	56.7
APPEALS ALLOWED	12	40
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	1	3.3

	TOTAL	%
APPEALS DISMISSED IN 2023		
Total	17	100
Non-determination	3	17.6
Delegated	12	70.6
DMC decision with Officer recommendation	1	5.9
DMC decision contrary to Officer recommendation	1	5.9

APPEALS ALLOWED IN 2023	TOTAL	%
Total	12	100
Non-determination	0	0
Delegated	10	83.3
DMC decision with Officer recommendation	1	8.3
DMC decision contrary to Officer recommendation	1	8.3

6.10 UPCOMING HEARINGS

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

6.11 UPCOMING INQUIRIES

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

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04607/PIP	W/22/3303737	Land Adj Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
	Date of Decision:		15/06/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737			
	Inspector's Key conclusions:			
	<i>*Note: This application for Costs was allowed in part.</i>			

The applicant submits that the Council has acted unreasonably in that it has introduced new issues at a late stage, specifically reference to the loss of the equestrian use of the land, to which the Council refer to as social infrastructure, and the suitability of the site for housing having regard to access to services and public transport.

The applicant also contends that the Council erred in its insistence of the need for a legal agreement at the Permission in Principle (PIP) stage to secure a financial contribution towards mitigation measures as a consequence of the Chilterns Beechwoods Special Area of Conservation (SAC) designation.

The Council's sole refusal reason relates to the effect of the development on the character and appearance of the Flaunden Conservation Area. With regards to the loss of the grazing land as part of the equestrian use of the wider site, the Officer's report indicates that this matter was not for consideration as part of the PIP application.

However, the Council's appeal submissions later raised the issues as set out above, which were not relied upon as part of the refusal of the application. The equestrian use of the land and the location of the site were not determinative in the appeal, given my findings in relation to the main issue. Nevertheless, the applicant had to carry out additional work that was not initially anticipated in order to respond to these additional matters through the submission of their final comments. I therefore find that it was unreasonable behaviour that the Council later relied on these matters in their Statement of Case.

With regards to the Council's case in so far as it relates to the absence of a mechanism to secure monies in relation to the potential effects of the development upon the SAC, this matter was raised by the Council at the appeal stage as the Footprint Ecology Report on 14 March 2022 and receipt of revised guidance from Natural England postdates the date of the Decision Notice. The Council contends that a legal agreement is required in order to secure appropriate mitigation measures to ensure there would be no adverse effect on the SAC as a result of the proposal.

The PPG sets out that planning obligations cannot be secured at the PIP stage. However, it also highlights that PIP must not be granted for development which is habitats development unless the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site (Paragraph: 005 Reference ID: 58-005-20190315). Therefore, it was not unreasonable for the Council to raise this change of circumstance in evidence.

I therefore find that unreasonable behaviour by the Council, through the introduction of late evidence relating to the loss of the equestrian land and locational sustainability, which has directly caused the applicant unnecessary and wasted expense, has been demonstrated and that a partial award of

costs relating to this aspect only, is justified.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/02060/FHA	D/22/3308023	Honeysuckle Barn, Birch Lane, Flaunden	Householder
	Date of Decision:		02/06/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023			
	Inspector's Key conclusions:			
	<p>Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The application for costs in this case was made by the applicant against the Council on the grounds of the substance of the appeal.</p> <p>There are several strands to the applicant's case for an award of costs. These include: preventing or delaying development which should clearly be permitted, having regard to it being in accordance with the development plan, national policy and any other material considerations; a failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis.</p> <p>Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Council's reason for refusal is set out in its decision notice. This reason is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal, in the view of the Council, would conflict with. This is a matter of planning judgement. I have found that this reason was adequately substantiated by the Council in its officer report.</p>			

Whilst I appreciate that the applicant does not agree with the outcome of the application, and I have made my own views on the planning merits of this case in a separate decision, I find nothing to suggest that the Council has acted unreasonably.

Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

6.14 FURTHER SUMMARY OF APPEALS IN 2023

APPEALS LODGED IN 2023	TOTAL	% OF TOTAL
HOUSEHOLDER	13	30.2
MINOR	14	32.6
MAJOR	1	2.3
LISTED BUILDING	0	0
CONDITIONS	0	0
TELECOMMUNICATIONS	2	6.6
LAWFUL DEVELOPMENT CERTIFICATE	1	2.3
PRIOR APPROVAL	2	6.6
LEGAL AGREEMENT	0	0
ENFORCEMENT	10	23.3
TOTAL APPEALS LODGED	43	100

APPEALS DECIDED IN 2023 (excl. invalid appeals)	TOTAL	%
HOUSEHOLDER	15	50
MINOR	8	26.7
MAJOR	1	3.3
LISTED BUILDING	1	3.3
CONDITIONS	2	6.7
TELECOMMUNICATIONS	0	0
LAWFUL DEVELOPMENT CERTIFICATE	1	3.3
PRIOR APPROVAL	0	0
LEGAL AGREEMENT	1	3.3
PERMISSION IN PRINCIPLE	1	3.3
ENFORCEMENT	0	0
TOTAL APPEALS DECIDED	30	100

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PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (April 2023)

Page 115	1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution. 2019 planning permission implemented though approved replacement dwelling not yet built and mobile home remains. Case review required to decide if further action necessary.
	2	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
	3	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit

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										needed to check material removed and to check compliance with conditions of permission.
4	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Changes almost entirely completed and remaining deviations insignificant harm. Case review needed with a view to closure.
5	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with and case has been closed Nov 2020. Site now replaced with approved portal framed agricultural building. Wider investigations ongoing for Hill and Coles Site under E/19/00064.
6	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with Conservation to confirm final details of replacement fenestration. Installation due later

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										in Jan – Feb 2022. Conservation Officer Confirmed compliance *To be removed from list*
7	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. Installation due later in Jan – Feb 2022. Conservation Officer Confirmed compliance *To be removed from list*
8	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA refused and dismissed at appeal 13 July 2022. Owner declined to attend Interview Under Caution Sept 22. Next formal steps being

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										considered.
9	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Application for twin tracks approved 20/03945/FUL – works already undertaken to remove a lot of material. Final compliance check required and then removed from this list.
10	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. *visited in Oct 2022-land has ceased use as a car park hard core still in place however it is over grown. Case has been closed non expedient- Case to be removed from list*
11	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	Not complied	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. Compliance check undertaken and application 20/03416/FHA not dealt with under

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										s70(c). *Heard in court 04/07/2023*
12	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes / split decision	18 Dec 21	Not complied	Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. Planning permission granted March 2022 for storage, salvage, re-cycling under 21/04629/FUL subject to condition. Case review carried out and found enforcement notice where upheld at appeal has not been complied with. Discussions underway with new owners as to how to secure compliance but also guide new appropriate development.
13	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20	N/A	N/A	Not complied	Breach of condition notice issued. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations.

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										Amended scheme approved under 20/01656/ROC in April 2022. Case review to take place.
14	E/20/00088/ NPP	Land east of Watling Garth, Old Watling Street, Flamstead	Construction of a building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site.	17 Jul 20	28 Aug 20	17 Jul 21	Yes dismissed 28.02.22	28 Feb 23	Partly complied	Appeal conjoined with 3 x planning appeals for refusals of numerous developments at this site. All 4 appeals dismissed. Enforcement notice almost entirely complied with, owner declined to attend Interview Under Caution Sept 22. Review to take place if further action required.
15	E/20/00249/ LBG	57 St Johns Road, Hemel Hempstead	Installation of UPVC windows in listed building.	25 Sep 20	27 Oct 20	27 Oct 23	Yes / dismissed	26 May 24	n/a	Appeal submitted – appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply.
16	E/20/00101/ NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	Yes / dismissed	10 Sep 21	Not complied	Appeal submitted – appeal dismissed – new compliance date 10 September 2021. No compliance – need to consider next steps.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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17	E/19/00513/ NPP	Berkhamsted Golf Club, The Common, Berkhamsted	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes Part allowed 29.10.21	29.02.21	Part complied	21/02829/FUL granted, allowing compromise scheme. Appeal decision part allowed for compromise scheme. Case to be reviewed.
18	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following refusal of listed building consents	23 Jun 21	21 Jul 21	21 Oct 21	No		Partly complied	Listed building EN issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21. Works have commenced – need compliance check.
19	E/19/00395	26 Morefields, Tring, HP23 5EU	Construction of a raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337	28 Jul 21	30 Aug 21	30 Aug 22	No		Partly complied	Enforcement notice issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping. Partial compliance by Aug 22 deadline. Case being reviewed
20	E/21/00041/ NPP	The Old Oak, Hoggpits Bottom, Flaunden	Change of use of the land to a mixed use of wood chopping/fire wood business and the siting of a mobile home/caravan for	09 Dec 21	13 Jan 22	13 Jan 23	Yes		Not complied	Appeal to be dealt with by public inquiry. Date to be set by Planning Inspectorate. Discussions ongoing

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			residential purposes							with Parish Council.
21	E/21/00430/ NPP	1 The Orchard, Kings Langley	Erection of a fence	5 July 22	5 Aug 22	16 Aug 22	Yes			Appeal statements submitted to Planning Inspectorate. Awaiting appeal decision
<u>22</u>	E/22/00168/ COL	Cupid Green Lane, South of Gaddesden Lane.	Storage of cars	14 June	15 Jul 22	15 Aug 22	No		Not complied	Witness Statements written. Legal options being pursued. Interviews under caution were not attended invited for further interview following legal advice. *the further interview was not attended-to have follow up meeting with legal*
23	E/18/00096	Land at Flint Cottage, Barnes Lane, Kings Langley WD4 9LB	Commercial and domestic storage	7 Oct 22	8 Nov 22	8 Sept 23	No		n/a	Still within compliance period
24	E/21/00302/ NPP	45 Lawn Lane, Hemel Hempstead HP3 9HL	Use of outbuilding as independent dwelling	25 Oct 22	25 Nov 22	25 Aug 23	Yes			Appeal Statements submitted; awaiting appeal
<u>25</u>	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission erection of buildings on land	18 Nov 22	20 Dec 22	20 Jul 23	Yes			Statement written; awaiting appeal decision
<u>26</u>	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission the change of use of the land from agricultural	18 Nov 22	20 Dec 22	8 Apr 23	Yes			Statement written; awaiting appeal decision

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			to a mixed use of agriculture, domestic, and commercial uses not reasonably associated with agriculture							
27	E/22/00349/ NPP	Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Without Planning permission the siting of 3 steel clad containers and the erection of post and wire fencing	16 Dec 22	30 Jan 23	30 Jul 23	Yes		Waiting appeal result	Statement in waiting decision
28	E/19/00221	37 West Valley Road, Hemel Hempstead, HP3 0AN	Without planning permission, the erection of high fencing, a covered storage area, installation of a retaining wall and steps, also changes to land levels in the rear garden associated works.	4 Jan 23	3 Feb 23	3 Aug 23	No		N/A	Still within compliance period
29	E/22/00293/ NAP	Martlets, The Common, Chipperfield	. Without planning permission, the construction of a detached structure to provide two semi detached outbuildings	16 Jan 23	20 Feb 23	20 Aug 23	Yes		Waiting appeal result	*Statement in waiting decision*
30	E/17/00254	Zeera, 49 High Street, Bovington	Condition 2,3,7 and 8 of 4/00714/14/FUL	16 Jan 23	16 Jan 23	16 Jul 23	N/A		N/A	*outside compliance but submitted DRC*
31	E/19/00229	85-87 High Street, Berkhamsted	Without planning permission, the replacement of a ground floor bay window, ground floor window and entrance door on the principle elevation	16 Jan 23	20 Feb 23	20 Nov 23	Yes		Waiting appeal result	*Statement in waiting decision*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
32	E/22/00143/ COB	60 Thumpers, HH	Without planning permission The conversion of one dwelling into two separate residential units.	26 Jan 23	9 Mar 23	9 May 23	No		N/A	Still within compliance period
33	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		Waiting appeal result	*Statement in waiting decision*
34	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		Waiting appeal result	*Statement in waiting decision*
35	E/23/00117/ NPP	Land Adjacent To Threefields Sheethanger Lane Felten Hemel Hempstead HP3 0BJ	the erection of a dwelling house without prior planning permission	23 Mar 23	23 Mar 23	23 Mar 23	N/A		N/A	*TSN period over no action at present site monitored-will be removed from list*

The Following Cases are being added to the list for the first time

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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<u>36</u>	E/22/00130/ NAP	Land Adjacent to 22 Brook Street, Tring	Breach of condition attached to appeal decision on 10 th September 2018	19/04/202 3	19/04/2023	19/07/2023	No		N/A	*Still within compliance period- discharge of condition application has been received*
<u>37</u>	E/22/00280/ NPP	Land at Abilea Meadows, Friendless Lane	Without Planning Permission, the siting a Shipping Container	19/04/202 3	31/05/23	30/11/2023	Yes		Waiting appeal result	*Notice appealed. No appeal start letter received*
<u>38</u>	E/22/00368/ COL	25 Crossways, Hemel Hempstead, HP3 8PU	Without Planning Permission, the change of use of the land for the parking and storing of commercial vehicles	27/04/202 03	08/06/2023	08/07/2023	Yes		Waiting appeal result	*Notice appealed. Start letter received- Questionnaire in*
<u>39</u>	E/22/00315/ COB	86 Chipperfield Road, Kings Langley, WD4 9JD	Without Planning Permission, the change of use of a building to a standalone dwelling	27/04/202 3	08/06/2023	08/01/2024	Yes		Waiting appeal result	*Notice appealed. Start letter received- Questionnaire in*
<u>40</u>	E/23/00123/ NPP	Land at Church Road, Little Gaddesden, Berkhamsted, Herts	Without planning permission, unauthorised erection of field shelter/building	27/04/202 3	09/06/2023	09/10/2023	Yes		Waiting appeal result	*Notice appealed. Start letter received- Questionnaire in*
<u>41</u>	E/23/00123/ NPP	Land at Church Road, Little Gaddesden, Berkhamsted, Herts	The condition and appearance of the land with the disused vehicles and miscellaneous materials not associated with the agricultural use	28/04/202 3	08/06/2023	08/10/2023	Yes		Waiting appeal result	*Notice challenged- waiting date in court*
<u>42</u>	E/20/00462/ S215	72 Grove Gardens, Tring	The condition of the property, in particular the first floor dormer	11/05/202 03	22/06/2023	22/12/2023			N/A	*Still within compliance period*

CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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			window and the ground floor window on the principle elevation has a detrimental impact on the amenity of the neighbouring properties and the general streetscene. The front garden is continually left to over grow and go to weeds						
43	E/23/00096/ NPP	2 Bulstrode Close, Chipperfield, Kings Langley, Hertfordshire, WD4 9LT	Without planning permission, unauthorised insertion of a window on the first floor side elevation (western elevation).	20.06.2023	01.08.2023	12/09/2023		N/A	*Still within compliance period*
44	E/23/00134/ S215	land situated 4 Wheeler's Yard, Tring Road, Long Marston, Tring, HP23 4FL	S215 The condition and the amount of materials within the land does impact the amenity of this area and does not seek to preserve the conservation area	20.06.23	01.08.23	01/02/2024		N/A	*Still within compliance period*