



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 7 SEPTEMBER 2023 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

#### Membership

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

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

## **AGENDA**

### **1. MINUTES**

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

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

To receive any apologies for absence

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

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) 23/00672/FUL Construction of a new dwelling and detached double garage with crossover. 1 Fox Close Wigginton Tring Hertfordshire HP23 6ED (Pages 6 - 30)
- (b) 23/00828/FUL Construction of a ground floor rear extension and first floor rear extension, conversion of existing property to 4 no. flats. Construction of a dormer window at the front elevation and construction of a bow window 51 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW (Pages 31 - 65)
- (c) 23/00960/FHA One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows. 29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA (Pages 66 - 92)
- (d) 23/00610/FHA First floor front extension and double storey side extension 253 Chambersbury Lane Hemel Hempstead Hertfordshire HP3 8BQ (Pages 93 - 101)

**6. APPEALS UPDATE** (Pages 102 - 122)

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</b>	23/00672/FUL	Construction of a new dwelling and detached double garage with crossover. 1 Fox Close, Wigginton, Tring, Hertfordshire	
<b>5b.</b>	23/00828/FUL	Construction of a ground floor rear extension and first floor rear extension, conversion of existing property to 4no. flats. Construction of a dormer window at the front elevation and construction of a bow window 51 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW	
<b>5c.</b>	23/00960/FHA	One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows. 29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA	
<b>5d.</b>	23/00610/FHA	First floor front extension and double storey side extension 253 Chambersbury Lane, Hemel Hempstead, Hertfordshire, HP3 8BQ	

# Agenda Item 5a

ITEM NUMBER: 5a

23/00672/FUL	Construction of a new dwelling and detached double garage with crossover.	
Site Address:	1 Fox Close Wigginton Tring Hertfordshire HP23 6ED	
Applicant/Agent:	Mr Mark Ellinger	Mr James Crawley
Case Officer:	Heather Edey	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary Review of Parish Council	

## 1. RECOMMENDATION

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

## 2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS5 and CS6 of the Dacorum Borough Core Strategy (2013) and the NPPF (2021).

2.2 Whilst the proposed new dwelling would appear a significant addition to the site, it is not considered that it would appear out of keeping with the character and appearance of the streetscene, Small Village of Wigginton and wider Chilterns Area of Outstanding Natural Beauty.

Furthermore, subject to a condition requiring a new first floor side facing opening being obscure glazed and non-opening, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy.

2.3 The proposal is also considered to be acceptable on highway/pedestrian safety grounds, having no adverse impacts on the safety and operation of the existing highway network. The proposal is considered to provide sufficient parking and amenity space for the new dwelling and to retain sufficient parking provision and amenity space for 1 Fox Close. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS6, CS8, CS11, CS12, CS24 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

## 3. SITE DESCRIPTION

3.1 The application site comprises a detached dwellinghouse 1 Fox Close and front garage, sited on a large corner plot, in a relatively prominent position at the junction of Fox Road and Fox Close. The site falls within the Small Village of Wigginton in the Metropolitan Green Belt and is within the Chilterns Area of Outstanding Natural Beauty.

3.2 Whilst forming the start of a small group of similarly styled chalet properties fronting a small private green, 1 Fox Close is noted to occupy a larger, wider plot, with its long side boundary abutting the main road and bounded by a mature hedgerow trees and fencing. The property benefits from a significant side and rear garden.

## 4. PROPOSAL

*Previous History*

4.1 Planning permission was granted under application 4/02093/16/FUL for the construction of a new three bed detached dwelling, (in the rear garden of 1 Fox Close), with associated detached double garage and vehicle crossover, facilitating access to the property off Fox Road. Permission was also granted under this application for a number of extensions and alterations to be made to no. 1 Fox Close, including the demolition of the existing front garage and construction of a new two storey front extension and single storey side extension. This permission was however never implemented and has now lapsed.

#### *Current Proposal*

4.2 The current application seeks permission for the construction of a new three bed detached dwellinghouse, (sited to the south of 1 Fox Close and sited between this property and neighbouring property Hilltop), fronting Fox Road. The new dwelling would be accessed by way of a new vehicular crossover off Fox Road, and would benefit from a detached garage, facilitating off-street car parking provision for two cars.

4.2 The new dwelling would comprise an 'L-shaped form', featuring a hipped roof, flat roofed single storey front porch and chimney. The submitted plans indicate that the dwelling would be externally finished in brickwork at ground floor level, comprising a render finish at first floor level, with plain concrete roof tiles.

4.3 Whilst the current application omits extensions/alterations to no. 1 Fox Close, the new three bed detached dwelling with associated access and garage is identical to the works considered and approved under application 4/02093/16/FUL.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

23/00650/FHA - Replace existing front garage with two storey front extension, replacement dormers and other alterations to the roof, single storey side/rear extension and associated works  
*WDN - 24th May 2023*

23/01452/FHA - Replace existing front garage with 1.5 storey front extension & single storey side extension  
*WDN*

4/02093/16/FUL - Construction of three bedroom dwelling and double garage. alterations to existing dwelling. Replace existing front garage with two storey front extension, single storey side extension with part extension (amended scheme)

*GRA - 24th October 2016*

4/00813/16/FUL - Proposed three bed dwelling and detached garage  
*WDN - 22nd July 2016*

4/00090/13/FHA - Replace existing front garage with a two storey front extension; demolition of conservatory; single storey side extension with part extension to accommodation in roof; construction of double detached garage with new vehicular access onto fox road and clos  
*GRA - 2nd April 2013*

4/00788/12/FHA - Replace existing front garage with larger single storey extension and dormers above; demolition of conservatory; modest single storey side extension with part extension to accommodation in roof; construction of double detached garage with new vehicular ac  
*REF - 13th September 2012*

4/00335/09/FUL - Demolition of existing house and construction of one detached and two semi-detached dwellings with additional access  
*REF - 1st June 2011*

4/01477/99/FHA - Proposed double garage  
*GRA - 7th October 1999*

## **6. CONSTRAINTS**

Chilterns Area of Outstanding Natural Beauty  
CIL Zone: CIL1  
Green Belt  
Parish: Wigginton CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Small Village of Wigginton in the Green Belt  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

### Main Documents:

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

### Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS6 – Small Village in the Green Belt (Wigginton)  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

### Supplementary Planning Guidance/Documents:

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

#### *Policy*

9.2 The site falls within the Metropolitan Green Belt, wherein new development is heavily restricted. Whilst national policy states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as unacceptable, Paragraph 149 of the National Planning Policy Framework (2021) sets out the following exception to this rule: '*e) limited infilling in villages.*'

9.3 Local policy aligns with national policy when defining acceptable development in the Green Belt. Policy CS5 of the Dacorum Borough Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, provided the works have no significant impact on the character and appearance of the countryside and that the works support the rural economy and maintenance of the wider countryside.

9.4 The site falls within the Small Village of Wigginton in the Green Belt and as such, Policy CS6 of the Dacorum Borough Core Strategy (2013) is also relevant. This policy states that, '*b) limited infilling with affordable housing for local people*' is permitted, subject to the works being sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact and retaining and protecting features essential to the character and appearance of the village.

#### *Assessment*

9.5 Explanatory text preceding Policy CS6 of the Core Strategy (2013) defines infilling as 'a form of development whereby buildings, (most frequently dwellings), are proposed or constructed within a gap along a clearly identifiable built up frontage or within a group of dwellings.' This text goes on to define the term 'limited infilling' as development which does not create two or more dwellings.'

9.6 The proposal is considered to accord with the above criteria, seeking permission for the construction of a single detached dwelling with associated detached garage, sited between properties Hilltop and 1 Fox Close, a built-up frontage along Fox Road. Furthermore, given that the site falls within the Small Village of Wigginton, it is considered that the site can reasonably be considered to fall within the village, therein according with Policy CS5 of the Core Strategy (2013) and the NPPF (2021).

9.7 Whilst Policy CS6 of the Core Strategy (2013) considers limited infilling to be acceptable, this policy notes that there is a requirement for the new development to provide affordable housing for local people.

9.8 The submitted application does not propose the creation of an affordable housing unit. Given that Policy CS6 of the Core Strategy (2013) is inconsistent with the National Planning Policy Framework (2021), the Affordable Housing Supplementary Planning Document (2013) and associated Affordable Housing SPD Clarification Note (2019) were published, providing clarification

on how minor infill schemes within Small Villages in the Green Belt should be assessed. These documents clarify that there is no longer a requirement for infill developments to comprise affordable housing units and that this policy no longer applies.

9.9 In light of everything above and noting that the development is considered to be sympathetic to its surroundings, (by reason of its nature, scale and siting), retaining the visual features essential to the character and appearance of the village, the proposal is considered to accord with Policy CS6 of the Dacorum Borough Core Strategy (2013).

9.10 The proposal is therefore acceptable in principle, amounting to appropriate development in the Green Belt in accordance with Policies CS5 and CS6 of the Core Strategy (2013) and the NPPF (2021).

### Quality of Design / Impact on Visual Amenity and Chilterns AONB

#### *Policy*

9.11 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004) seek to ensure that new development respects the typical density in the area, enhancing significant views within character areas and respecting adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials, landscaping and amenity space.

9.12 The site falls within the Chilterns AONB. Policy CS24 of the Core Strategy (2013) and the Chilterns Building Design Guide (2010) both seek to ensure that new development preserves the special qualities of the AONB, and that the scarp slope is protected from development that would have a negative impact on its skyline.

#### *Assessment*

9.13 The application proposes the construction of a new two storey detached dwellinghouse with associated detached front garage and crossover.

9.14 The Parish Council have raised objection to the scheme on the grounds that the development would be inconsistent with the character of the village by reason of its density, access, materials and design.

9.15 The surrounding area is characterised as comprising a variety of dwelling types and styles, and a mixed pattern of development, with the Rothschild Cottages opposite the site comprising a relatively uniform group of attractive terrace properties, Fox Close comprising large detached dwellings fronting a strip of green space, and development along the other side of Fox Road consisting of large, bulky detached properties of mixed architectural styles, design and material finishes (i.e. Hilltop and Plantation House).

9.16 The proposed new dwelling would appear a significant addition to the site by reason of its overall bulk and height. By reason of its scale and siting, (noting that the dwelling would align with the front and rear building lines of neighbouring property Hilltop), it is however considered that the dwelling would assimilate with the existing pattern of development fronting Fox Road, comprising a similar scale hardstanding frontage, front vehicle crossover and detached front garage to properties Hilltop and Plantation House.

9.17 The proposed new dwelling is of simple design incorporating a hipped roof with facing brickwork at ground floor level and render at first floor level. Whilst the dwelling would not comprise the chalet

style bungalow appearance of Hilltop and 1 Fox Road, it is not considered that it would appear out of keeping with the existing character of the streetscene, given that the surrounding area is characterised as comprising dwellings of mixed character, design and material finishes, (i.e. with Plantation House comprising a mix of brick and render finishes with mock Tudor detailing).

9.18 With respect to density, it is noted that the application site is large, (approximately 1600m<sup>2</sup>), with the resulting density of two dwellings on the plot amounting to 12.5 dwellings per hectare. Whilst falling below the expected density range of 30 to 50 dwellings per hectare net set out under Saved Policy 21 of the Dacorum Borough Local Plan (2004), it is felt that the scheme would reflect the low density character of the village, with the plot size ratio being consistent with those of properties within the immediate area.

9.19 Whilst 1 Fox Close would lose its rear garden to facilitate the development, it is not considered that this element of the proposal would be harmful, detracting from the character of the streetscene, given that the front and rear boundaries are significantly screened by way of an existing established hedgerow.

9.20 As part of the development, a new crossover would be created off Fox Road, facilitating vehicular access to and from the new dwelling. Given that this access is proposed between an existing gap in the existing hedgerow/established soft landscaping fronting Fox Road, it is not considered that these works would be harmful visually, in terms of detracting from the character and appearance of the streetscene or wider Small Village of Wigginton.

9.21 Given everything above, it is considered that the development would integrate with the existing streetscene character, preserving the special qualities and character of this part of the Chilterns AONB and Small Village of Wigginton. Furthermore, consideration is also given to the fact that the scheme is identical to that approved under application 4/02093/16/FUL, noting that there have not been any significant policy changes since the determination of this application that would give rise to a different conclusion in respect of design/visual amenity.

9.22 The proposal is therefore acceptable on design/visual amenity grounds and in terms of its impact on the Chilterns ANB, therein according with Policies CS6, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), the Chilterns Building Design Guidance (2010), Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004) and the NPPF (2021).

### Impact on Residential Amenity

#### *Policy*

9.23 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy 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*

9.24 The proposed new dwelling would share side boundaries with neighbouring properties Hilltop and 1 Fox Close and a side/rear boundary with neighbouring property 2 Fox Close.

#### *Impact on Hilltop*

9.25 Whilst the proposed new dwelling has been designed to generally align with the front and rear elevations of Hilltop, the rear elevation of the proposed new dwelling would project approximately

1m deeper than this property, with the two storey rear projection of the dwelling projecting a further 4m in depth. Taking this into account and noting that the 4m deep rear projection of the new dwelling would be sited approximately 8.5m away from the shared boundary with this neighbouring property, it is not considered that the new dwelling would appear visually intrusive or adversely affect the lighting levels received by this property.

9.26 Given the orientation of the new dwelling and noting that no windows would be sited to the side elevation of the property facing towards neighbouring property Hilltop, it is not considered that the new dwelling could be used to facilitate any harmful overlooking of this neighbouring property.

#### *Impact on 2 Fox Close*

9.27 By reason of its scale and siting, the proposed new dwelling would largely be obscured from view of no. 2 Fox Close, and as such, it is not considered that this property would result in a significant loss of light to this neighbouring property.

9.28 The proposed new dwelling would be sited approximately 14.5m away from the shared boundary with 2 Fox Close. In light of this, it is not considered that the dwelling would appear visually overbearing to this property. Whilst windows on the rear elevation of the new dwelling would facilitate some overlooking of the end of no. 2 Fox Close's rear garden, it is not considered that this overlooking would be of a significantly harmful level to warrant refusal of the scheme, noting that a degree of overlooking is considered to be acceptable between residential properties, and noting that no views of this property's private amenity space would be facilitated.

#### *Impact on 1 Fox Close*

9.29 The proposed new dwelling would be sited within close proximity of the shared boundary with the rear boundary/elevation of no. 1 Fox Close. Whilst the relationship between the property and no. 1 Fox Close is not ideal, given the orientation of the proposed new dwelling and noting that the primary amenity space of no. 1 Fox Close would be accommodated to the side of the site, on balance, it is not considered that the dwelling would be significantly visually intrusive to this property, or that a refusal of the scheme on these grounds could be justified or sustained.

9.30 The submitted plans indicate that the new dwelling would comprise two windows on its side elevation facing towards neighbouring property 1 Fox Close. Whilst it is not considered that the new ground floor level window could be used to facilitate any harmful overlooking of no. 1 Fox Close, (given the nature of existing ground levels and noting that the new opening would be predominantly screened by way of the boundary treatment between the two properties), concerns were raised with respect to the proposed first floor window.

9.31 In order to ensure that the new first floor level window does not result in a significant loss of privacy to no. 1 Fox Close, it is recommended that a condition be attached to the formal planning consent, ensuring that this window is obscure glazed to a minimum of privacy level three and non-opening, (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). These arrangements are considered to be reasonable and necessary to preserve the privacy of no. 1 Fox Close. (Given that this window would serve an ensuite bathroom, it is considered that these arrangements would also secure high standards of residential amenity for future occupiers of the new dwelling).

9.32 Given the relationship between 1 Fox Close and the proposed new dwelling, (i.e. noting the staggered orientation of the new dwelling in relation to 1 Fox Close), it is not appropriate to apply the 25 or 45 degree lighting tests to determine whether the sufficient lighting would be received by the nearest habitable window of 1 Fox Close.

9.33 The nearest habitable window of 1 Fox Close is set approximately 1m in from the side elevation of the property, (measuring approximately 2m wide), functioning as the sole opening serving a study. Whilst the submitted plans indicate that the development would likely restrict some daylight received to this opening, given the orientation of the new dwelling and noting that the development does not extend the full width of this opening, the resultant open aspect is considered sufficient to enable sufficient levels of daylight to be received by this opening. Taking this into account and noting that the development remains unchanged from that approved under application 4/02093/16/FUL, (with the relationship between the two properties previously deemed acceptable on light grounds), on balance, the proposal is considered to be acceptable in terms of its impact on the light levels received to this neighbouring property.

#### *Noise and Disturbance*

9.34 With regards to noise and disturbance, it is noted that the site would remain under residential use, (same use as existing). Whilst intensifying the use of the site, it is not considered that the noise levels generated by the development would increase significantly over and above the existing use of the site as a residential garden and as such, it is not considered that the proposal would be harmful on the grounds. The DBC Environmental Health Team were also consulted as part of the application and raised no objections to the works on these grounds.

#### Impact on Highway/Pedestrian Safety and Parking

##### *Policy*

9.35 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*

9.36 The application proposes the construction of a new crossover, facilitating access to and from the dwelling via Fox Close. Whilst intensifying the use of the site, it is not considered that the works would significantly increase vehicle movements, adversely affecting the safety and operation of the existing highway network.

9.37 The Highways Authority were consulted as part of the scheme and subject to conditions and informatives, (requiring suitable visibility splays be provided, arrangements made for surface water to be intercepted from the highway and a Section 278 Agreement being made), have raised no objection to the works, considering the works to be acceptable on highway/pedestrian safety grounds.

9.38 With respect to parking, the submitted plan indicates that three off-street car parking spaces would be provided to the front of the new dwelling, including two spaces in the detached garage and one on the new front hardstanding. Given that the Parking Standards Supplementary Planning Document (2020) states that a three bed dwelling in this location should provide a minimum of 2.25 off-street car parking spaces, it is considered that sufficient parking provision would be provided for future occupiers of the site.

9.39 No changes are proposed to the parking arrangements for property 1 Fox Close, with occupants of this property continuing to utilise the new front garage and hardstanding for the parking of three vehicles. As such, no concerns are raised to the proposal on parking grounds.

## Other Material Planning Considerations

### *Contamination*

9.40 With respect to contamination, the DBC Scientific Officer, (subject to the inclusion of informatives), has raised no objections to the development, considering the works to be acceptable with respect to ground contamination.

### *Trees*

9.41 Saved Policies 99 and 100 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Core Strategy (2013) all seek to ensure that trees are retained and protected, and that suitable replacement trees are planted in instances where trees are proposed for removal.

9.42 The submitted plans indicate that the tree to the front of the site would be retained, and that measures would be taken during construction to ensure that it is protected. It is recommended that the development is implemented in accordance with the submitted Tree Protection Plan.

### *Amenity Space*

9.43 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. For infill developments, this policy does however note that reduced garden depths may be acceptable if they are of equal depths to adjoining properties and of a width, shape and size to ensure that they are functional and compatible with the surrounding area.

9.44 The proposed new dwelling would be served by a wide rear garden, measuring approximately 14.5m at its shortest point and 19m deep at its longest point. This rear garden would exceed the standard set out under Saved Appendix 3 of the Local Plan (2004) and would be compatible with that of neighbouring property Hilltop.

9.45 The proposal would result in the loss of rear garden space for 1 Fox Close, with the property instead comprising a side garden, measuring approximately 14m deep and 14m wide. Whilst not ideal, it is noted that this garden would be well screened from public view by way of the established front and side hedgerow, and would be sufficient in size, width and shape to provide a functional area of private amenity space for 1 Fox Close. On balance, it is therefore considered that sufficient private amenity space would be retained for the new dwelling and no. 1 Fox Close, and as such, a refusal of the scheme on these grounds could not be sustained.

## Response to Neighbour Comments

9.46 Five neighbours have raised objection to the development, raising the following concerns:

- The proposal is unacceptable on design/visual amenity grounds, appearing out of keeping with neighbouring development and detracting from the character and appearance of the village;
- The proposal would have an unacceptable impact on the residential amenity of neighbours, resulting in a significant loss of light, privacy and generating significant noise disturbance;
- The proposal would have an adverse impact on highway/pedestrian safety grounds; and
- The proposal would amount to the overdevelopment of the site.

9.47 The first three reasons of objection have been considered and addressed during earlier sections of the report. Whilst significant in scale, it is not considered that the development would

amount to the overdevelopment of the site, given that the site is considered to be sufficient in scale to accommodate the facilities/amenities required for both a new three bed dwelling and 1 Fox Close, (i.e. retaining sufficient parking and private amenity space).

### Community Infrastructure Levy (CIL)

9.48 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

### Chilterns Beechwoods Special Area of Conservation

9.49 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.

9.50 The application proposes the conversion of the existing dwellinghouse into four new flats. Given that additional units would be created, it is considered that the proposal would increase recreational pressure on the CBSAC. The applicants will therefore be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

## **10. CONCLUSION**

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

### **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. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 3. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 3158 /3/3 in accordance with details/specifications to be submitted to and approved in writing by 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).

4. **The mature Oak tree adjacent to the new vehicular access hereby approved and shown for retention on the approved plan shall be retained and shall not be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. If this tree subsequently dies, a replacement tree of the same species shall be planted in the same location within the next planting season.**

**The development shall be implemented in accordance with the tree protection measures set out in the approved Tree Protection Plan and thereafter retained until completion of the development.**

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

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

**3158/3/2**

**3158/3/4**

**3158/1/4**

**3158/3/3A**

**3158/3/1**

**3158/A4/20**

**Tree Protection Plan**

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

#### **Informatives:**

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

2. 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) 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.

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.

### 3. CONTAMINATED LAND

#### 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.

#### 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.

#### 4. ENVIRONMENTAL HEALTH INFORMATIVES

##### Working Hours Informative

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

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

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

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

##### Construction Dust Informative

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

##### Waste Management Informative

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

##### Air Quality Informative

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

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support

sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

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

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

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

#### Invasive and Injurious Weeds – Informative

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Natural England	<p>INITIAL COMMENTS</p> <p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul>

	<p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.</p> <p><b>FURTHER COMMENTS (FOLLOWING RECONSULTATION)</b></p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 22 March 2023, reference number 426623.</p> <p>The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
Wigginton Parish Council	<p><b>INITIAL COMMENTS</b></p> <p>The Council objected to this planning application due to the application being inconsistent with the village scene in terms of density, access, materials and design.</p> <p><b>FURTHER COMMENTS (FOLLOWING RECONSULTATION)</b></p> <p>Objection - The PC cited the fundamental issues around the impact of the proposal on amenity in the village. The location of the house and particularly the garage close to the road compromises the principle of the adjoining properties in Fox Close, both in terms of the existing layout on the western side of Fox Road and the Rothschild cottages opposite. The fundamental principle of the layout of Fox Close (and elsewhere in the village, The Firs) was to position houses well back from the sightline from the road, minimising the impact on the village scene. This infill fails that principle and therefore compromises the appearance of this Chiltern Hill-top Village.</p>
Thames Water	Thank you for consulting us on this application. At this stage we have no comments to make.
Hertfordshire Highways (HCC)	<p><b>INITIAL COMMENTS</b></p> <p>Recommendation</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:

1) Provision of Visibility Splays - Dimensioned in Condition

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 3158 /3/3 in accordance with details/specifications to be submitted to and approved in writing by 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) 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.

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.

#### Comments

The proposal is for the construction of a new dwelling with crossover at 1 Fox Close, Wigginton, Tring. Fox Close is a 30 mph classified C local distributor route that is highway maintainable at public expense.

#### Highway Matters

The existing dwelling has an access onto Fox close which is a private route. The planning application states that where the proposed access to the new dwelling is located, is an existing access. However, as of 2010 no access was in this location and there is currently no hardstanding to accommodate any vehicles from this access only grassland consisting of the rear garden. Therefore, it is considered by HCC Highways that this "access" has never been in use as a vehicle access for the dwelling. The area fronting this proposed access is part of the adopted highway network and therefore any works to this access to make it formal would need to be completed under a section 278 agreement - please see informative 1. There has not been any visibility splays illustrated for the new access and therefore HCC Highways has included condition 2. Vehicles are able to turn on site which is considered appropriate for the new dwellings location. Parking is a matter for the Local Planning Authority and therefore any parking arrangements need to be agreed by them.

The new dwelling will be located in walking distance of the village shop and a pub. However, overall the location is not considered overly sustainable in terms of transport. In terms of the site being a single dwelling and it is located in a residential area, this is not considered to impact HCC Highways overall recommendation.

#### Drainage

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

#### Refuse / Waste Collection

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

#### Emergency Vehicle Access

The 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

	<p>informative (in relation to entering into a Section 278 Agreement) and conditions.</p> <p>COMMENTS UNCHANGED FOLLOWING RECONSULTATION</p>
Trees & Woodlands	<p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved.</p>
Environmental And Community Protection (DBC)	<p>ENVIRONMENTAL HEALTH</p> <p>With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>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</p>



partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

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

#### Air Quality Informative

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

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

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

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

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

#### Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside

Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

#### CONTAMINATED LAND

Having reviewed the planning application and considered the information held by the ECP Team in relation to the application site I am able to confirm that there is no objection to the proposed development and no requirement for land contamination planning conditions to be imposed in the event that permission is granted.

However, because the proposal is for a new dwelling it is recommended that the following informatives are included on the Decision Notice. This advice is consistent with that provided when previously consulted.

##### Contaminated Land Informative 1:

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

##### Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought and the LPA informed.

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	5	0	5	0

### Neighbour Responses

Address	Comments
Silverdene 10 Fox Close Wigginton Tring Hertfordshire HP23 6ED	<p>This proposed development which is just garden infilling is not remotely in keeping with the surrounding chalet style houses of Fox close and neighbouring Hilltop, nor is it in keeping with the Rothschild House cottages along Fox Road.</p> <p>This development and the proposed alterations to the other property on the site are too big for the land available and detract from the character of this area of the village with no features that are in keeping with the area.</p> <p>There will be significant loss of green space, loss of privacy to Hilltop and Number 2 Fox Close.</p> <p>The crossover access plans have poor visibility to the main road and cars exiting Fox Close. There is insufficient sighting for vehicle access and cars approaching from Fox Road. The site will look cramped and overdeveloped with unnecessary loss of garden.</p> <p>Number 1 Fox Close was originally planned to be set away from the Rothschild cottages so as not to detract from their character. This is a significant, ugly change to the site.</p>
89 Fox Road Wigginton Tring Hertfordshire HP23 6EE	<p>We object to this application as follows:</p> <p>This development does not meet any local need of the village or adjoining countryside, is not sympathetic to its surroundings and will constitute overdevelopment of the site. We question whether it fits within the current overall plan for the villages.</p> <p>Fox Road is already full of houses either terrace or in close proximity. In addition, the actual site will move from one pleasing unit to two very close together and cramped. In addition, Hilltop (neighbour) will be overlooked losing privacy and an increase in noise; we understand that the building has been rotated from the previous orientation, with detrimental impact on the next door house, Hilltop.</p> <p>The design of the front elevation facing Fox Road, opposite the Rothschild cottages, is detrimental to the overall context of the road. Currently there are two types of house on this stretch: the historic Victorian Rothschild terraces, and Fox Close where the houses are of an overall design.</p>

	<p>Finally, it appears there will be another exit onto Fox Road very near the exit to Fox Close which will bring an added hazard onto what is already an over busy road, with industrial and agricultural traffic where speed limits are regularly broken. The police have recorded speeds of over 70 MPH on this 30 MPH road.</p>
<p>Two Ways Fox Road Wigginton Tring Hertfordshire HP23 6EE</p>	<p>I object to this application as follows:</p> <p>This development does not meet any local need of the village or adjoining countryside, is not sympathetic to its surroundings and will constitute overdevelopment of the site. For these reasons I believe it should not have been approved in 2016 and should not be approved now. I believe it got through on the loophole to policy CS6 provided by the Affordable Housing SPD Clarification which allowed open market infill development of 5 houses or less in the hilltop AONB villages.</p> <p>The positioning has been altered compared to the 2016 proposal to set the frontage back a little more from Fox Road resulting in a very cramped layout on the site. It would set an undesirable precedent of overdevelopment in this immediate area, is very close to Hilltop and the shape of the plot and positioning of the house on it is very awkward with adverse effects on privacy.</p> <p>The front elevation facing Fox Road, almost opposite the Rothschild cottages, is not sympathetic with those cottages or in keeping with Hilltop or the properties in Fox Close. Despite the altered positioning the elevation will still be prominent and not sympathetic to its surroundings in terms of local character design, scale, landscaping or visual Impact.</p>
<p>Hilltop Fox Road Wigginton Tring Hertfordshire HP23 6EE</p>	<p>INITIAL COMMENTS</p> <p>I have lived at Hilltop Fox Road immediately adjoining the above address for some 28 years and write with reference to the proposed development to record my objection to the plans. I registered little or no disquiet at the adjacent developments over the years at St Mary Cross Close and at 96 Fox Road, both of which have enhanced the neighbourhood, and so cannot be considered a 'serial objector.' I do however, feel that this proposal to site a three bedroom house in a very small space is wholly inappropriate.</p> <p>1. The construction of a new three bedroom detached dwelling contradicts without exception every constraint identified in Policy CS6 of the Core Strategy adopted 25<sup>th</sup> September 2013. For convenience, I have reproduced it in full below:</p> <p>Within Chipperfield, Flamstead, Potten End and Wigginton 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.</p> <p>Each development must: i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design,</p>

scale, landscaping and visual impact; and ii. retain and protect features essential to the character and appearance of the village.

Although the restrictions relating to Affordable housing have been relaxed, the remaining grounds clearly demonstrate the overwhelming case for refusal.

2. You will be aware that consideration of this application is subject to several precedents:

- The previous owner applied for permission to build a bungalow which was refused;
- 2009 – the present owners applied for permission to demolish the existing house and build three houses on the site, again refused.
- 2013 – application for an entrance from Fox Road and construction of a double garage was approved, despite significant objections from neighbours and Parish Council. The proposal made little sense, other than to facilitate a subsequent application to develop the site further. The entrance was eventually knocked through in 2014 leaving a gaping hole in the hedge with unsightly temporary fencing ever since. The garage was never constructed, other than some footings hastily dug, despite its appearance on the Ordinance Survey. Permission for this has presumably lapsed.
- March 2016 – application to construct a new three bedroom dwelling withdrawn due to overlooking Hilltop (see 4 below).
- August 2013 – application for three bedroom dwelling approved parallel to Hilltop approved now lapsed.

3. No consideration is evident in respect of the shared drain which became a Public Sewer under the 2011 Act, and which runs through the property. The drainage plan assumes that the current drain run serves 1 Fox Close only whereas in fact it served both Plantation House and Hilltop, running across my property and into the current marked run through 1 Fox Close. Other properties may also be affected and resolving this would cause major disruption to the facility.

4. The Design and Access statement asserts that the dwelling has been previously approved. However, this proposal differs markedly from the 2016 original in that the building is rotated by some 15 degrees such that the rear of the house directly overlooks my garden leading to even greater loss of privacy than before, particularly from the upstairs windows. The March 2016 (4/00813/16/FUL) application was withdrawn for this reason, qv the summary presented by the planning officer to the DBC Planning Committee in August 2016, 'Concerns have been raised in connection with noise and disturbance and overlooking of the rear garden of Hilltop. The dwelling has been repositioned so that it has the same orientation as Hilltop, thereby ensuring that there would be no direct overlooking of this garden.'

5. The proposed dwelling also overlooks the existing properties at 1 and 2 Fox Close which would be detrimental to the privacy of future owners.

6. 1 Fox Close was originally built some distance from Fox Road, and further back from the road than other Fox Close properties, to avoid the functional design of the Fox Close houses detracting from the more

	<p>aesthetic Rothschild cottages opposite. The proposed design both brings forward the line of the buildings to the detriment of this concept and introduces a new design out of character with both adjacent properties with the village overall.</p> <p>7. The proposed development is too close to both Hilltop and to the existing house on the site, using only a third of the plot, leading to unacceptable congestion, increased noise levels, lack of privacy due to the adjoining terrace, and loss of light. The scheme would no doubt be subject to the regulations framed in the Party Wall Act 1996.</p> <p>8. The root protection proposal is an improvement to the original plan and would need careful policing, but the construction of a double garage and driveway remains detrimental to existing sight lines. The proposal is misconceived and should be rejected.</p> <p><b>FURTHER COMMENTS</b></p> <p>The amended proposal now reverts to the 2015 plan whereby the house aligns with Hilltop. My other objections to this flawed and ugly development remain as previously reported, the proximity of the adjoining terrace and resulting loss of privacy to our own being of particular concern. Prospective purchasers of the new house and of 1 Fox Close would no doubt draw their own conclusions with respect to the resulting layout.</p>
<p>Hilltop Fox Road Wigginton Tring Hertfordshire HP23 6EE</p>	<p>It is worrying that there has been so much rejigging of this plan over the years in order to try to make it fit in the space. It has never met with local approval so far as I know. and has been called opportunistic. The house would be far too close to other properties, especially Hilltop and look very squeezed in and intrusive, especially when you consider the vision of the original planning so as not to detract from the lovely old Rothschild houses opposite. It would sit very awkwardly in that space.</p> <p>There is also concern about the main sewers which drain from a number of houses across the garden. There is the worry, as well, over damage to Hilltop's foundation, smoke from the very low chimney and new soak aways beside Hilltop's wall. Also loss of afternoon sunlight from Hilltop's front garden. The loss of privacy and increased noise levels are a major concern to Hilltop, which is greatly affected by this proposal.</p> <p>Please refuse this ill-conceived and intrusive application.</p>

**ITEM NUMBER: 5b**

<b>23/00828/FUL</b>	<b>Construction of a ground floor rear extension and first floor rear extension, conversion of existing property to 4no. flats. Construction of a dormer window at the front elevation and construction of a bow window</b>	
<b>Site Address:</b>	<b>51 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW</b>	
<b>Applicant/Agent:</b>	<b>Khilan Hingrajia</b>	<b>Mr Giovanni Patania</b>
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Bennetts End</b>	
<b>Referral to Committee:</b>	<b>Call-in Request received from Councillor Birnie – Concerns raised on the grounds that the development provides insufficient parking and would increase traffic, being harmful on highway/pedestrian safety grounds</b>	

**1. RECOMMENDATION**

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

**2. SUMMARY**

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) and Saved Policy 19 of the Dacorum Borough Local Plan (2004).

2.2 Whilst the proposal would significantly alter the visual appearance of the existing building, given the mixed character of the streetscene, it is not considered that the resultant building would appear significantly out of keeping with neighbouring development. Furthermore, subject to conditions requiring new openings to be obscure glazed and non-opening, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy.

2.3 The proposal is also considered to be acceptable on highway/pedestrian safety grounds, having no adverse impacts on the safety and operation of the existing highway network. Whilst generating a shortfall of off-street car parking, the submitted Parking Stress Survey is considered sufficient to evidence that the proposal would not generate significant parking stress. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policy 19 of the Dacorum Borough Local Plan (2004), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The application site comprises a two storey detached building with associated outbuilding and yard, situated on a prominent corner plot where roads Belswains Lane and Belmont Road meet, within a designated residential area of Hemel Hempstead.

3.2 Whilst the building previously functioned as a shop (Use Class A1), permission was granted under application 4/03109/16/FUL for the building to be converted to residential use (Use Class C3). Permission was also issued under this application for the construction of a two storey rear extension

and for the conversion of the existing outbuilding to garages, to support the subdivision of the building into three self-contained flats.

3.3 Whilst the conversion of the building to a residential use was implemented in accordance with the above permission, the two storey rear extension was never constructed and the building was not subdivided, with the building functioning as a two storey detached, three bed dwelling.

3.4 The site falls within the HCA18: Belswains Character Appraisal Area and is noted to be of mixed character, largely comprising detached dwellings of mixed architectural style and design. The site also falls within a Former Land Use Risk Zone for ground contamination.

## **4. PROPOSAL**

### *Previous History*

4.1 Planning permission was recently granted under application 21/02407/FUL for the building to be converted to residential use, providing four self-contained flats with associated parking and landscaping. The approved plans indicate that three 2-bed units and one 1-bed unit would be provided, with the units being served by four off-street parking spaces. In order to facilitate this conversion, it was proposed that the building be extended at two storey level to the front, side and rear, with the existing outbuilding demolished, and that alterations be made to the existing roof to facilitate the provision of habitable accommodation in the loft.

### *Current Proposal*

4.2 Under the current application, permission is sought to construct ground and first floor rear extensions, a new front dormer window and bow window to facilitate the conversion of the building into four self-contained flats with associated works. The submitted plans indicate that the new building would provide two 2-bed units (flats 1 and 3) and two 1-bed units, (flats 2 and 4), and that the new units would be served by a communal front and rear yard, four car parking spaces and bike storage area.

4.3 Whilst similar in nature to the scheme previously approved under 21/02407/FUL, the current application proposes a reduction to the total number of flats provided, (from four to three units), as well as a reduction to the proposed extensions undertaken to the main building, (i.e. with the proposed side extension limited to the creation of a new bow window under the current scheme, and no extensions proposed to the front of the property under the current proposal). It is also noted that no changes are proposed to the roof of the existing building under the current application, (given that no living accommodation is proposed within the roofspace), and that a new front dormer is proposed for construction, accommodating the new internal building layout.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

21/02407/FUL - Change of use from shop (A1) to residential (C3) and conversion of existing property for 4 self-contained flats with associated parking and landscaping with demolition of existing outbuilding  
*GRA - 6th August 2021*

20/02878/FUL - Demolition of existing property. Construction of 5 x 2 bed apartments with parking.  
*WDN - 10th November 2020*

20/03939/FUL - Demolition of existing property. Construction of 4 x 2 bed apartments with parking (amended scheme)



WDN - 1st February 2021

4/03109/16/FUL - Two storey rear extension. Conversion of existing property into 3 self-contained flats. Conversion of existing outbuilding to garages

GRA - 9th January 2017

4/01755/13/FUL - Construction of single storey flat roof attached storage building

GRA - 13th November 2013

4/02578/06/FUL - Convert store room into training room, and single storey side extension

GRA - 17th January 2007

4/01718/89/FUL - First floor rear extension

GRA - 23rd January 1990

## **6. CONSTRAINTS**

CIL Zone: CIL3

Former Land Use (Risk Zone) - Contamination

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area in Hemel Hempstead

Residential Character Area: HCA18

Parking Standards: New Zone 3

Town of Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Saved Policy 19 of the Local Plan (2004) - Conversions  
Saved Appendix 3 of the Local Plan (2004) – Layout and Design of Residential Areas  
Saved Appendix 7 of the Local Plan (2004) – Small-Scale House Extensions

Supplementary Planning Guidance/Documents:

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The application site falls within a designated residential area of Hemel Hempstead, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Policy CS1 of the Core Strategy (2013) states that market towns and large villages will accommodate new development for housing, employment and other uses. Furthermore, Policy CS4 of the Core Strategy (2013) states that appropriate residential development is encouraged in residential areas.

9.3 With regards to conversions, Saved Policy 19 of the Dacorum Borough Local Plan (2004) notes that the conversion of buildings to incorporate flats or houses will be permitted in residential areas of towns and large villages.

9.4 In light of the above policies, the proposal for the construction of ground and first floor extensions, new front dormer and bow window and the conversion of the building into four self-contained flats with associated works is acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) and Saved Policy 19 of the Dacorum Borough Local Plan (2004).

### Quality of Design / Impact on Visual Amenity

#### *Policy*

9.5 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004) and HCA18: Belswains Character Appraisal Area seek to ensure that new development respects the typical density in the area, enhancing significant views within character areas and respecting adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials, landscaping and amenity space.

## *Assessment*

9.6 In order to facilitate the conversion of the building to provide four self-contained flats, the application proposes the construction of a first floor rear extension, single storey rear extension, new front dormer window and new side bow window. The new first floor rear extension would measure approximately 7.4m deep, whilst the new single storey rear extension would project approximately 1.9m deep, with both additions extending the full width of the dwelling, (measuring approximately 7.4m wide). The new bow window would be sited on the side elevation of the dwelling fronting Belmont Road, replicating the design, scale, height and detailing of the existing first floor side bow window. The application also proposes the construction of a new front dormer window, measuring approximately 1.7m wide and 0.7m deep.

9.7 Cumulatively, the proposed works would significantly alter the external visual appearance, bulk, mass and prominence of the existing building.

9.8 It is however considered that the proposed additions/alterations have been sympathetically designed to respect the original design and character of the main building, with the proposal replicating existing features of the main dwelling, (i.e. the existing two storey side bow window projection with associated gable end detailing). Furthermore, whilst proposing the insertion of new openings to the front and side elevations of the building, it is considered that these openings are of sympathetic design, scale, proportion and siting to ensure that attractive frontages are created to both Belswains Lane and Belmont Road.

9.9 The proposed two storey bow window projection would replicate the existing two storey side bow window in terms of its scale, height and detailing, therein replicating an attractive design feature of the existing building and resulting in the creation of an attractive building frontage to Belmont Road. Whilst noted to project within close proximity of Belmont Road, it is not considered that this addition would appear overtly prominent or cause harm to the streetscene, given that the build line of properties along Belmont Road are typically within close proximity of the adjacent highway. Consideration is also given to the fact that the existing outbuilding would be demolished, therein providing a visual break between the application building and neighbouring property 3 Belmont Road, and that the scale of the additions to the side of the building would be significantly reduced in comparison to the works approved under recent application 21/02407/FUL.

9.10 Whilst the proposed rear extensions would also be visible from public vantage points along Belmont Road, it is not considered that these additions would detract from the character and appearance of the existing building or dominate the wider streetscene, given that they have been sympathetically designed to appear continuations of the main house, (i.e. comprising matching roof forms and window finishes to the main house).

9.11 As an alternative to increasing the height of the roof and accommodating habitable accommodation in the roof slope, (i.e. as approved under application 21/02407/FUL), the application proposes the construction of a new front dormer window.

9.12 Whilst Saved Appendix 7 of the Dacorum Borough Local Plan (2004) states that front dormer windows will not usually be encouraged, it is necessary that consideration should be given to the character of the streetscene when determining whether this addition is acceptable in this context.

9.13 Belswains Lane is mixed in character, comprising a mix of detached and semi-detached properties of varied architectural design, style and appearance. Furthermore, it is noted that there are a number of examples of properties comprising front dormer windows fronting Belswains Lane in the existing streetscene, with neighbouring properties 37, 38 and 61 Belswains Lane all comprising front dormer windows of mixed architectural styles and design.

9.14 In light of everything above, and by reason of its amended design, (i.e. noting that the dormer has been significantly reduced in scale and sited set further back into the roof slope to address the concerns raised at pre-application stage to this addition), on balance, it is not considered that this addition would appear a visually prominent addition to the roofslope or appear out keeping with the existing streetscene character.

9.15 With regards to material finishes, the application proposes that external walls be finished in painted white render, comprising dark grey metal detailing, dark roof tiles and white UPVC framed windows. These external finishes are considered to be acceptable, harmonising with existing material finishes and integrating with the mixed character and external finishes of properties sited along Belswains Lane and Belmont Road.

9.16 The demolition of an existing outbuilding to the rear of the property is proposed as part of the application. Given that this structure is not considered to be of architectural merit or to make a significant contribution to the character and appearance of the streetscene, no objections are raised to its demolition.

9.17 Given the above assessment, the proposal is considered to be acceptable in design/visual amenity terms, therein according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 and 7 of the Dacorum Borough Local Plan (2004) and the NPPF (2021).

#### Impact on Residential Amenity

##### *Policy*

9.18 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 of the Core Strategy (2013) seeks to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and does not cause significant 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*

9.19 The application site shares boundaries with neighbouring properties 49 Belswains Lane and 3 Belmont Road.

##### *Impact on 49 Belswains Lane*

9.20 The application proposes the installation of four ground floor level windows and three new first floor level windows on the side elevation of the application building, facing towards neighbouring property 49 Belswains Lane. Given that these windows could be used to facilitate the harmful overlooking of no. 49, it has been proposed that these windows be obscure glazed.

9.21 Subject to the new first floor level windows being obscure glazed and non-opening, (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed), it is not considered that these windows would result in a significant loss of privacy to this property. It is recommended that these arrangements be secured by way of planning condition.

9.22 The submitted plans indicate that the proposal would accord with the BRE Guidance, clearing 45 degree lines taken from the nearest habitable rooms on the front and rear elevations of no. 49. As such, it is not considered that the proposal would result in a significant loss of daylight to this

property. With respect to sunlight, it is noted that the development is sited south of no. 49, and in light of this, a degree of overshadowing would occur to this neighbour. Whilst not an ideal situation, it is not considered that the lighting levels restricted to this property would be at a significantly harmful level to justify refusal of the scheme. Consideration is also given to the fact that a similar relationship between the application building and no. 49 deemed to be acceptable previously under 21/02407/FUL, and that the current proposal would to some extent improve the relationship between the two properties, (i.e. by way of the omission of the first floor front extension).

9.23 Given the scale and nature of the extensions and the relationship between the application building and no. 49, (i.e. noting that the rear build line of no. 49 projects deeper than that of the extension), it is not considered that the development would appear visually intrusive to this neighbouring property.

#### *Impact on 3 Belmont Road*

9.24 The proposal would reduce the separation distance between the rear of the application dwelling and no. 3 to approximately 15m. Taking this into account and noting the topography of the site, (i.e. noting that no. 3 is sited on higher ground levels than the application building), it is not considered that the development would appear visually overbearing or that there would be a significant loss of privacy to this neighbouring property.

#### *Impact on 53 Belmont Road/1-4 Dara House*

9.25 Whilst the application site does not adjoin the above neighbouring properties, the alterations to the side elevation of the dwelling would result in the installation of new first floor windows facing these buildings. Given that an approximate distance of 13m would be retained between these opening and the above neighbouring buildings, it is not considered that the proposal would adversely affect the residential amenity of these neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy to these neighbouring properties. The front to front relationship shared between the application building and these neighbouring buildings is also considered to be typical of that shared between residential properties in a built up urban area.

#### *Amenity of New Units*

9.26 Whilst proposing the installation of four ground floor level windows and three new first floor level windows on the side elevation of the building, (facing 49 Belswains Lane), for the new units, the submitted plans indicate that these would all be obscure glazed. The layout of the new flats has however been sympathetically designed to respond to this, with these windows shown to predominantly serve bathrooms or open plan kitchen/lounge diners served by two other windows. These arrangements are therefore considered to be acceptable, ensuring that sufficient lighting and outlook is obtained for the new flats.

9.27 With regards to noise/disturbance, the DBC Environmental Health Team were consulted as part of the scheme and were asked to consider the proposal on these grounds. Whilst no objections have been raised on these grounds, the DBC Environmental Health Officer has raised concerns with respect to the potential impact of road transportation noise on future occupants of the new units. In order to satisfy these concerns, they have recommended that a condition be attached to the application, requiring the submission of a ventilation strategy to protect future users of the flats from road transportation noise.

9.28 Whilst consideration has been given to the concerns raised by the DBC Environmental Health Officer, it is not felt that the above condition would meet the six tests, in particular, with the condition failing the test of reasonableness.

9.29 Under previous application 21/02407/FUL, permission was granted for the building to be converted to provide four self-contained flats. Whilst a similar condition was suggested by the DBC Environmental Health Team, this condition was not included as part of the formal decision, given that the previous Case Officer deemed it unreasonable to do so, noting that the dwelling could be occupied without requiring formal planning consent, (in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), without the requirement for a ventilation strategy to be provided.

9.30 In light of the above and noting that application 21/02407/FUL can still be implemented, it is not considered reasonable to attach the recommended condition to the formal decision in the event that the current application is granted.

9.31 Given the above assessment, the proposal is acceptable in terms of its impact on the residential amenity of neighbouring properties, 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*

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

9.33 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

#### *Assessment*

9.34 The Highways Authority were consulted as part of the application and raised no objections to the scheme on highway/pedestrian safety grounds, noting that the development would be unlikely to significantly increase movement to and from the area or adversely impact upon the safety and operation of the existing highway network.

9.35 The application proposes the construction of a new dropped kerb to facilitate the creation of four off-street parking spaces. Whilst raising no objections in principle to these arrangements, the Highways Authority have advised that a condition be attached to the formal planning consent, ensuring that the dropped kerb is implemented in accordance with Hertfordshire's Local Transport Plan (Adopted 2018), and thereafter retained as such.

9.36 This condition is considered to meet the six tests being, in particular, both reasonable and necessary to ensure that safe access is facilitated to and from the proposed new parking spaces.

9.37 The application proposes the conversion of the existing building into four flats, including two 2-bed units, and two 1-bed units. The submitted plans indicate that the new units would be served by four allocated parking spaces, accessed off Belmont Road.

9.38 The application has been called-in to Committee following objections raised by Councillor Birnie with respect to parking, with concerns raised that insufficient off-street parking provision is provided by the development in accordance with the Parking Standards Supplementary Planning Document (2020), (a shortfall of approximately 4.8 spaces), and that on-street car parking conditions are not sufficient to accommodate cars displaced by the development. Reference has also been made to

the fact that Herts County Council are currently considering the introduction of new waiting restrictions and extending the double yellow line provisions around the bottom of Belmont Road and along Belswains Lane, and that these measures could further worsen on-street parking conditions.

9.38 The Parking Standards Supplementary Planning Document (2020) states that a one bed unit should provide 1.25 off-street car parking spaces and a two bed unit should provide 1.5 allocated off-street car parking spaces. Given that the application proposes the creation of two 2-bed units and two 1-bed units, the development should provide a minimum of 5.5 off-street car parking spaces, (6 spaces once rounded up), in order to accord with the Council's parking standards.

9.39 Given that the submitted plans indicate that only four off-street car parking spaces would be provided, a shortfall of two off-street car parking spaces would be generated by the development.

9.40 Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) does however set out a number of instances in which deviations can be made to the Council's car parking standards, noting that exceptions can be made in instances where 'on-street parking stress surveys (undertaken in accordance with the specification provided in Appendix C), indicate sufficient spare capacity' and wherein the area is noted to be highly accessible to public transport and local facilities.

9.41 The site is within a sustainable location, served by public transport links and within close proximity of local facilities, with the site noted to be within an approximate 12 minute walking distance of Apsley Train Station and approximate 15-20 minute walking distance of shops along London Road.

9.42 A Parking Stress Survey has also been submitted in support of the application. Undertaken in accordance with the methodology set out under Appendix C of the Parking Standards Supplementary Planning Document (2020), this document concludes that as a worst case scenario, the proposal would generate one overspill parked car, increasing parking stress from 32% to 33%. Given that a 90% figure is noted to indicate a critical impact on on-street parking conditions, (and the proposal falls significantly beyond that measure), the document concludes that the proposal would have a minimal/insignificant impact on existing parking stress.

9.43 Taking everything above into account, it is not considered that the proposal would generate significant parking stress within the immediate area.

9.44 Significant weight is also given to the fact that permission was recently issued under 21/02407/FUL for the provision of an additional flat to the proposed development, served by the same level of off-street car parking provision as the current proposal, given that this permission would arguably have a worse impact and could still be implemented.

9.45 In light of everything above, it is therefore not considered that a refusal of the scheme on parking grounds could be justified or sustained. The proposal is therefore considered to be acceptable on highway/pedestrian safety and parking grounds, according with all of the policies set out above.

#### Other Material Planning Considerations

##### *Waste Management*

9.46 The application sets out waste storage facilities, with bins positioned in the communal yard. These arrangements are acceptable in accordance with Dacorum's Refuse Storage Guidance Note (2015).

##### *Contamination*

9.47 Given that the site falls within a Former Land Risk Zone for ground contamination, the DBC Scientific Officer was consulted on the proposal, and asked to assess whether the proposal would be likely to have any adverse impacts on land contamination grounds. It is noted that they have raised no objections to the development on these grounds, subject to the inclusion of a condition requiring works to be suspended in the event that contaminated land is discovered during the construction process.

### Response to Neighbour Comments

9.48 Twelve neighbour objections have been received, with the following material planning considerations raised as reasons for objecting to the scheme:

- The proposal would have an adverse impact on the residential amenity of neighbouring properties in terms of resulting in a significant loss of light, privacy and with respect to noise disturbance;
- The proposal fails to provide sufficient parking provision and would have adverse impacts on highway/pedestrian safety grounds; and
- The proposal would amount to the overdevelopment of the site.

9.49 The first two objections have been considered in detail during earlier sections of the report.

9.50 Whilst the proposed extensions/alterations to the building are noted to be significant in scale, it is not considered that the proposal would amount to the overdevelopment of the site, given that the site is considered to be sufficient in scale to accommodate all of the facilities required for four flats, (i.e. providing sufficient parking, bin storage and amenity space).

### Community Infrastructure Levy (CIL)

9.51 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

### Chilterns Beechwoods Special Area of Conservation

9.52 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.

9.53 The application proposes the conversion of the existing dwellinghouse into four new flats. Given that three additional units would be created, it is considered that the proposal would increase recreational pressure on the CBSAC. The applicants will therefore be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

## **10. CONCLUSION**

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



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

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

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

2. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- minor artefacts and structures (e.g. refuse and bike storage units, etc.).

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

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

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

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

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

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

4. **Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number S-10 01 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Dropped Kerb: Terms and Conditions. Prior to the first use**

**of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

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

5. **The new windows at ground and first floor level in the side elevation of the building facing towards neighbouring property 49 Belswains Lane hereby permitted shall be non-opening, (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed), and permanently fitted with obscured glass with a minimum of privacy level three.**

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

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

**Design and Access Statement by Windsorpatania Architects (dated 25th February 2023)**

**S-10 Rev 01**

**S-11 Rev 01**

**S-12 Rev 01**

**S-13 Rev 01**

**S-14 Rev 01**

**S-15 Rev 01**

**S-01 Rev 01**

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

#### **Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. **CONTAMINATED LAND INFORMATIVE**

**Informative: Identifying Potentially Contaminated Material**

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different.

**Informative: Introduction of Soft Landscaping or Amenity Areas**

Any soils, whether imported or site-won, to be used in the provision of soft landscaping and amenity areas should be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.

Informative:

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

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

Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

### 3. ENVIRONMENTAL HEALTH INFORMATIVES

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative

impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

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

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

#### Invasive and Injurious Weeds - Informative

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

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf.

Further information is available via the website:

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

AN 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 website:

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

AN 3) Obstruction of public highway land: 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available via the website:

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted</p>
Hertfordshire Highways (HCC)	<p>INITIAL COMMENTS</p> <p>This is an interim to obtain more information regarding the proposed dropped kerb as stated within drawing number S-10. Within the previous iteration of this scheme (reference 21/02407/FUL) it clearly illustrated 2 separate dropped kerbs which meets our maximum standard of 5.4 metres. However, within this iteration it appears to be</p>

unclear as to the size of the dropped kerb in relation to the existing dropped kerb on site. HCC Highways would not allow a dropped kerb greater than 5.4 metres as per our Dropped Kerbs and conditions. Therefore, this would need to be clarified in drawings before HCC Highways can make an informed recommendation.

#### ADDITIONAL COMMENTS

##### Recommendation

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

1) Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number S-10 01 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Dropped Kerb: Terms and Conditions. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water 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) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the

work to be carried out on the applicant's behalf. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

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

AN 3) Obstruction of public highway land: 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Comments

The proposal is for the construction of a ground floor rear extension and first floor rear extension, conversion of existing property to 4no. flats. Construction of a dormer window at the front elevation and construction of a bow window at 51 Belswains Lane, Hemel Hempstead. Belswains

	<p>Lane is a 30 mph unclassified local access route that is highway maintainable at public expense.</p> <p><b>Vehicle Access</b>  The existing site has a single dropped kerb accessing onto Belswains Lane. This existing dropped kerb will be utilised in the proposal to accommodate 2 parking spaces. A new dropped kerb is proposed adjacent, but separate, to the existing dropped kerb to accommodate an additional 2 parking spaces . The new dropped kerb as stated within the design and access statement should be no greater than 5.4 metres consisting of 4 dropped kerbs and 2 risers. The two kerbs must be split by a single raised kerb as two risers must not meet. The dropped kerb must be implemented by a contractor who is authorised to work on public highway and has been chosen by HCC Highways -please see condition 1 and informative 1 above. Parking is a matter for the Local Transport Plan (LTP) and parking must conform to their standards. The development is unlikely to increase movement to and from the area a great deal. The proposal is offering secure cycle parking for the dwellings which enable occupants the opportunity to travel sustainably.</p> <p><b>Drainage</b>  The proposed new parking 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 be collected and disposed of on site.</p> <p><b>Refuse / Waste Collection</b>  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.</p> <p><b>Emergency Vehicles Access</b>  The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p><b>Conclusion</b>  HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
<p>Natural England</p>	<p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p>



	<p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.</p>
<p>Environmental And Community Protection (DBC)</p>	<p><b>CONTAMINATED LAND</b></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.</p> <p>However, for the following reasons it will be necessary to recommend the below contaminated land discovery condition.</p> <ul style="list-style-type: none"> <li>- The proposed change of use introduces additional dwellings to the site and proposes communal landscaped amenity space to the rear of the property following demolition of the substantial outbuilding that is currently present.</li> <li>- In addition to requiring groundworks the proposed development is introducing communal amenity space, which would present routes by which future residents might be exposed to any residual contamination.</li> </ul> <p>Discovery Condition - Contaminated Land: Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be</p>

submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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

Informative: Identifying Potentially Contaminated Material

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different

Informative: Introduction of Soft Landscaping or Amenity Areas

Any soils, whether imported or site-won, to be used in the provision of soft landscaping and amenity areas should be chemically suitable (uncontaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.

Informative:

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

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

Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

#### ENVIRONMENTAL HEALTH

With reference to the above planning application and our subsequent telephone conversation, please be advised Environmental Health would have no objections in principal re noise, however, I would like to re-iterate comments made by the previous officer under reference 21/02407/FUL:

No objections in principle.

I would recommend a noise condition be attached to any permission granted to protect future occupiers from road traffic noise noting

proximity to Belswains Lane. In effect we would expect appropriate sound protection measures to be incorporated in the development to ensure an adequate level of amenity for residents alongside consideration for how the property can be suitably ventilated, by alternative means of necessary.

**Suggested Condition - internal noise**

No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to suitably protect likely future occupiers of new housing from exposure to road transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating.

The ventilation strategy should address, but is not restricted to, how:

- The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade
- Service and maintenance obligations for the MVHR
- The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this.
- Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.

Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.

Additionally, 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](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

#### 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.

	<p>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.</p> <p>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.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p><b>Invasive and Injurious Weeds - Informative</b>  Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour	Contributors	Neutral	Objections	Support
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<b>Consultations</b>				
14	12	0	12	0

### Neighbour Responses

<b>Address</b>	<b>Comments</b>
42 Belswains Lane Hemel Hempstead Hertfordshire HP3 9PW	<p>My objection for the plan to convert 51, Belswains Lane into flats are as follows.</p> <p>The site is too small for the proposed development and would be grossly over developed, The area in which this property is situated is one of the few roads that have detached family '1930' houses. To lose this property to conversion into flats for which there are thousands in the area is detrimental to the housing stock available.</p> <p>The parking issue is not solved by the limited parking or bike spaces as there is already parking wars, in fact people have been threatened by who ever lives there at the moment. The survey is null and void as it doesn't take into account of the new parking restrictions in the areas. The fact that we have new parking restrictions would indicate the parking problems we have.</p> <p>From looking at the new plans there are increased windows and doors on the elevation that faces Belswains Lane all of the windows and doors look down into my property. At the moment I have two windows looking into me, to be increased to six with all rooms with direct views into my house making me feel like I would be living in a goldfish bowl. The design is for a kitchen-dinning-lounge all overlooking and into my house from both flats 1 and 3. This is an infringement of my privacy!</p> <p>Outside space for the occupants is so limited it is totally impractical did we learn nothing from lock down. The area along side Belswains Lane, corner of Belmont Road is not a place anyone would want to sit breathing in fumes from traffic and the only view being into my house. The other outdoor space is running along the fence line of number 49's garden where children play not a suitable place for adults to socialise, smoke, drink and create noise.</p> <p>The restrictions of how many tenants allowed to live there is totally unenforceable as we learnt by number 38, Belswains Lane was rented to a family of three but was inhabited by between 18-20 people who stood outside the front of the property every night swearing, shouting, smoking, intoxicated and wondering all over the neighbours drives walking down the side of my house shouting on their phones making the dog's bark adding to the noise. They made so much rubbish the binmen wouldn't take it, the rats moved in. When the courts finally evicted them there was 15 double mattresses taken from the property. We still have the rat problem they left behind. Can you guarantee this won't happen again, as potentially so many more people could be crammed into these flats.</p> <p>My suggestion is to leave it alone and make it into a family house which is so needed in the area.</p>

<p>49 Belswains Lane Hemel Hempstead Hertfordshire HP3 9PW</p>	<p>I am writing on behalf of x (who cannot access this online) and wish to object on the grounds that the rear wall of the out property is attached to their extension and therefore knocking down this structure will impact their property.</p> <p>I strongly object to this proposal on the following grounds:</p> <p>1. Right to light - This proposal seeks to build new developments next to our property. The way that the planning is designed would create a serious impact on the light that would be available into our living room as this would mean that our driveway would become fully overlooked by their property and with this being an east facing window and the current position of the property already cutting out a large amount of light for our living space as it would overshadow our property and thus mean that no natural light would be allowed in. Whilst it is true that this room has a dual aspect, the value in light amenity terms of this is largely eradicated due to the fact that the rear window is north facing and looks out to a conservatory. The cumulative effect of the above is that this room will lose an unacceptable degree of light and be overshadowed. You will note that the land upon which the proposals would be constructed is higher than that of my our property. The proposals would create an undue adverse effect on the amenity of our side lounge and should not be consented. Is it possible to ask applicants for a light and overshadowing assessment, we would afford access to our property to facilitate this.</p> <p>2. Right to privacy - Furthermore, the development seeks to place 7 new windows on that side of the new development which faces our property. This would allow the new rear property access to look straight into our living room as well as the upstairs window looking straight into our bathroom and landing. Any windows on this side of the property would give direct access into our house and make it incredibly uncomfortable to enjoy our own home as it would severely impact on our privacy. Whilst these are proposed to be frosted there is nothing stopping whoever moves into the house from changing these windows in the future. It is also worth noting, that one of these windows will open onto our extension wall. I note that the previous application actually had fewer windows on this side compared to the current application.</p> <p>3. Right to Access - It is right to draw your attention to the very narrow gap, which exists currently between the boundary fence separating Nos. 49 and 51 (of the order of roughly 50cm but this is not clear on the plans). We have previously been allowed access to the neighbouring property to carry out any maintenance to the boundary wall of our kitchen. In the future if these proposals were consented, the proposals would come right up to the boundary and it would not be possible for either side to get into the space for any maintenance of the flank walls or either property. Again we would be happy to afford access to the neighbours, but it will be physically impossible for any maintenance to occur. I suggest that as a matter of good land use planning, there should be at least a one - metre gap. Therefore any development next door ought to be situated slightly further away from the boundary.</p> <p>4. Character of the property - This property will not match the other properties on Belswains Lane which are single occupancy family</p>
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	<p>homes and are all set back from the road on this side. This would not be in keeping and the look would be out of place and out of character amongst the other period properties on the road.</p> <p>5. Noise and Disturbance - This property will now become 4 properties which will significantly increase the number of people within the property. This will have an obvious impact on the noise that is produced from the house and garden.</p> <p>6. Damage to our property - In addition to this the proposal seeks to knock down a retaining wall from the current workshop in the garden which is currently the boundary wall for our garden and actually supports our garden as our garden is above the land that number 51 sits upon and therefore amending this will have an impact on the structural stability of our garden. This wall is also a supporting wall for an extension that is built at the end our garden (number 3 Belmont). Our garden rises towards the rear and therefore to protect the integrity of our garden this wall would need to be left in place.</p> <p>7. Traffic - Furthermore, the expectation that 4 new properties can be added will add to the congestion on a corner that has already been deemed so dangerous by the council that the outside of this property on Belswains Lane and around the corner into Belmont Road will be a double yellow line. Adding in space for 4 cars will mean that any other cars for the occupants of the property will therefore be outside of the houses surrounding and as this is a road leading to a primary school this adds further congestion and danger to the local area as more parking will be done on the roads and pavements blocking access. There is already additional traffic caused by the tattoo shop and the convenience store and this will only add to this.</p> <p>This proposal in its current form will have a serious detrimental impact on the quality of life in our property, the right to privacy and the right to light. Adding a second floor to the property at the rear is unnecessary and will only cause a negative impact on our lives. It would be far better for the property to be converted into living accommodation for a family or if necessary into an upstairs and a downstairs property.</p> <p>Further to our previous objection there has been no planning notice placed on public display around the property which is in violation of planning guidelines as this is the duty of the applicant to place this on public display to advise neighbours and interested parties.</p>
<p>11 Belmont Road Hemel Hempstead Hertfordshire HP3 9NZ</p>	<p>Parking on Belmont and Glebe Roads and Belswaine Lane are already heavily used by people who do not reside on the immediate part of these road. Increasing the number of homes at the corner or Belswaine Lane and Belmont Road would only increase difficulty for residents to park near to or outside their home. Having a dropped pavement doesn't exempt you from inconsiderate drivers blocking you in with a small amount of space to manoeuvre your car off your drive.</p> <p>There is already a block of flats at the end of Belmont Road that only has space for 1 vehicle per apartments so those residence living there with more than 1 car are already taking up spare spaces that are available.</p>



	<p>There are already many estates being erected across the borough and several recently in the Apsley area. I feel that building a family home would keep in line with the majority of homes on Belmont Road and Belswaine Lane and would manage the number people and cars.</p> <p>Parking on Belmont and Glebe Roads and Belswaine Lane are already heavily used by people who do not reside on the immediate part of these road. Increasing the number of homes at the corner or Belswaine Lane and Belmont Road would only increase difficulty for residents to park near to or outside their home. Having a dropped pavement doesn't exempt you from inconsiderate drivers blocking you in with a small amount of space to manoeuvre your car off your drive.</p> <p>There is already a block of flats at the end of Belmont Road that only has space for 1 vehicle per apartments so those residence living there with more than 1 car are already taking up spare spaces that are available.</p> <p>There are already many estates being erected across the borough and several recently in the Apsley area. I feel that building a family home would keep in line with the majority of homes on Belmont Road and Belswaine Lane and would manage the number people and cars.</p>
<p>2 Glebe Close Hemel Hempstead Hertfordshire HP3 9PA</p>	<p>The case officer needs to take into consideration the following: The Parking Stress Survey associated with a previous application wants to be more representative of road safety issues and reflective of the true parking congestion that has arisen and evolving in this part of Belmont Road/Belswains Lane as well as the prevailing overspill into Glebe Close.</p> <p>Primary area of concern relates to the continuing safety risks for motorists entering Belmont Road from Belswains Lane and then pedestrians who are adversely impacted by significant increase in cars in Belswains Lane who now rely on parking on the pavements making them regularly inaccessible for pedestrians. The remodelled bus stop as well as the two shop units, one without obvious accessible parking, have all added to the complexity and risks around this stress point of Belmont Road/Belswains Lane.</p> <p>A development of this nature, possibly HOMs, adds the potential for additional parking congestion in this particular area, and being on top of expansive development already undertaken in this part of Belmont Road would force overspill back onto Belswains Lane and up Belmont Road, adding additional stress to the capacity available in Glebe Close for Belswains Lane/Belmont Road residents already seemingly forced to park there.</p> <p>Parking measures supposedly in the pipeline will add to this stress. Traffic measures never previously required in Belmont Road and Glebe Close are likely reaching their own current limits and are perhaps no longer fit for purpose.</p>
<p>3 Glebe Close Hemel Hempstead Hertfordshire HP3 9PA</p>	<p>This development is oversize for the land area and no provision for parking we are already having parking problems in our close with residents not being able to park</p>

<p>57 Belswains Lane Hemel Hempstead Hertfordshire HP3 9PP</p>	<p>My household objects to the latest planning permission for 51 belswains lane. The property currently is a large semi detached house, if it was to be renovated and kept as one, there would be no issues however, turning the location into 4 flats would not only cause disruption to all neighbours during building, the parking situation is not adequate with the road already heavily overfilled with parking from other residents, the property also concerns me as one of the proposed flats would overlook directly into my garden, with a young child I worry about her privacy. The road is extremely busy and the disruption of this building would cause a significant disruption to neighbours day to day life's. We have several HMO properties on belswains lane all with no issues as they have done no major building works and all have sufficient parking. This location can not handle the amount of cars , the apsley wharf down the road should be enough to show most houses have two cars. The property being extended would also cause privacy issues to neighbours opposite to the road. The loss of light with the rear extension to the property would affect my property. I object and hope they can find a new solution to the property.</p>
<p>47 Belswains Lane Hemel Hempstead Hertfordshire HP3 9PW</p>	<p>Although the proposed plans indicate that the building changes themselves are more sympathetic to privacy, light levels and general appearance than previous applications, the application is objected to on the following points:</p> <p>The proposed change of use and extension into 4 self-contained flats represents an almost quadrupling of the number of occupants in the same plot size. This would represent an over-development of this plot in relation to the plots and surrounding area.</p> <p>This development would dramatically increase the density of habitation in an already congested area and result in increased noise, pollution and degradation of quality of life to existing residents and occupiers of the proposed apartments.</p> <p>The plans indicate allocated parking for 3 vehicles (less than an average of 1 per apartment). In the section on Impact on Residential Amenity , there is mention that under the Parking Standards SPD a standard of 5.75 spaces would be required (as these are Allocated Spaces) - however it does not consider an additional 0.2 spaces per flat mentioned in the Parking Standards SPD as provision for visitors if all onsite spaces are Allocated and there are no Unallocated. Although this would only add one additional space than that considered in the application and Survey (total of 7) there is little or no consideration for parking for visitors with 4 separate households where there was originally only one household.</p> <p>The Parking Survey undertaken as part of this application focuses on percentage density of available parking spaces - it does not allow for proposed changes by Highways to parking restrictions around the Belswains Lane and Belmont Road junction nor the current consultation on removing the ability to park on the north side of Belswains Lane - both of these will reduce significantly the 'available' parking spaces. Further, the report does not consider any human behaviours and looks at the finite number of spaces and not where these spaces are or how existing parking is utilised. Further there seems to be no surveyed analysis of sight-lines, pedestrian safety, obstruction of pavements and safe access to and from driveways for existing residents.</p>

Parking is limited or virtually non-existent at times as existing residents around Belmont Road and Glebe Close will tell you - particularly in Glebe Close which suffers greatly in over-parking and access limitations. In a previous survey it mentions illegal parking and parking in front gardens where there is a full kerb - indicative of the true problems with traffic and parking in the area. Belswains Lane is already a dangerous area for traffic and parking with many incidents involving damage to stationary vehicles due to heavy traffic trying to pass at peak times during the day. Also Belswains Lane has always been a secondary route for emergency vehicles to gain access to areas otherwise subject to delay if trying to use the main London Road to access them eg Nash Mills, Kings Langley etc).

Commuter times and weekends are most problematic with inconsiderate parking particularly in the first 100m of Belmont Road bordering the plot and opposite side of the carriageway. Customers at the shops often park for short or extended periods as the parking outside the shop is limited to a maximum of two spaces on Belswains Lane. This creates limited sight-lines and often dangerous situations when using the junction and approaches. Even the relatively small increase in parking and traffic this application would create would further exacerbate the situation.

The expansion of a single household into four also puts additional strain on the amenities in the area. The Impact section mentions the lack of recreational space on the plot itself for the four households is offset by local amenities including the park and field adjacent Durrants Hill and the Grand Union Canal. Both of these locations have seen a dramatic increase in footfall during the last 3-4 years as the developments in Ebbens Road, Frogmore Road and Rose Lane have added hundreds of people and families to the area. The use of these facilities has further increased as a result in lifestyle change during the Covid-19 pandemic and has been sustained as restrictions relax. There is another new development on Two Waters Road adjacent the main junction which will again add a significant number of households to this list.

Although the proposed plans indicate that the building changes themselves are more sympathetic to privacy, light levels and general appearance than previous applications, the application is objected to on the following points:

The proposed change of use and extension into 4 self-contained flats represents an almost quadrupling of the number of occupants in the same plot size. This would represent an over-development of this plot in relation to the plots and surrounding area.

This development would dramatically increase the density of habitation in an already congested area and result in increased noise, pollution and degradation of quality of life to existing residents and occupiers of the proposed apartments.

The plans indicate allocated parking for 3 vehicles (less than an average of 1 per apartment). In the section on Impact on Residential Amenity, there is mention that under the Parking Standards SPD a

standard of 5.75 spaces would be required (as these are Allocated Spaces) - however it does not consider an additional 0.2 spaces per flat mentioned in the Parking Standards SPD as provision for visitors if all onsite spaces are Allocated and there are no Unallocated. Although this would only add one additional space than that considered in the application and Survey (total of 7) there is little or no consideration for parking for visitors with 4 separate households where there was originally only one household.

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development on Two Waters Road adjacent the main junction which will again add a significant number of households to this list.

Although the proposed plans indicate that the building changes themselves are more sympathetic to privacy, light levels and general appearance than previous applications, the application is objected to on the following points:

The proposed change of use and extension into 4 self-contained flats represents an almost quadrupling of the number of occupants in the same plot size. This would represent an over-development of this plot in relation to the plots and surrounding area.

This development would dramatically increase the density of habitation in an already congested area and result in increased noise, pollution and degradation of quality of life to existing residents and occupiers of the proposed apartments.

The plans indicate allocated parking for 3 vehicles (less than an average of 1 per apartment). In the section on Impact on Residential Amenity, there is mention that under the Parking Standards SPD a standard of 5.75 spaces would be required (as these are Allocated Spaces) - however it does not consider an additional 0.2 spaces per flat mentioned in the Parking Standards SPD as provision for visitors if all onsite spaces are Allocated and there are no Unallocated. Although this would only add one additional space than that considered in the application and Survey (total of 7) there is little or no consideration for parking for visitors with 4 separate households where there was originally only one household.

The Parking Survey undertaken as part of the previous application has broadly followed the standards outlined in the Parking Standards SPD but has not adhered to certain recommendations in particular Appendix C Section 7 it states: "Surveys should not be undertaken: in weeks that include Public Holidays and school holidays and it is advised that weeks preceding, and following holidays should also be avoided" Although weeks preceding and following holidays should be avoided, the survey took place in the week immediately preceding the two week Easter Break of Hertfordshire schools. As this was not long after Covid travel restrictions were lifted then a lot of local residents who would normally use this for parking are absent due to vacation. The Standards suggest times overnight during mid-week "when the highest number of residents are at home" which the Survey has adopted but this is not representative of the true parking issues which most frequently exist in the area surveyed. Its also rather an out-dated parameter given changes in work patterns including shift work and working away. Parking is limited or virtually non-existent at times as existing residents around Belmont Road and Glebe Close will tell you - particularly in Glebe Close which suffers greatly in over-parking and access limitations. In fact the Survey itself mentions illegal parking and parking in front gardens where there is a full kerb - indicative of the true problems with traffic and parking in the area.

Belswains Lane is already a dangerous area for traffic and parking with many incidents involving damage to stationary vehicles due to heavy

	<p>traffic trying to pass at peak times during the day. Also Belswains Lane has always been a secondary route for emergency vehicles to gain access to areas otherwise subject to delay if trying to use the main London Road to access them eg Nash Mills, Kings Langley etc).</p> <p>Commuter times and weekends are most problematic with inconsiderate parking particularly in the first 100m of Belmont Road bordering the plot and opposite side of the carriageway. Customers at the shops often park for short or extended periods as the parking outside the shop is limited to a maximum of two spaces on Belswains Lane. This creates limited sight-lines and often dangerous situations when using the junction and approaches.</p> <p>The photographs, although a record of the days of the survey, do not give an accurate picture. Traffic and parking remain key issues on Belswains Lane, Belmont Road and Glebe Close. Residents of the area will confirm this as will our local councillors and PCSO who have been contacted on a number of occasions. Even the relatively small increase in parking and traffic this application would create would further exacerbate the situation.</p> <p>Combined with proposals to make the single line parking restrictions on the corner of Belswains Lane and Belmont Road into double lines and a consultation on removing parking on the North side of Belswains from Lawn Lawn possibly as far as Barnacres, this will increase parking pressure on side roads such as Belmont Road and Glebe Close.</p> <p>The expansion of a single household into four also puts additional strain on the amenities in the area. The Impact section mentions the lack of recreational space on the plot itself for the four households is offset by local amenities including the park and field adjacent Durrants Hill and the Grand Union Canal. Both of these locations have seen a dramatic increase in footfall during the last 3-4 years as the developments in Ebbens Road, Frogmore Road and Rose Lane have added hundreds of people and families to the area. The use of these facilities has further increased as a result in lifestyle change during the Covid-19 pandemic and has been sustained as restrictions relax. There is another new development on Two Waters Road adjacent the main junction which will again add a significant number of households to this list.</p>
<p>18 Belmont Road Hemel Hempstead Hertfordshire HP3 9NZ</p>	<p>Parking is one of the issues. Belmont Road and Glebe Close are already adversely affected by parking issues, with residents from Belswains Lane parking their cars on Belmont Road and Glebe Close. Furthermore, commuters from Apsley regularly park their cars in the morning on these roads and walk to the station.</p> <p>Allowing only 4 parking spaces for 4x2 bedroom flats is likely to be inadequate. The evidence of the canal-side development and the subsequent parking issues on Red Lion Road due to insufficient parking provision would illustrate that.</p> <p>Moreover, as the developer already has HMO's in the locality, the balance of probability suggests that he will do the same with this property, making the provision of one parking space insufficient.</p>

	<p>The Lambeth Survey results of a 32% parking stress, attached to the application, do not reflect the proposed double yellow lines the Council plan to implement at the corners of Belswains Lane and Belmont Road. The knock-on effect of this will have a further negative impact on parking on Belmont Road. Already, parked vehicles restrict access to the pavement on one side of Belmont Road, with vehicles parking half-on and half-off the roadway. This would only further increase were the development to go ahead.</p> <p>One existing property with potentially four families or if an HMO, 6-8 'bodies'. The medical facilities locally, including NHS dentists and doctors, are already impossibly stretched. Has any thought been given to this and why isn't it reflected in the proposal?</p>
<p>5 Belmont Road Hemel Hempstead Hertfordshire HP3 9NZ</p>	<p>The Patels residing at Number 5 Belmont Road object to the development plan as proposed for 51 Belswains Lane. Objection is based on the property dimensions being oversized affecting the parking provision which is not sufficient enough for the site. Furthermore there is an existing problem with parked cars and traffic on the corner of Belmont Road and Belswains Lane and we believe this will only worsen with the development. Cars are often parked on the pavement outside the shop - this makes it hard to pull out of Belmont road and on to Belswains Lane. Cars often park on the spaces outside the proposed property just inside the junction of Belmont road (on the yellow lines). This makes turning on to Belmont from Belswains hard. As a parent that often walks with a buggy and another child down Belmont Road, it is so very dangerous crossing anywhere near that junction - having to walk on to the road because the pavement is blocked, having to squeeze between parked cars to cross the road, having crossing visibility obscured by the various parked cars.</p>
<p>35 Glebe Close Hemel Hempstead Hertfordshire HP3 9PA</p>	<p>I am objecting to the proposed conversion of 51 Belswains Lane into 4 flats and construction of a ground and first floor rear extension for the following reasons. I have lived in Glebe Close for 31 years and Experience the difficulties of access of this area. I know that there are parking disputes in Belswains lane because each family has at least 2 cars and there are inadequate parking spaces in the road. As a consequence many residents park at the bottom of Glebe Close which makes it dangerous and difficult to pull in or out of the Close.</p> <p>At the bottom of Belmont Road people park on double yellow lines and straddle the pavement with their cars to visit Bells Minimart and the Tadoo shop. This obstructs the visibility of a driver trying to pull out of Belmont Road and the pavement parked cars make it dangerous for pedestrians , the disabled and mothers with prams to cross the road.</p> <p>I understand the plans show the construction of 4 parking spaces, but if each flat houses one couple that will mean 8 cars to park in 4 spaces ! The plans show the creation of 2 large windows facing Belswains lane and 2 facing Belmont Road which will overlook the houses on Belmont road and directly into the gardens of some houses in Belmont road. Please rethink this application.</p>
<p>8 Belmont Road Hemel Hempstead</p>	<p>Inadequate parking provision.</p>

<p>Hertfordshire HP3 9NZ</p>	<p>This is an oversized property and the parking is not sufficient for the site. Belmont Road and Glebe Close already have a problem people parking in the area who do not live in the road. Residents with more than 1 car living on Belswains Lane park up Belmont Road and into Glebe Close that it makes it difficult to find a parking space outside my own house. The proposed property has 4 car parking spaces for 4 double flats. This means that there could be 8 cars with only half the required parking causing more parking problems. Many times, people have parked across our drive or back gate and we have not been able to access our access.</p> <p><b>Loss of parking</b> With only 4 spaces available in the proposal, more cars will park in the road and Glebe Close, making it very difficult for the people living in the road and their visitors to park when coming home from work or visiting.</p> <p><b>Increase in traffic</b> The visibility at the junction of Belmont Road and Belwains Lane is already problematic and having more cars pull out near the junction and across from the other shop will cause more obstructions. Traffic (due to parking on the corner) means that cars pull across to the otherside of the road and cause problems for oncoming traffic.</p> <p><b>General dislike of proposal</b> There are already thousands of new flats being built around the Aplsey and Hemel area. The road does not need flats being built at the bottom of it. A family home instead would ease the traffic and help families join the area.</p> <p>The drains along Belswain Lane cannot cope with the rain fall we have been having recently and 4 more double flats will have a detrimental effect on the drainage and water facilities of the road.</p> <p><b>Close to adjoining properties.</b> It is also very close to the neighbouring houses on both Belswain and Belmont Road and will cause shading/shadowing in their gardens and into their houses making them very dark.</p> <p><b>Increase pollution</b> More cars, more residents will cause more pollution. There will be more cars waiting to pull ou0 or pull into the road, leaving particulates and smog in the area.</p>
<p>42 Belmont Road Hemel Hempstead Hertfordshire HP3 9NY</p>	<p>My household object to this planning request. There is already a problem with parked cars and traffic on the corner of Belmont Road and Belswains Lane, and this development would only worsen it. Cars are often parked on the pavement outside the shop - this makes it hard to pull out of Belmont road and on to Belswains Lane. Cars often park on the spaces outside the proposed property just inside the junction of Belmont road (on the yellow lines). This makes turning on to Belmont from Belswains hard. As a parent that often walks with a buggy and another child down Belmont Road, it is so very dangerous crossing anywhere near that junction - having to walk on to the road because the pavement is blocked, having to squeeze between parked cars to cross the road, having crossing visibility obscured by the various parked</p>



	<p>cars. Additionally, I was involved in a car accident when turning right on to Belmont Road from Belswains Lane in early November 2021. I was hit from behind after having to do an emergency stop because a car coming down Belmont Road decided to use the wrong side of the road (the side that I was pulling in to to drive up Belmont Road) as they were blocked by cars parked around the junction. I am aware of other examples of similar accidents happening.</p>
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# Agenda Item 5c

ITEM NUMBER: 5c

<b>23/00960/FHA</b>	<b>One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows.</b>	
<b>Site Address:</b>	<b>29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA</b>	
<b>Applicant/Agent:</b>	<b>Mr Chris Baker</b>	<b>Mr Luis Nieves</b>
<b>Case Officer:</b>	<b>Laura Bushby</b>	
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

## 1. RECOMMENDATION

That planning permission be GRANTED

## 2. SUMMARY

2.1 The application site is located within residential area of Kings Langley wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) and Policy KL4 of the Kings Langley Neighbourhood Plan (2023)

2.2 This is a resubmission of an application previously heard at Development Management Committee and refused by members. The resubmission is for a largely similar scheme, with the principle difference being the removal of a balcony, which members concluded, would harm adjacent properties. The gable roof of the previously approved one and a half storey rear extension has now also been slightly hipped in an attempt to limit the mass and bulk.

2.3 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy.

2.4 Furthermore, the scheme would not have a significant adverse impact on the road network or create significant parking stress in the area.

2.5 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004), Policy KL4 of the Kings Langley Neighbourhood Plan (2023) and the Parking Standards Supplementary Planning Document (2020).

## 3. SITE DESCRIPTION

3.1 The application site is located within a residential area of Kings Langley. The site comprises a two storey detached dwelling, a private driveway and front and rear gardens.

## 4. PROPOSAL

4.1 The proposal is for a one and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows.

4.2 This application is a resubmission of a previously refused scheme (ref 22/03760/FHA) which is currently at appeal. That application also sought permission for a one and a half storey rear extension and was refused for the following reason;

*The proposed development by virtue of the rear facing balcony, will result in overlooking of, and an unacceptable loss of privacy to neighbouring residential properties. As such, the development fails to comply with Policy CS12 of the Dacorum Borough Core Strategy*

4.3 The size, scale, siting and design of the proposal all remain largely as previously proposed, the principle difference between the previously refused scheme and the current scheme is the removal of the first floor balcony which Members concluded would harm adjacent properties. The one and a half storey rear extension now also includes a small hip to the roof in place of a previous gable and an additional roof light is now proposed to the western roof slope (two are now proposed).

## **5. PLANNING HISTORY**

Planning Applications:

22/03760/FHA - One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows  
REF - 28th February 2023

Appeals:

23/00034/REFU - One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows  
INPROGRESS -

## **6. CONSTRAINTS**

CIL Zone: CIL2

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Kings Langley

Parish: Kings Langley CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Large Village (King Langley)

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.

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The application site is located within a residential area of the large village of Kings Langley whereby in accordance with Policy CS4 of the Dacorum Borough Core Strategy appropriate residential development is acceptable in principle subject to a detailed assessment of the impact. In this instance the primary considerations relate to the impact of the proposal on the character and appearance on the existing dwelling and surrounding area, as well as the residential amenities of the neighbouring properties.

### Quality of Design / Impact on Visual Amenity

9.3 Chapter 12 of the NPPF emphasises the importance of good design in context and, in particular, paragraph 134 states that development which is not well designed, should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. The Kings Langley Neighbourhood Plan 2020-2038 (Appendix B) Policy HO.11 (Extensions and Alterations) state that external alterations should respect or enhance the visual appearance of the original buildings and the character of the wider street scene.

9.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving heritage assets. The impact of the development proposals on local conservation areas must be assessed as required by section 72(1) of the Act.

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

9.6 On the western elevation the proposal seeks to extend an existing dormer window. Whilst larger, the new dormer would not dominate the roof slope and would conform to policy requirements outlined in Saved Appendix 7 in relation to small-scale house extensions by being set down from the ridgeline of the existing roof, set in sufficiently from the front and rear elevation and is proposed to be clad in materials to match the roof.

9.7 In relation to the one and a half storey rear extension whilst it would not be clearly visible from public vantage points, it will respect the character of the existing dwelling by way of its mass, scale, design and use of facing brickwork to match the existing dwelling. The design harmonises with the existing dwelling by retaining the same roof pitch, and simple design seen in the original dwelling, and by not introducing new architectural features to the rear elevation. The small hip now introduced to the front and rear of the main roof would not result in any visual harm. At both ground and first

floor, the patio doors (ground floor) and window (first floor) are proposed to substantially increase in size; however, they would not appear out of keeping on a residential dwelling of this nature, or appear alien in this location. Furthermore they are sited to the rear and would thus be concealed from public view. It is important to note that openings of this size could be introduced to the existing property without the need for consent and this would have the same overall visual impact.

9.8 Objection comments have been received in relation to the mass and bulk of the proposed one and a half storey rear extension. Concerns are raised in relation to site layout and scale of the proposed extension with the comments referring to the proposed extension increasing the floor area of the property by 49%. Policies CS4 and CS12 of the Dacorum Core Strategy do not refer to a maximum percentage increase in property size in this location (large village of Kings Langley), however does require due consideration be given to whether an application respects adjoining properties in relation to scale and site layout. In this instance the proposal would not result in the application site appearing cramped or over developed or for the scale of the property to appear out of keeping or at odds with the neighbouring properties.

9.9 The proposed replacement garage is of similar design, scale and mass such that it will not adversely impact the street scene character or appear out of keeping.

9.10 The proposal seeks to replace the existing windows (white UVPC) with powder coated aluminium windows, in either black or grey. This is a change from the existing dwelling, however would not appear out of keeping with the original dwelling or surrounding area. IN addition, the application seeks to remove the existing roof tiles and replace with new slate tiles. Whilst the existing tiles are brown clay, which is typical of the surrounding area, the surrounding area is made up of dwellings using a variety of materials, such that this would not appear out of keeping. Objection comments have been received in relation to the replacement of the brown clay tiles with slate tiles, however as outlined above, given the variety of materials seen in the existing street scene, the use of slate tiles in this location would not appear sufficiently incongruous to be considered a reason for refusal. As such, on balance, the materials proposed for the external surfaces of the existing dwelling would respect the character and appearance of the surrounding area. The proposal seeks to construct the extension in materials to match those of the amended parent property such that they would harmonise well.

9.11 The application site is not located within the Kings Langley Conservation Area, but given its proximity the development proposed may affect its setting. On the previous application, which proposed an extension of the same size, scale and design (albeit with a balcony at first floor) the Conservation and Design officer offered informal comments to the Planning Officer advising the design did not raise concerns and would not result in any harm to the setting of the Kings Langley Conservation Area. Given the current proposal is almost identical in design terms especially with regard to the elements visible from the public domain it follows that no concerns would be raised in this regard. The proposals are concluded to have a neutral impact on heritage assets (setting of the Conservation Area).

9.12 It is considered that the proposal would be sympathetic and respect the character of the existing dwelling, adjoining properties and surrounding area such that there would be no significant adverse effect on the character and appearance of the street scene in the setting of this part of the Kings Langley Conservation Area. The application is therefore in accordance with Saved Appendix 7 of the Dacorum Borough Local Plan and Policies CS11, CS12 and CS27 of the Core Strategy and Policy KL4 of the Kings Langley Neighbourhood Plan (2023).

### Impact on Residential Amenity

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

9.14 A previous application at this application site (22/03760/FHA) was refused at Development Management Committee earlier this year. The application was refused on the grounds of the overlooking of, and unacceptable loss of privacy to neighbouring residential properties as a result of a first floor balcony only. As such, the application was not considered to be in accordance with Policy CS12 of the Core Strategy. There were no other reasons for refusal.

9.15 The current scheme has omitted the balcony to the rear elevation, integrating the floorspace into the extension (bedroom) and replacing it with floor to ceiling windows. Whilst the window will still offer views of neighbouring gardens, the window will not allow the same views into the garden that would be afforded from a balcony as occupants cannot step out.

### *27 Langley Hill*

9.16 No. 27 is located to the east of the application site. The proposed extension to the dormer on the side elevation is on the west of the application site such that it will not impact no. 27 as it is sited behind/beyond the existing dwelling.

9.17 In relation to the proposed one and a half storey rear extension, this extends beyond the existing rear wall of the application dwelling by 4.5 metres. Due to the existing rear projection at no. 27 and existing stagger between the properties, the proposed extension projects at ground floor 3 metres beyond the rear wall of no. 27 and at first floor approximately 6.5 metres. The proposed extension is set off the boundary with no. 27 at ground floor by 0.8 metres, with the proposed first floor set in by 1.5 metres.

9.18 It is acknowledged that there is a change in ground level between the application site and no. 27, with no. 27 being lower than the application site, such that the overall height of the proposed extension will appear greater to the occupants of no. 27.

9.19 At ground floor, the proposed extension will extend beyond the rear wall of No. 27 by approx. 3 metres. In relation to the impact on light into the habitable rooms to the rear of the property. The closest habitable room to the application site at ground floor is a kitchen / dining room, which is served by patio doors and a skylight. Due to the size of the patio doors and position of the skylight it is considered that this room will continue receive sufficient light. This is demonstrated by the BRE daylight plan submitted by the agent which confirms there will be no breach of the 45 degree lines.

9.20 From the patio area, which is located directly outside the kitchen patio doors it is evident that the proposed extension would be highly visible, however it is concluded it would not be so unduly prominent or overbearing so as to be detrimental to residential amenity. From this area, the extension is of limited depth (3m) and despite its total height (7.5 metres) and slightly elevated position, it is set away from the boundary, now comprises a small hip and the roof slopes away from the common boundary, which would offer sufficient relief. There is existing mature vegetation between the two sites at this point which would screen some of the proposed development from view, but given this could be removed at any time it has not been relied upon to assess to the proposals. Even without the existing vegetative screened the proposals are, on balance considered acceptable. The rest of the garden would maintain its current open aspect.

9.21 At first floor, the proposed extension would extend beyond the rear wall of no. 27 by approximately 6.5 metres. The closest rear facing windows of no. 27 serves a bedroom. From a site visit and plans submitted it is evident that whilst the 45 degree line is breached in plan form, it would not breach it in elevation such that there would still be sufficient light reaching this room from over the extension. Given its depth, the extension would clearly be visible from this room but given the separation distance and the fact the roof form slopes away it is not considered that it would not be unduly overbearing or visually intrusive to the point it would be detrimental to residential amenity. The bedroom window would continue to have an acceptable level of open aspect. The second rear-facing window, which is further away is a set of patio doors which serve the master bedroom and lead onto a small balcony. Due to the separation distance from the doors and the balcony the proposed extension would not adversely impact light into this room and or balcony.

9.22 In relation to loss of privacy, there are no side facing windows within the rear extension, and the balcony, which was previously concluded as unacceptable has been omitted from this scheme. In relation to the amended scheme, whilst the replacement of the balcony with the rear-facing window is considered a betterment, concerns have been raised from no. 27 about the size of this rear-facing window. The concern is that due to the size of the window similar views of the rear garden will be afforded from the window as would have been afforded from the balcony, such that they still feel it will result in an unacceptable loss of privacy. Comments state that the scale of the window will result in views being possible across the whole of the garden, such that both their privacy and the security of their property will be impacted.

9.23 Whilst it is acknowledged that a larger window may afford a slightly greater view when stood at a distance, the overall view would be similar to that of a smaller window when stood directly in front of the window itself. The window now proposed is not considered to have the same adverse impact as a balcony in this location due to the inability to walk out onto the space and gain views looking sideways. The views from a window are more limited in range, and will be at an angle such that they will be reduced. Furthermore, due to the first floor extension extending beyond the rear wall and patio area at ground floor of no. 27 it will not be possible to look back towards the house to gain views of the immediate garden and patio area. Policy CS12 seeks to protect the privacy of neighbouring residents, however the existing situation must also be taken into account. In this instance the application site is located within a built up residential area whereby a relatively high degree of mutual overlooking already exists between properties. In this instance there are existing rear facing bedroom windows, which afford views over the rear garden of no. 27 at a similar level/angle to those proposed. The proposed extension and enlargement of the window would not significantly increase the overlooking, or offer the occupiers additional opportunities to overlook the garden.

9.23 Again it is important to note that large floor to ceiling window openings could be introduced to the existing property without the need for permission (provided they are of materials similar in appearance to the existing windows) and these windows would afford similar, in not worse views over the rear garden of No. 27 to those proposed.

9.24 On balance the proposals not result in an unacceptable level of harm to the residential amenities of no. 27 with regard to loss of light, privacy or causing visual intrusion.

### 31 Langley Hill

9.25 No. 31 is located to the west of the application site. The application seeks to construct a one and a half storey rear extension (including two velux roof lights), and to extend the existing side dormer facing this property.

9.26 The proposed extension to the existing dormer window is only slightly larger than the existing window openings, with the new windows annotated that they will be obscure glazed. Taking into

account the lack of windows on the side elevation of no. 31 itself, and the existing openings the extended dormer will replace, this element of the proposals would not significantly alter the existing situation or have an additional impact on the residential amenities of the neighbouring property. A condition requiring obscure glazing and that the windows are non-opening below 1.7m would be necessary and reasonable to ensure no overlooking.

9.27 In relation to the one and a half storey rear extension, this has an approximate depth of 4.5 metres, however much of the mass and bulk of this extension will be built behind the existing single storey, pitched roof detached garage which is located along the shared boundary with no. 31. Taking into account the existing structure built between the proposed extension and the separation distance between the proposed extension and no. 31 the proposal will not have a significant adverse impact on the residential amenities of no. 31 with regard to light, privacy or visual intrusion. By virtue of their siting and angle the two velux roof lights would not result in any harm.

#### No. 29 – the application site

9.28 Adequate garden and amenity space is retained at the property (beyond the proposed extension) for the existing and future occupants of the application site.

9.29 On balance, the proposal is concluded to not result in significant harm to the residential amenities of the neighbouring properties by way of loss of light, privacy or causing visual intrusion. The balcony previously considered unacceptable by Members has been omitted and replaced with windows, which whilst large will not result in an unacceptable level of overlooking, especially when compared to existing and surrounding levels. As such the application accords with the National Planning Policy Framework (2021), Saved Appendix 3 of the Dacorum Local Plan and Policy CS12 of the Dacorum Borough Core Strategy.

#### Impact on Highway Safety and Parking

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

9.31 The application does seek to demolish the existing garage and re-build a new one; however, neither the existing, nor the proposed garage would meet the minimum space dimensions for a garage to be considered as a parking space. In policy terms there would therefore be no net change in the parking provision. The proposal does not increase the number of bedrooms within the property such that no additional parking would be required. The proposals would have a neutral impact on parking at the application site. Adequate off street parking is available on the private driveway to the front of the property such that there are no significant concerns regarding parking or highway safety in relation to this planning application.

9.32 Overall, the proposal would not have an adverse impact on the surrounding highway network or parking stress in the vicinity.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

9.33 The application form states that there are trees or hedges within falling distance of the proposed development, they are annotated on the plans, however it also states that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees or landscaping. As such, there are no concerns regarding the impact on trees and landscaping in relation to this planning application.



## Parish Council Comments

9.34 The Parish Council objected to the application, 'Grounds for objection remain the same', based on the objections to the previous application.

Their objection on the previous application was;

### *Objection*

*Loss of daylight and impact on privacy.*

*Overbearing and cramped nature of the development on the plot itself and adjoining properties.*

*Ground levels have been mis-described and plans have failed to take in to account the difference between the highest and lowest elevations*

9.35 The concerns raised by the Parish Council have been addressed in the above report. It is important to note that Members resolved to refuse the previous application on the grounds of overlooking from the balcony only. The previous application was not refused on its visual impact, or harm to the street scene. The current application is similar to the refused scheme with the exception of the omitted balcony.

## Response to Neighbour Comments

9.36 Representations have been received from no. 27, objections have been received from the neighbour and also a consultant working on their behalf. The report sent by the consultant covers the key points of objection, which are summarised in italics below:

### *Overlooking and loss of Privacy*

*Whilst they acknowledge that the removal of the balcony is a betterment, the objection in relation to overlooking and loss of privacy remains. The concerns relate to the floor to ceiling windows in the rear bedroom, which they believe afford views of the whole of the garden of no. 27 such that the privacy of the occupants of no. 27 will be adversely impacted. Further reference is made to these views of the garden impacting the security of the application site.*

### *Loss of sunlight / daylight*

*Further concern is raised in relation to the impact on the sunlight / daylight into the house, specifically the kitchen / dining room at ground floor and the bedroom at 1<sup>st</sup> floor.*

### *Mass, bulk and scale*

*Finally, the neighbour raises concerns regarding the application being in accordance with CS12, and not respecting neighbouring properties by way of mass, scale and bulk and materials used. Whilst they agree with most of the materials, concerns are raised in relation to the removal of the brown clay tiles and replacement with slate tiles as they feel this is out of keeping with the local area.*

9.37 A full assessment of the concerns and points raised has been covered in previous sections of the report. Specifically the sections on visual impact and impact on residential amenities.

9.38 Representations have also been received from No. 25 raising concerns over a loss of light to their patio and roof lights. Given the separation distance between the application site and No. 25 and having regard to the structures between them (namely No. 27) whilst the extension may result in slight loss of light in the late afternoon / evening this would not be at such a level as to warrant a refusal on planning grounds.

## Community Infrastructure Levy (CIL)

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

## **10. CONCLUSION**

10.1 Given their size, scale, siting and design the proposed extensions respect the parent property. The materials, whilst different, would not appear out of keeping in this varied area. The proposals would not have an adverse impact on the appearance of the dwelling or harm the character and appearance of this part of the Langley Hill. Whilst highly visible given its size and siting, the development would not have an unacceptable impact on the residential amenity of neighbouring properties. Sufficient light would continue to reach all habitable adjacent rooms, and an acceptable level of open aspect would be retained such that the proposals would not appear visually intrusive or overbearing. With regard to privacy, whilst large, the rear facing windows would not give rise to an unacceptable level of overlooking especially when compared to existing and surrounding levels. There would be no harm to highway safety and sufficient car parking is provided within the site.

10.2 Based on the above, the proposal is acceptable in accordance with the National Planning Policy Framework 2021, Saved Appendix 3 and 7 of the Dacorum Local Plan Policies CS11 CS12 and CS27 of the Core Strategy 2006-2031 and Policy KL4 of the Kings Langley Neighbourhood Plan.

## **11. RECOMMENDATION**

11.1 That planning permission be GRANTED subject to the conditions below

### **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:**

**2230/02-1F  
2230/02-4A  
2230/02-2G  
2230/02-3A  
2230/01-0**

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

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

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).

4. **The window(s) at first floor level in the western elevation of the dormer extensions hereby permitted shall be permanently fitted with obscured glass (of no less than level 3 Pilkington) and non-opening below a height of 1.7m from the floor of the room the windows serve.**

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection Grounds for objection remain the same.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>Good afternoon Laura,</p> <p>Town and Country Planning Act 1990 Application: 23/00960/FHA Description: One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows. Location: 29 Langley Hill Kings Langley Hertfordshire WD4 9HA</p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p>

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

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

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

#### 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.

	<p>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.</p> <p>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.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p><b>Invasive and Injurious Weeds - Informative</b> Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
5	2	0	1	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>
25 Langley Hill Kings Langley Hertfordshire	Double storey in reality, not single storey as stated. Will impede late afternoon/evening sunlight on patio for our residence and through our velux single storey roof windows into our house.

WD4 9HA	
<p>27 Langley Hill Kings Langley Hertfordshire WD4 9HA</p>	<p>We are objecting to this revised application as follows:(See attached photos 1-10 for FURTHER details)</p> <p>The new design statement suggests that the balcony issue was the only reason for refusal. We dispute this, as having spent 2hrs at the DBC committee meeting, witnessing the discussion of the balcony, there was no discussion whatsoever, regarding all the other objections we and our neighbours at no 31, had submitted. The officer's initial flawed recommendation for approval, meant that the recommendation was drawn up, without taking our objections into account. (This was due to an error of published dates on the DBC site.) However, the previous submission was finally refused at the committee meeting, on grounds of loss of privacy, due to the extensive 1st floor glass balcony and the huge glazed doors, referring to Policy CS12 on loss of privacy and overlooking. The balcony has now been removed from the design, but the extensive, floor to ceiling, wall of glass, still remains! The existing rear window has an area of 2.08sq metres, whilst the proposed one is nearly 5 square metres! It will offer us no privacy, as it will give no 29, an 180 degree extensive view right over our garden and number 31's garden. This is particularly pertinent, as 29's floor levels are over 1.5 metre higher than our north west facing property, being on the slope of the Hill. THIS NEW APPLICATION STILL CONTRAVENES POLICY CS12 ON LOSS OF PRIVACY AND VISUAL INTRUSION.</p> <p>Correspondingly, the proposal of 6m wide glass bi fold doors at ground floor level, leading from the kitchen/diner, will give eye level views right across our garden Once again, this is due to the difference in levels between the houses. Next doors floor levels will be nearly 1.5 m above ours, according to the submitted plans. This difference in levels has not been addressed in the architect's design of the extension, CONTRAVENING LOCAL PLAN 2004 Appendix 7.2v on "NO OBSERVATION OF LEVELS OR ORIENTATION" AND CS12 ON VISUAL INTRUSION AND LOSS OF PRIVACY. The levels may have now been "observed" by now being entered onto the new plans by the developers, but they have not been acted on in any way in the design and consequently THIS PROPOSED EXTENSION DOES NOT MEET POLICY CS12 ON QUALITY OF DESIGN, AS THERE HAS BEEN NO RESPECT TO ADJOINING PROPERTIES IN TERMS OF LAYOUT, SCALE, HEIGHT, BULK OR AMENITY SPACE (I.E. USE OF OUR GARDEN)</p> <p>Despite the balcony being removed from the design, the area of the balcony has now been incorporated into the floor area of the main bedroom to the rear, resulting in this 2-storey extension, still being 4.65 metres in depth! Our objections to this visually intrusive, overbearing 4.65m by 8 metre vast extension, remain the same as before.) i.e. as the rear of our property faces north west, the proposed 2 storey extension will block out, all the western afternoon and evening sunlight from our patio, as it will be over 8metres in height from our patio, due to the 1.5m difference in floor levels, and sited only 50cms away, from our boundary! It will block all afternoon and evening sun from our 1st floor study, bedroom and small 1930'3 original roof terrace, as well as our neighbours at no's 25 and 23, etc bedroom windows, ground floor Velux windows and their patios. Additionally, it will also have a big impact on loss of daylight to the patio, our kitchen rooflight, our kitchen/diner and our first-floor study. THIS CONTRAVENES DACORUM LOCAL PLAN 2004 7.2V BY NOT CONSIDERING THE</p>

EFFECT OF THE EXTENSION ON NEIGHBOURING PROPERTIES AT THE OUTSET AND POLICY CS12 ON: LOSS OF DAYLIGHT AND SUNLIGHT AND SCALE, HEIGHT AND BULK.

Also, if extended, this chalet bungalow would change from being 11.10 metres deep, to 15.75 metres deep, that's (over 51ft) in depth (plus 8.m in width and 8.5m height from our patio ! WE SUGGEST THAT THAT THIS PROPOSAL FAILS POLICY CS12 ON QUALITY OF DESIGN: SCALE, HEIGHT AND BULK AND FOR THIS REASON AND THE REASONS ABOVE, WE URGE YOU TO REFUSE THIS AMENDED APPLICATION.

VISUAL INTRUSION, LOSS OF PRIVACY, LOSS OF SUNLIGHT AND QUALITY OF DESIGN REGARDING LACK OF OBSERVATION OF ORIENTATION AND LEVELS. and LACK OF RESPECT TO ADJOINING PROPERTY IN TERMS OF: SCALE, HEIGHT, AND BULK.

1. 29-25 Langley Hill, showing roof colours and heights of the 2 storey properties in the road.
2. This shows the existing rear of no 29 Langley Hill. Please note the size of the existing 1st floor window and compare it to the proposed floor to ceiling glass, nearly 3 times larger in area in photo 4 and diagram 5.
3. Existing rear of no 29 Langley Hill. The proposed extension is for a 4.65m depth, two storey, overbearing, 8m wide extension, extending to 8.5metres in height from our ground levels.
4. This shows the potential loss of privacy to ourselves at no 27, due to overlooking from the proposed floor to ceiling glass at 1st floor level, together with the replacement of windows and doors at ground floor level by 6metre wide, visually intrusive, floor to ceiling, glazed bi-fold doors. Also note that no 29's floor levels will be 1.5 metres above ours, due to the slope of the hill. These differences in levels have not been taken into account in the design of this extension.
5. This diagram shows the difference between the existing 1st floor window with a windowsill to the proposed floor to ceiling glass area. This hugely enlarges the viewing area.
6. This shows the 1.5m height difference between us at no 27 and no 29. The red line, shows the floor levels of the proposed extension at no 29, and how overlooked our garden will be and how this will have a huge impact on our privacy. It also illustrates how the difference in levels has not been addressed in this poorly designed extension.
7. This shows the overlooking issue and the resultant loss of privacy, from the proposed glazed area, over our garden.
8. This shows the floor levels of the proposed extension compared to our property, the proposed full height glazed areas at both ground and 1st floor level.
9. Our house and those of our neighbours, faces northwest. We therefore receive limited sunshine, so any sunshine that we do receive, is really enjoyed. This photo shows the existing outlook from our 1st floor study and the current western route of the afternoon and evening sun. The proposed height of the extension will block all our afternoon and evening sunlight, to our patio, our kitchen French doors and rooflight, our 1st floor study and bedroom and our small original 1937 roof terrace. As we are sited on a hill, there are drops of between 1 to 2 metres between each property, going down the hill. As a result, no's 25 and 23 etc will also have all the evening afternoon and evening

sunlight blocked to their patios, ground floor Velux rooflights and their rear 1st floor bedroom windows.

10. The black outline shows the scale and bulk of this vast, overbearing 8m wide, full width, 4.65m depth, 2 storey extension, and how it will block and overshadow us, resulting in the loss of all afternoon and evening sun from our property and our neighbours.

Please note: the numbering of the objections and comments below are linked to the same numbering on the agents Planning Statement).

1 .INTRODUCTION. The introduction to the Planning Statement, states that it partly relates to an application to "reconstruct attached garage to side." Please note, that the existing garage, as seen on the existing plans, is a DETACHED garage, not an ATTACHED garage ! The existing garage forms the boundary to no 31 on one side and currently offers a side access gate from the back garden to the front garden, on the other side of the garage. By attaching the garage to the side wall of the new proposed extension, the side access is lost, and no 27 then occupies the entire width of the plot , apart from a mere 50-60cm space between ourselves and no29. This contravenes Dacorum Local Plan 2004 7.2v "the permissible outward projection of rear extensions will be assessed with regard to b)the visual effect of the extension on the original building and the retention of space around it."

1.5 Removal of tree on the advice of an arboriculturist in order to help avoid potential damage to surrounding properties. This Cypress tree was chopped down, in order for the applicant to build his proposed extension. It was growing less than 50 cms from our boundary and we did considerable research on the implications of its removal. The soil is heavy clay and the felling of this large tree was against all advice online, which suggested that it could cause heave and subsidence. We informed the applicant of this.

2.5 Site location. The level difference between properties is lesser at the rear than at the front. This is not the case. The difference in floor levels between no 27 and 29 is approximately 1.5metres. It is far less than this at the front of the property.

3.4 "the previous application was refused because of the rear facing balcony only. " This is not the case. The balcony issue and different glazing options and suggestions, for the 4metre wide glass doors were discussed for nearly two hours by the committee, before a vote was taken by the committee. No other issues/objections were discussed. The planning case officer's report was flawed, as it was drawn up before we or our neighbours had submitted our objections, due to an error on the website regarding dates for objections. The planning officer said she had visited the site and felt the extension was not going to be intrusive or cause loss of privacy! At no time did she ever visit our property, as she would have seen the difference in levels and the implication of this. In her report, there was no mention anywhere about loss of sunlight yet "sunlight" and "daylight" too are important considerations, particularly for a north western facing property. Policy CS12 states that each development should a) avoid visual intrusion , loss of sunlight and daylight".

4.17 ACCESS The developers suggest that" the development will not negatively affect access into the property."

This is untrue and we object to this, as by extending lengthways to the rear, they have opted to rebuild the detached garage, which has an existing side gate giving full access from the front garden to the back



garden, to replacing it with an attached garage/storeroom, therefore blocking off their side access and giving the whole development a cramped appearance. The Dacorum Local Plan 2004 (7.2v) draws attention to" b) The visual effect of the extension and the original building and the retention of the space around it." The space around the property, is being removed, by attaching the garage and losing the side access gate

4.3 PROPOSED DEVELOPMENT. "The extant planning permission for no 27 has been taken into consideration during the design of the proposed development as has the neighbours existing roof terrace. ". We have already stated that this planning permission extension, dates back to 2009 and is considered unviable now. Our small 1930's original roof terrace on the far side of our property, to no 29, will now receive no afternoon or evening sunlight at all, due to the height and depth of their proposed overbearing extension. We cannot see any sign whatsoever of their "consideration" in their design process. Once again it contravenes Policy CS12, on loss of sunlight.

4.4 "wide variety of extensions and developments." The examples quoted are for much larger properties, ie not 1.5 storey chalet bungalows like no 29. It would have been far better to compare our single storey extension, and the single storey wrap around extensions at no 25 and 23 Langley Hill, where we have all consulted with each other before submitting planning, therefore avoiding loss of light, sunlight and overshadowing. The proposals for no 29 have not used any of the side land available to them, in their design proposal, which if a 1.5 or 2 storey extension was built there, it would have no impact on either of the adjoining properties!

There has been no consultation with ourselves at no 27 or no 31.

5.13 The proposed development will include re-roofing the greyish plain tiles with new slate appearance roof tiles, synonymous with the Kings Langley vernacular.

We object to this misleading description as every house, on the North facing side, from the bottom of Langley Hill from no 1 to 85, consists of properties with brown clay roof tiles. This long hill of 1930s brown clay roofs can be seen from across the valley and are part of the village vernacular. The houses and shops in the High Street and other adjoining roads all have brown clay roof tiles. It is only on the opposite side of Langley Hill, where there is more of a variety of styles, where a few of the 1960-70's houses have been re-modelled and extended. The proposed grey slate roof tiles, for no 29, would be completely out of character in this village.

5.16 and 5.17 ACCESS" Access between the front and rear gardens can be achieved via the Garage". BUT the applicant has stated that this "garage" will become a storeroom. Access will be at right angles and extremely difficult through a store room! By building an extension lengthways to the rear and attaching the garage to the main property, they are losing their current side gate access. This gives the whole design a cramped appearance and leaves no space around the property except for a narrow gap of 50-60 cms on our boundary. The applicant has suggested that there is a 870mm gap between 27 and 29! THIS IS INCORRECT AND WE OBJECT TO HIS STATEMENT.

The developers are contravening The Dacorum Local Plan 2004 (7.2v) which draws attention to" b) The visual effect of the extension and the original building and the retention of the space around it." The space

around the property, is being removed, by attaching the current DETACHED garage and losing the side access gate.

5.13 The developers suggest that " Re-roofing the grey plain tiles with new slate/slate appearance roof tiles, synonymous with the village vernacular", will "match the appearance of the original roof".

We object to this, as the new grey slate tiles will certainly not match the original roof tiles, in terms of materials or colour or match the colours of the roofs in Kings Langley village. No 29 has 1930's brown clay tiles( and more modern thinner green tiles on the vertical sides of the dormer windows, which are later additions.)We have submitted photographs of the existing roof tiles, which can be seen in the Documents section under photos.

5.18 SUSTAINABILITY. The developers say that" The proposed development is designed in a way and in a scale, layout and form, that aims to cause no impact, to adjoining neighbours."

We object to this as, the proposed development is for a 4.65m deep extension and will be 8metres not 7 metres in height, from our patio, due to the difference in levels. The levels have not been considered in the design of this extension. As stated in our previous objections, it will block a large amount of light to our 1st floor bedroom /study and our ground floor kitchen/family room, and block all afternoon and evening sunlight to our patio and to the patios of our neighbours at no 25 and 23, as well as our rear facing rooms upstairs and those of our neighbours. It will have a huge overbearing impact on us. The developers have ignored the CS12 policy on g) i.v. scale, v.height, vi.bulk and loss of daylight and sunlight.

5.20 Providing "large Northward facing windows to increase the overall daylight quality. And 6.17: "New and enlarged openings will help to enhance the availability of natural light".

The proposal for these huge glass areas at ground and 1st floor levels, may improve the daylight to no 29 but it is to the detriment of us, as neighbours, as they will have a 180 degree view into our garden from the floor to ceiling windows on the 1st floor! Yes, the neighbours will enjoy more light, but the design of this extension seriously affects the sunlight and daylight to OUR property and our neighbours down the hill. It is inconsiderate and, negatively affects our quality of life and impacts the existing amenity of our garden.This once more contravenes Policy CS12 on loss of daylight and sunlight and lack of privacy.

We note that a second Velux window has been added, on the latest proposed plans, to the rear bedroom, on the west side of the roof. Surely if this has now been added, the extensive area of glazing to the rear of this same bedroom could be reduced?

5.4 DESIGN STATEMENT. The developers have said that the layout "would not cause any detrimental overshadowing to neighbouring windows".

Dacorum Policy CS12 states that each development should avoid c) visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties and g) respect adjoining properties in terms of scale, height and bulk.

The developer's design statement blatantly contradicts the above policy, and we object very strongly to the contents as the proposed design contravenes many aspects of the policy.

The developers have drawn up their own version of the 45 degree line, without having measured our doors, windows, etc so it is based on their interpretation. They have only measured daylight, not sunlight. It is immediately obvious, that all the afternoon and evening sunlight will be lost by building a 2 storey extension to a height of 8.5m from our patio and only 50/60cms away from our boundary. It is also obvious, on visiting the site, that there will be unacceptable overshadowing to our rear windows and those of our neighbours below us, on the hill. This contravenes Policy CS12 on loss of sunlight and daylight.

our patio and rear facing rooms and those of our neighbours. The design has completely ignored the CS12 policy, stating that "each development

5.9 The developers have suggested that" by extending the pitched roofline-this will help to reduce the sense of scale of the rear extension and maintain the eaves height closer to the boundary." They estimate that the extension would only project less than 3 metres further rearwards than our property but the plans show that the extension will project at least 3m, and the design statement omits the fact that they are proposing a DOUBLE storey extension extending outwards, whereas our extension, like our neighbours below us, is only SINGLE storey. How can this possibly reduce the sense of scale? We object to their statement as the eaves height will be 4.5m in height, from our patio, rather than 3m on a level plot! The proposed pitched roof of the proposed extension, extends 4.65 metres in length, and 8 metres high, alongside our boundary. There is only around 50- 65cms max. in width, between our two properties. NOT a 870mm gap between no 29 and 27, quoted in section 5.16. We object to this statement as it is the 8.5m height of the pitched roof, seen from our patio, that causes us such concern,( and how it will actually appear a metre higher than shown on the plans, due to the change of levels between us and no 29,) and how this roof will completely overshadow us and block all afternoon and evening sunlight and daylight too, to should avoid loss of daylight and sunlight."

Unfortunately, the developers have completely ignored the fact that this proposed extension is situated on a sloping site and there has been no consideration of the difference in levels between the properties in their design, or the Northern orientation, in their poor design proposal, once more contravening Policy CS12 on Quality of Design and the Dacorum Local Plan 2004 Appendix 7.2v with regard to individual site factors such as orientation and levels.

6.21 The previous planning application for a 5 metre wide glass balcony was refused on 28/2/2023 due to "overlooking and an unacceptable loss of privacy to neighbouring residential properties. It failed to comply with Policy CS12 ". The proposed balcony area has now been incorporated into the rear bedroom area so the extension STILL remains the same depth of 4.65 metres. The new plans have kept the previous 4.65m depth, dimensions of the extension, but the floor to ceiling glass window/door area has been moved out to where the glass balustrade would have been ! The overlooking issues are still exactly the same! It will give the new occupants of no 29, a 180 degree view of our garden and their neighbours at no 31 and there will

not be a single part of our lawned garden that will not be overlooked. The new proposed plans from Eagle design, actually show an armchair, sited looking out through the glass area towards our gardens, so it has basically become an "indoor balcony area" ! In view of the increased size of the rear bedroom, and the chair indication, it is obvious that this will become a sitting area. The proposed glass area is nearly 3 times the size of the existing window and by being floor to ceiling, they drastically increase the viewing area. The existing window, being a third of the size of the proposed glass area is a conventional window with a window sill, therefore not offering such extensive views across our gardens compared to the floor to ceiling glass that has been proposed. Additionally ,due to the 1.5 metre difference in levels, the elevated glass area, both at ground and 1st floor levels, will be visually intrusive and will tower over our garden area resulting in a severe and unacceptable loss of privacy contravening Policy CS12, as before.

6.3 PLANNING CONSIDERATIONS The developers state that "Form, materials and details, help it integrate both with the existing building and local vernacular

We object to this, as grey slate tiles will not integrate into the local vernacular, due to the proposal of a totally different colour of tile to the brown clay tiles that are a feature of so many of the village roads. .

6.7 to 6.11 NEIGHBOURLINESS The planners suggest that " the rear extension will be set away from the boundaries, so as not to cause harm to the amenities enjoyed by either neighbour." We object to this, as it is obviously NOT set away from the boundaries. It is only 50cms from our boundary, and the plans show that the current DETACHED GARAGE will be attached to the boundary wall of no 31 Langley Hill and then be attached to number 29 as well! It will be a cramped development, contravening Dacorum Local Plan 2004 on "the visual retention of space".

The developers say that " the continued roof form over the rear extension, reduces the sense of scale and massing". This is not the case as the continuous roofline will measure over 55foot in length ! It fails Policy CS12 on respecting adjoining properties in terms of scale, height and bulk.

The Planning Officer said "after visiting the site, the difference in levels are acceptable".Acceptable to whom?? We have had no site visit. It would be impossible to evaluate the impact of the proposed extension and the overlooking issue without visiting our property sited 1.5 metres below. The difference of levels have not been addressed in any way into the design of this extension. It is a poor design and fails Policy CS12 on Quality of Design and the Dacorum Local Plan 2004 Appendix 7.2v with no regard of individual site factors such as orientation and levels.

6.10 " the development comfortably passes the relevant tests. " However, this proposed two storey extension fails the 45 degree test according to our measurements. The drawings submitted by the developers are based on guessed measurements.

7.1 The proposal will result in a development which "Does not negatively affect the quality of life nor negatively impact the existing amenities of neighbours" We disagree with this statement , as the proposed extension, with full height floor to ceiling glass at both ground

and 1st floor, set on an elevated plot, has not been designed to reduce the impact on adjoining neighbours, for all the reasons stated above.i.e loss of privacy and visual intrusion in all areas of our garden plus loss of sunlight and daylight to our rear doors , windows and our patio. contravening Policy CS12.

We disagree with the statement , that it "provides a sensitively designed proposal , which takes advantage of the opportunities presented by the site.". It is poorly designed as there has been no consideration of the levels or orientation of the site, scale or bulk of the extension in relation to adjoining properties in the design, therefore failing Dacorum Local Plan 2004 and CS12 and NPPF. The availability of the land on the western side of the property, which adjoins no 31, where there are no windows on the flank wall, would have provided an ideal site for development, and being on a lower plot to no 31, would have had no impact of overlooking to either of the adjoining properties. The rear of the property could also then have just been extended at a single storey level, if required , therefore reducing the impact of a two storey extension described in our objections in other sections here.

Ref 7.3 CONCLUSION." The developers state that it is clear that the application meets the aims and objectives of local and regional planning policies and in accordance with the adopted National Planning Policy Framework and should be" approved without delay".

#### OUR CONCLUSION

We refute the above statement for the above and following reasons:

The NPPF paragraph 132 states that "Applications that can demonstrate early, pro-active and effective engagement with the community, should be looked at more favourably than those that cannot."

Unfortunately, there has been no consultation with the neighbours to either side at any stage. This has resulted in a poor, insensitively designed, cramped, overbearing extension, with no consideration of levels, orientation, loss of daylight and sunlight, together with a severe loss of privacy and intrusion to our garden at no 27 plus no 31. It will negatively affect the quality of our life and will severely impact the existing amenities of ourselves and our neighbours. The proposed extension has NOT been designed in accordance with the Dacorum Local Plan 2014 or the CS12 policies or the NPPF. The NPPF paragraph 134, states that "Development that is not well designed should be refused, especially where it fails to reflect local design guidance."

Having studied the planning application and the above planning statement, it is clear that this application DOES NOT meet the aims and objectives of local and regional planning policies and should be refused. .

With reference to planning proposal 23/00960/FHA 29 Langley Hill, Kings Langley WD4 9HA,

We wish to make the following objections: FURTHER DETAILS AND PHOTOS 1-10 , WITH A DETAILED KEY OF THE PHOTOS/PLANS , ARE AVAILABLE IN THE DOCUMENTS SECTION ON THE WEBSITE.

**REAR GLAZING/ REMOVAL OF THE BALCONY FROM THE DESIGN:**The previous application (22/03760/FHA) was refused on grounds of loss of privacy and overlooking, due to the glass fronted balcony spanning the entire width of the property, in an elevated position on the rear of the property. The huge floor to ceiling glass doors were discussed for over 2 hours at the committee meeting, with various options of glazing being discussed i.e. blacked out glass, obscure glass etc and at what heights they could be placed at. The discussion went on for 2 hours with many councillors expressing concerns over the overlooking issue to ourselves (no 27) and the occupants of no 31. A vote was then taken and the application was refused. Unfortunately there has been no consultation, at any stage, by the applicant with us or other neighbours. He has now chosen to move the SAME SIZE GLASS AREA out to the rear wall, where the balcony railings would have been, instead of taking the 2m depth of the original balcony, out of the design. If the 2m balcony area was removed from the plans, then many of our objections above, would be resolved, particularly on loss of sunlight and daylight, overshadowing and scale and bulk. However by moving the floor to ceiling glass area out to the maximum depth of the extension and now integrating the balcony area into the main bedroom, the applicant has basically created an "indoor balcony". In fact, he is obviously intending to use this as a sitting area, as the "proposed plans" show an armchair placed in this area, angled to overlook our garden! The proposed glass area is nearly 3 times the size of the existing window and basically, the issue of overlooking of our entire garden and the resultant lack of privacy, is exactly the same, as in the previous application, and SHOULD THEREFORE BE REFUSED.

Further objections as follows:

**LOSS OF SUNLIGHT AND DAYLIGHT** to our property and patio. The vast scale and height of this extension would result in us losing all afternoon and evening sunlight from our patio, our rear bedroom and study, and our kitchen. We will lose considerable daylight to these rooms and our kitchen rooflight as well.

**LOSS OF PRIVACY AND VISUAL INTRUSION** to our garden. The proposal to replace the existing window which has a window sill, with a wall of floor to ceiling glass, nearly 3 times the size is not acceptable. It will give the new occupants a 180 degree view over our garden, resulting in a total loss of privacy to ourselves. It will also be extremely overbearing, due to the height differences explained below. The 6mtr glass bi folds on the ground floor will also provide eye level views across our garden, due to the height differences.

The difference in levels between us and no 29's FLOOR LEVELS is 1.5 metres. The difference has not been taken into account in the design of the extension. IT IS A POOR DESIGN. It has also not taken into account the availability of land on the west side of the property, which is not overlooked by either of the neighbours at ground or 1st floor.

The design does not respect our property in terms of SCALE, HEIGHT AND BULK. The extension is 4.65m deep and is double storey, sited on an elevated plot. It is an overbearing, towering design which will seriously affect our quality of life. Our extension and those of our neighbours, below us down the hill are SINGLE storey to prevent loss of light and sun and privacy.

The design proposal to attach the existing detached garage , to the main property will result in the loss of a generous side access and will block off all access. The applicant has stated that he intends to use the garage as a storeroom. Access from front to back would therefore be through a store room , entering it at an awkward right angle. It also means that the property and storeroom occupy the entire width of the property except for a 50cm gap next to our boundary. THIS IS A CRAMPED DEVELOPMENT AND IS OF A POOR DESIGN.

The proposed grey slate tiles do not match the village vernacular of dark brown clay tiles. Every property from the bottom of Langley Hill to the top of the road, on this side, have these brown tiles.

ALL THESE OBJECTIONS HAVE BEEN RAISED, AS THIS EXTENSION PROPOSAL CONTRAVENES POLICY CS12, ON LOSS OF SUNLIGHT AND DAYLIGHT, LOSS OF PRIVACY AND VISUAL INTRUSION, QUALITY OF DESIGN, AND SCALE, HEIGHT AND BULK PLUS DACORUM LOCAL PLAN 2004 AND THE NPPF AND IT SHOULD BE REFUSED.

This response has been prepared on behalf of the owners and residents at no. 27 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA following the extensive consultation response issued to Dacorum Borough Council on the 22nd May 2023. Although the neighbour consultation period has ended, it is understood that a further response will be reviewed and taken into consideration. This objection to the development at no. 27 Langley Hill summarises previous responses made to date. This response also reflects the objection issued by Kings Langley Parish Council, the details of which can be found in their objection to the previous application (application reference number 22/03760/FHA).

This objection is in relation to the following proposed development at 29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA (application reference number 23/00960/FHA):

"One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows."

It is important to acknowledge that this application follows the refusal of a similar planning application on the 28th February 2023 at 29 Langely Hill (application reference number 22/03760/FHA), with the same description of development.

This application was refused at planning committee for the following reason.

"The proposed development by virtue of the rear facing balcony, will result in overlooking of, and an unacceptable loss of privacy to neighbouring residential properties. As such, the development fails to comply with Policy CS12 of the Dacorum Borough Core Strategy."

As set out in the submitted planning statement for the latest application (23/00960/FHA), the proposals have been updated to omit the rear facing balcony and include the floor area internally within the proposed extension. The balcony is replaced by a floor to ceiling window on the first floor, facing onto the garden. It is acknowledged that this appears to address the reference to the rear facing balcony in the reason for refusal. However, this response has been prepared to present why the proposed development still fails to comply with Policy CS12 of the Dacorum Borough Core Strategy, particularly due to the impact of

overlooking, the loss of privacy and loss of daylight and sunlight to neighbouring residential properties.

The Planning and Compulsory Purchase Act 2004 and Town and Country Planning Act 1990 require that the determination of planning applications be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan is Dacorum Borough Council's Core Strategy, 2013. Therefore, the local planning authority should undertake a detailed assessment of the proposed development against the Core Strategy when determining the application. This includes each part of Policy CS12 as it is considered the most relevant policy to the proposed development.

The below table provides an assessment of the proposed development against each element of Policy CS12. Policy CS12: Quality of Site Design on page 63 of the Core Strategy states that each development should adhere to the following:

Policy CS12: Quality of Site Design requirements

Assessment against the proposed development

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

The proposed development is not understood to impact the existing access arrangements.

b) provide sufficient parking and sufficient space for servicing;

The number of proposed bedrooms remains consistent with the existing dwelling and the proposed development does not result in a reduction in off-street car parking spaces allocated to the dwelling. Therefore, the development is considered to provide sufficient parking.

c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;

As set out within detailed responses to this live planning application and refused application (22/03760/FHA), which are still relevant due to the similarity of the proposals, the design will result in significant harm to surrounding properties due to the visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance. The proposed two storey extension is 4.65m further north than the existing rear boundary wall of No.29, resulting in an approximate 3m protrusion beyond the rear façade of the single storey extension of No.27, and protruding 6.9m in depth from the rear façade of No.27 at first floor level. This is a considerable area for an extension and due to the height of the extension (7.5m appearing 9m due to the level differences between residential plots), this will result in a significant loss of sunlight and daylight to the rooms located at the rear of No.27. These rooms only receive natural light from the north due to the close proximity of the east and west boundaries and neighbouring boundary walls. This loss of sunlight and daylight caused by the proposed development will have a detrimental impact to the living environment within No.27. The extension will not only reduce the light internally within No.27 but will also reduce the area of the garden that receives sunlight. This will impact the way No.27's private amenity space can be used as well as the condition of existing vegetation which is currently thriving. The submitted Planning Statement refers to the BRE Daylight and Sunlight Guidance and states there is "no unacceptable overshadowing to neighbouring properties." It is understood a high-level review of the previously refused scheme (22/03760/FHA) against the BRE Guidance was undertaken. However, this was based on assumptions made without a site visit, comprised of a simple high-level review and a detailed daylight and sunlight assessment has not been submitted to



support this application. In addition, as the orientation of No.27 faces north west and benefits from the late afternoon and evening sunlight into the rooms located at the rear of the house, the extension is likely to remove this sunlight entirely. It should also be noted that the policy states "development should avoid loss of sunlight and daylight". As the acceptability of this loss is not included in the policy, the reference to "unacceptable" within the submitted Planning Statement's statement "no unacceptable overshadowing to neighbouring properties", is not relevant. From the information provided within the application material, the proposed development will result in the loss of sunlight and daylight to neighbouring property No.27. Therefore, the application is contrary to this section of Policy CS12. Although the extension will not be able to look directly into the rooms at No.27 due to the orientation, the loss of privacy within the rear private amenity space of No.27 is considerable. The scale of the extension means that there will be no area within the rear garden at No.27 that cannot be viewed by No.29. Although an improvement to the previously proposed balcony, this risk of invasion of privacy and disturbance to the owners of No.27 is still substantial due to the large 2m floor to ceiling window facing out onto neighbouring rear gardens. This risk is increased as the area next to the window within the large master suite is likely to act as an internal balcony. This is likely to result in residents of neighbouring properties, including No.27 feeling watched by the residents of No.29. This loss of privacy caused by the proposed development results in another element of the proposals being contrary to Policy CS12. If an alternative extension design is explored, retaining the existing window height of 1.3m with an area of around 2.08sq.m, compared to the proposed 2m height and 4.6sq.m size, would be more acceptable from an overlooking and privacy perspective. However, this amendment in isolation would not be sufficient to comply with Policy CS12.

d) retain important trees or replace them with suitable species if their loss is justified;  
It is understood that the proposed development will not result in the loss of any important trees.

e) plant trees and shrubs to help assimilate development and softly screen settlement edges;  
Although soft landscaping could soften the appearance and bulk of the proposed extension, additional vegetation is more likely to increase the impact of overshadowing to neighbouring properties which is not encouraged. Therefore, the absence of soft landscaping proposals to accompany this scheme is considered appropriate.

f) integrate with the streetscape character; and  
The extension is considered to not impact the streetscape character of Langley Hill as it is located at the rear of the property. However, the roof tiles proposed and on the existing property are shown to be removed and replaced with new slate or slate appearance tiles. This does not align with the brown clay tiles on the existing property which match the materials used for each roof on the northern side of Langley Hill. It is suggested that the design is amended to propose brown clay tiles that will integrate with the existing built environment and streetscape character along Langley Hill.

g) respect adjoining properties in terms of:  
The proposed development is not considered to respect adjoining properties as set out against each section of the policy below.

i. layout;

The layout of the proposed development is not considered to be primary reason for the scheme not respecting adjoining properties other than due to the relationship between layout and scale. Alternative layouts including moving the en-suite bathroom to the rear of the property with obscured glass to reduce the impact of privacy and overlooking could be explored but the impact of the scale and bulk of the extension will remain the same.

ii. security;

Due to the direct relationship between privacy and security, the proposed development is not considered to respect adjoining properties in terms of security. Although this may not be a high risk, the occupiers in No.29 will be able to overlook the entire garden of No.27. Detailed understanding of No.27s private amenity space, boundaries, access and routine could potentially impact their security. As a result, the design does not respect the security of adjoining properties.

iii. site coverage;

As set out in the Policy CS12 part c assessment section above, there is minimal respect to adjoining properties in terms of site coverage as the proposed rear extension will result in considerable loss of sunlight and daylight to the rooms at the rear of No.27 and the garden by covering the site. Other neighbouring properties will also be impacted by site coverage from the scale of the rear extension.

iv. scale;

It is noted in the submitted planning statement that the proposed extension will increase the internal area of No.29 from 115.8sqm to 172.2sqm. This will increase the internal area of the property by 49%. This increase in scale is disproportionate to the existing building and neighbouring buildings. The significant increase in scale does not respect neighbouring properties due to its imposing design and impact on privacy and loss of daylight and sunlight. As a result, the proposed development is not compliant with Policy CS12. Reducing the scale of the extension considerably would be welcomed by the owners of No.27.

v. height;

Due to the extension protruding north by 4.65m on the first floor, the height should be a key consideration in the determination of this application. The measurements from the proposed elevations show the extension to be 7.5m high. The elevations also indicate indicative levels of adjacent residential plots to the east and west. These indicative ground levels show No.27 to be 0.5m lower than No.29. However, the proposed elevation plans, plus a review of photographs and on-site measurements at No.27 show that the floor levels for No.29 will be 1.25-1.5m higher than No.27. As a result, the proposed rear extension will tower approximately 9m over the rear northern façade and private amenity space of No.27. A site visit is encouraged by the case officer and any members determining the planning application to appreciate the difference in levels.

As reflected in the sections above, it is clear how this would significantly reduce the daylight and sunlight currently enjoyed by the owners of No.27. The suggestion in section vi. to reduce the extension to 3m on the first floor, should adequately reduce the perception of the extension towering over No.27. This should result in an improved respect to adjoining properties in terms of height.

vi. bulk;

The bulk of the extension is viewed as substantial as despite creating a continuation of the roof shape, it seeks to maximise the proposed envelope of the building. The design is likely to appear large and boxy with no breaks in the façade other than the large, plain windows. This would result in an imposing presence over neighbouring properties.

It is suggested that a more appropriate extension would reduce the 4.65m extension on the first floor to 3m, keeping the proposed Dutch hip gable and match the design of the front of the property. As the previously refused application included an extension of the internal area on the first floor by 3m, this is considered a reasonable alternative design solution. Crucially, this would also reduce the impacts presented above relating to privacy and loss of daylight and sunlight. The amended extension would still create a considerably sized master suite, with an ensuite and a more modest walk-in wardrobe featuring ample storage. The proposed increase in floorspace to the ground floor by extending out 4.65m could be retained with a sloping brown clay tiled roof and velux windows to provide ample light to the ground floor extension whilst preventing overlooking and impact to light to neighbouring properties. This would significantly reduce the bulky and imposing appearance of the extension by breaking up the depth of the rear façade. This will create architectural interest, complimenting the front façade of the property and also reduce the impact of scale on neighbouring properties as set out above.

vii. materials; and

The proposed render and cladding proposed on the extension are considered acceptable subject to the final details including colours and quality samples being approved by the local planning authority via a discharge of condition application. As set out above, the roof tiles proposed for the extension in slate or slate appearance tiles should be replaced with brown clay tiles to match the existing property and remain consistent with the type of roof tiles used along the full extent of the northern side of Langley Hill which will retain the character of the existing built environment.

viii. landscaping and amenity space.

The site photographs within the Planning Statement assist in demonstrating that there will be minimal landscaping lost where the extension will be located. However, the impact to landscaping and the private amenity space at No.27 will be considerable. Over the past 36 years, the owners of No.27 have invested significant amounts of time and money to create a garden that they can enjoy. This space acts as a sanctuary to the owners of No.27, as well as creating a safe space for their grandchildren to play outside in the sunshine. The loss of daylight and sunlight from the proposed extension at No.29 will provide a challenging environment for existing landscaping to survive. In addition, the space overshadowed by the extension will be significant, changing the way the space can be used and enjoyed. The overlooking and invasion of privacy will also discourage the amount of time that is spent within this private amenity space, particularly with younger members of the family.

As presented above, the proposed development in its current form is contrary to Core Strategy Policy CS12 and therefore should be recommended for refusal unless changes are made to reduce the scale of the extension sufficiently to cause no impact to neighbouring

	<p>properties and their private amenity space in terms of privacy or loss of daylight and sunlight.</p> <p>The applicant is encouraged to engage with the local planning authority to find an appropriate alternative proposal. The suggested changes as set out in vi section of the table above are welcomed as part of an updated submission pack to this application prior to determination of the application. If any updated proposals are submitted, we would appreciate receiving notification of any further consultation.</p>
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**ITEM NUMBER: 5d**

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

**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 Consultations	Contributors	Neutral	Objections	Support
7	0	0	0	0

### Neighbour Responses

Address	Comments

## APPENDIX C: COUNCILLOR COMMENTS

Details	Comments
<b>Councillor Maddern</b>	<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 03 July 2023 and 24 August 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00046/FUL	W/23/3325248	6 Lawn Lane, Hemel Hempstead	Written Representations
2	22/03228/FUL	W/23/3325819	39 Crouchfield, Hemel Hempstead	Written Representations
3	22/02355/FUL	W/23/3320281	2 Chalkdell Cottages, Puddephats Lane, Flamstead	Written Representations
4	22/01865/LDE	X/23/3326177	The Lodge, 37A Cavendish Road, Markyate	Written Representations
5	22/03574/FUL	W/23/3326421	1 The Orchard, Kings Langley	Written Representations
6	23/00621/FHA	D/23/3326747	The Grange, Frithsden Copse, Potten End	Householder
7	23/00736/FHA	D/23/3327021	Grey mantle, Hempstead Road, Bovingdon	Householder
8	21/04038/FUL	W/233326830	10 Church End, Markyate	Written Representations
9	23/01214/FHA	D/23/3327106	20 Bridle Way, Berkhamsted	Householder
10	23/00741/FHA	D/23/3327652	1 Tower Hill, Chipperfield	Householder
11	23/00307/FHA	D/23/3327777	54 Nettleden Road, Little Gaddesden	Written Representations
12	23/00308/LBC	Y/23/3327780	54 Nettleden Road, Little Gaddesden	Written Representations
13	23/00277/FUL	W/23/3327913	Kingsway, London Road, Bourne End	Written Representations

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 03 July 2023 and 24 August 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/02125/RET</a>	D/22/3309955	212 Cotterells, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		04/07/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309955">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309955</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The application is for construction of single storey timber framed outbuilding in garden.</p> <p>I saw on my site visit that the scheme sits noticeably higher than any other ancillary type structure that I could see. The building also appeared to protrude significantly over the adjacent boundary fences that demark the side boundaries. This may have been exacerbated by the generous plinth deck upon which the building stands and which force its bulk to be higher.</p> <p>From the space within I was able to clearly see towards the rear private rooms at both first and ground floor of the immediately adjoining neighbours at 214 and 210 Cotterells. I consider that such a view would represent a harmful level of overlooking of these private rooms to a degree that would not have existed prior to this building being constructed. Moreover, I consider that, when seen from the lower levels of the site the building appears more intrusive due to its height and the level of ground that it sits upon. I consider therefore that the building would cause a more overbearing impact upon adjoining neighbours as a result.</p> <p>In terms of design and materials, although the building appears to have the potential to appear somewhat contemporary in its design, I cannot accept that the grey UPVC type cladding is responsive to the character and appearance of the area. By contrast the cladding would represent an alien intervention into the area and this is made worse through the attempts to disguise through plastic foliage material.</p> <p>Ultimately this scheme has introduced a large building, upon a significant plinth, into what was previously a simple garden within a high density terraced area. Due to this density the proximity to neighbours and the distances between dwellings are all the more sensitive. I consider that the scheme would represent an overdevelopment of this site that would fail to integrate well into the local area and that would cause harm to the living conditions of neighbours.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">22/03586/FHA</a>	D/23/3319937	3 Chiltern Villas, Aylesbury Road, Tring	Householder
<b>Date of Decision:</b>			04/07/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319937">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319937</a>				
<b>Inspector's Key conclusions:</b>				
<p>The application is for demolition of single storey rear extension. Construction of single storey rear extension and rear dormer.</p> <p>In assessing the single storey rear extension, I consider that it represents a sound response to both the character of the original property and the wider Conservation Area through its modest scale and fusion of traditional and modern design aesthetics. As such this element of the proposal would not appear to give rise to any specific harm to the historic environment.</p> <p>However, the proposed dormer extension, whilst attempting very hard to mitigate its scale and bulk, ultimately results in a contrived form of development that I consider would be harmful to the Conservation Area. This is largely due to the overall scale and massing of the proposed dormer window as well as its contrived design that I do not believe effectively mitigates this bulk and massing.</p> <p>Such an extension therefore would appear overly bulky and is not successful in its attempt to alleviate the appearance of what is still effectively a large box dormer through the integration of partial pitched roof elements. Although I saw on my site visit that there are other large dormers within the streetscene I do not know the precise reasons as to why these were constructed and I consider that following their example would not help preserve or enhance the character of the area.</p> <p>The proposal before me would result in an overly dominant dormer extension that would not only dominate the roof form and chimneys but would have a harmful impact upon the wider character and appearance of the area, most specifically when the rear of the property is seen from Longfield Road.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">21/00701/FUL</a>	W/21/3279608	Land At 28 Hall Park, Berkhamsted	Written Representations
<b>Date of Decision:</b>			12/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279608">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279608</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is a detached dwellinghouse and associated parking.</p> <p>The proposed dwelling would have a slender front façade that would contrast appreciably with the broader front elevations nearby, at Nos 28 and 30A. Moreover, it would sit within a plot that would be much narrower than those</p>				



<p>either side and along the length of Hall Park. Consequently, the dwelling's more compact scale together with the plot's slender proportions would give rise to a development with an unacceptably cramped appearance, that would fail to preserve the distinctive qualities of the streetscape in which it would be located or, relate well to the scale of adjoining houses...the proposed development would be harmful to the character and appearance of the area.</p> <p>Due to the increased recreational pressures which would result from the occupation of an additional dwelling on the site, and without mitigation, the proposed development, alone and in combination with other developments, would be likely to have an adverse effect on the features of interest of the SAC. I cannot rule out adverse effects on the integrity of the SAC.</p> <p>the proposed development would not have a materially harmful effect on the living conditions of the occupiers of 30A Hall Park, with particular regard to outlook.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">21/02155/FUL</a>	W/22/3304081	Land Adj. 8 Haywood Drive, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			25/07/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3304081">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3304081</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is the change of use of land to residential and construction of a two storey dwelling raised on stilts. External decks, walkways, bike and bin store, hard standing area for three car parking space and new access from Haywood Drive.</p> <p>Whilst I recognise that the incorporation of a green roof and timber cladding would reflect the verdant character of the appeal site, the introduction of a flat roof would nevertheless be uncharacteristic of the area. Moreover, the roof structure together with the elongated footprint, would create a block like form and appearance which would read as a bulky and disproportionate addition to the street scene, particularly when viewed from the nearby road junction, where the existing tree coverage is most sparse. Therefore, whilst it has been put to me that the proposal would be a discrete piece of architecture, for the above reasons, I find that the proposal would be visually obtrusive.</p> <p>I acknowledge that the existing landscaping within the appeal site would provide a reasonable level of screening throughout the year. However, there would be periods during the winter when the tree canopies are reduced during which time, the incongruous form of the proposal would be more apparent.</p> <p>In coming to this view, I have had regard to the 2018 planning permission. Although the design concept is similar, unlike the appeal proposal, the previous scheme was separated into two, relatively modest buildings and featured a pitched roof. Consequently, whilst the height of the dwelling exceeded the appeal scheme, the overall mass and form of the 2018 proposal</p>				

<p>was notably different and therefore did not read as a prominent and incongruous addition. To this end, even if this permission remained extant, the previous acceptance of this less harmful option does not weigh in favour of this proposal. Accordingly, I find that the proposed development would adversely affect the character and appearance of the area.</p> <p>As the competent authority, I need to be certain that the proposal would not have an adverse effect on the integrity of the Chilterns Beechwoods SAC. However, in the absence of an appropriate legal agreement, I cannot ascertain this. In such circumstances, the Habitat Regulations set out that the competent authority may only agree to the project if there are no alternative solutions, and the project must be carried out for imperative reasons of overriding public interest. Although no alternative solutions have been put to me, the available evidence does not indicate that the proposal meets the tests of overriding public interest. Therefore, under the Habitat Regulations, I cannot agree to the proposal.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">21/04770/FUL</a>	W/22/3309745	Hamberlins Farm, Hamberlins Lane, Northchurch	Written Representations
<b>Date of Decision:</b>			01/08/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309745">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309745</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is the demolition of existing buildings to form five residential units alongside access, parking and landscaping.</p> <p>It is undisputed that Plots 1 and 3 of the scheme, on the south side of the site, are not PDL. None of the exceptions within paragraphs 149 and 150 of the Framework apply to Plots 1 and 3 and these areas would consequently form inappropriate development in the Green Belt, which would conflict with its aims by failing to safeguard the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>Turning to the effect of the development of Plots 1 and 3 on openness, this assessment has both a spatial and a visual aspect. The two plots currently hold barns, a mobile home and the remnants of a collapsed structure. The proposed development at the plots would have a similar height to existing development. Whilst the proposed development would bring about a limited increase in the developed footprint of the plots, it would significantly reduce the volume of built form. It would additionally substantially increase the quantity of soft landscaping, and the proposed buildings would have a similar alignment to existing development, allowing for the retention of most sightlines through the two plots. Therefore, in overall terms, the proposed development would not harm openness at Plots 1 and 3.</p> <p>The remaining plots (2, 4 and 5) of the scheme are considered by the parties to form PDL and I see no reason to disagree with that assessment. This</p>				

<p>element of the site would be completely redeveloped and would not contribute to meeting an identified affordable housing need within the area. It is consequently necessary, in accordance with paragraph 149g) of the Framework, to consider whether the development of plots 2, 4 and 5 would have a greater impact on the openness of the Green Belt than the existing development.</p> <p>I consider that in both spatial and visual terms the proposed development of Plots 2, 4 and 5 only would not have a greater impact on the openness of the Green Belt than the existing development at those plots. It would consequently be not inappropriate development in the Green Belt, which complies with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.</p> <p>Nevertheless, the proposed development of Plots 1 and 3 would cause harm to the Green Belt by reason of inappropriate development.</p> <p>The appeal site lies within a valley in the Chilterns Area of Outstanding Natural Beauty (AONB). The scale, layout and homogenous design of the proposed development of five dwellings would give rise to a contemporary and suburban appearance which would draw the eye within an area of open countryside which allows for panoramic and scenic views across a valley of the AONB from a number of publicly accessible points. Such views are identified as a special quality of the Chilterns in its Management Plan. The proposed landscaping would only partially screen the scheme, for the reasons given above. Furthermore, any screening would be reduced for part of the year due to leaf loss from the proposed deciduous species, so that the development would be visible or glimpsed within several views in the vicinity over an enduring period. The proposal would therefore form an incongruous feature of undue prominence within views across the AONB. The scheme as a whole would consequently cause unacceptable harm to the appearance of the area with particular regard to its effect on the AONB.</p> <p>Whilst I have considered the Green Belt implications for the relevant part of the site only, in concluding I am considering the proposed development as a whole. The very special circumstances necessary to justify the development of Plots 1 and 3 do not exist. The proposal in respect of Plots 2, 4 and 5 conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">21/02825/FUL</a>	W/22/3293715	Church Farm, Station Road, Aldbury	Written Representations
<b>Date of Decision:</b>			14/08/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3293715">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3293715</a>				
<b>Inspector's Key conclusions:</b>				
The proposed development is proposed is Demolition of Building 1 and construction of mixed used development of offices and 4 No. two-bedroom flats.				

The replacement building would be U-shaped but on a different alignment to the parallel ranges of the Church Farm buildings. It would also have numerous openings facing towards the surrounding AONB countryside, as well as an elongated built edge alongside the adjacent footpath. The proposed building would have a contrived appearance, with a complicated pattern of fenestration, roof articulation, gables and mix of contemporary and modern materials. Broadly, the proposed materials would be suggestive of a barn conversion, and the proposal would neither successfully emulate the authenticity of a traditional agricultural building, nor achieve a successful contemporary aesthetic. Rather, the extent of glazing, balconies, parking forecourt, large bin store and enclosed communal amenity area would create the appearance of a two-storey block of flats.

Even with offices on the ground floor, a smaller footprint and overall built volume, the form, solidity and permanence of the proposed building would be an uncharacteristic and domestic intrusion at Church Farm. Looking towards the appeal site from the adjacent footpath, the surrounding AONB countryside and the churchyard, the overtly domestic form and uncharacteristic impact of the proposal and associated activity would be obvious, especially at night.

Even if materials could be conditioned and new hedgerows planted, overall I consider that the proposal would cause harm to the character and appearance of the area. The proposal would fail to achieve a satisfactory assimilation into the AONB landscape, the natural beauty of which would be neither conserved nor enhanced. There would be a weakening of the legibility of the 'model farm' arrangement and strong sense of place at Church Farm, thus the significance of the NDHAs at Church Farm would be indirectly harmed through development within their settings, and the character and appearance of the CA as a whole would not be preserved or enhanced. While I am aware of the intervening distances and that the Council did not find harm to the setting of the listed Church, in my judgement, the urbanising and domestic impact of the proposal would in a small way diminish from the wider rural context of the Church, failing to preserve and causing some harm to its setting. I do agree with the Council that the setting of the School would be preserved.

Owing to the scale and nature of the proposal and the impact on the significance of the listed Church, the Church Farm NDHAs and CA as a whole, I consider the degree of harm to each as designated heritage assets would be less than substantial.

I do not consider that the amenity space would be harmfully overlooked by the offices, nor that future occupiers would lack a sense of privacy having to walk past office windows to access it.

Considerable importance and weight attach to the desirability of preserving the significance of a designated heritage asset (and the more important the asset, the greater the weight should be). Less than substantial harm should not be equated with less than substantial planning objection. The public benefits associated with the appeal proposal do not cumulatively present sufficient

	weight to offset the harm to the CA and listed Church as designated heritage assets.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">22/01347/FHA</a>	D/22/3313973	Lower Farm End, Luton Road, Markyate	Householder
	<b>Date of Decision:</b>		21/08/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313973">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313973</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a replacement roof extension.</p> <p>The proposed development can be described as the extension of an existing dwelling. The Framework is clear that the extension or alteration of a building might not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. Although the proposed development would not result in an increase in the footprint of the dwelling. However, this is not the only means by which the size of an extension can be assessed. In this case, the proposed development would result in a significantly larger dwelling. This is because, as part of the development, there would be a notable increase in the height of the eaves and the overall height of the dwelling.</p> <p>In addition, the proposed development would also include the insertion of two, large, dormers on two different elevations of the proposed development. These would have a height comparable to the overall height of the proposed development. This means that the development would create a dwelling that would result in a significantly greater height, mass and bulk than the existing dwelling. The proposed development would therefore result in the creation of a disproportionate addition. I therefore conclude that the proposal would be an inappropriate development within the Green Belt.</p> <p>The proposed developments would result in a notable increase in the overall level of built form. This would comprise the increase in floor space in addition to the greater height and massing of the new dwelling. In result of this, the proposed development would result in an erosion of the spatial sense of openness that is an intrinsic feature of the Green Belt.</p> <p>In result, the proposed development would create a more urbanising form of development which would conflict with the general purposes of including land within the Green Belt given that it would erode the predominantly open character of the vicinity of the appeal site. I therefore conclude that the proposed development would have an adverse effect upon the Green Belt sense of openness.</p>			

## 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 03 July 2023 and 24 August 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/01432/FHA</a>	D/22/3310048	The Old Stables, Norcott Hill, Northchurch	Householder
<b>Date of Decision:</b>			20/07/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310048">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310048</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is a rear extension and minor changes to existing windows.</p> <p>Dormers of a limited scale are present within the grouping and appear in keeping with the agricultural character of the buildings. Overall, the farm grouping contributes positively to the rural landscape and scenic beauty of the AONB.</p> <p>The proposed dormer would be located on the western roof slope, minimally visible from public view. The design and scale of the dormer would be similar to a number of other dormers located within the farm group. It would be set down significantly from the ridge line with the overall scale limited to the size of the window and would appear subservient to the main linear mass. Further, rooflights appear throughout the farm group and due to their low profile, would not distract from the overall simplicity of the roof form adjacent the highway.</p> <p>Although the proposed extension would project beyond the historic building line of the property, it would continue the strong linear pattern of development seen along Norcott Hill and would not affect the existing enclosed farmyard character of the wider grouping. The proposal would extend the built mass of the farm grouping to the north, however it would not encroach on open countryside and would be disguised in long views by the neighbouring properties and mature garden. The proposed gable would be visually prominent in short views when approaching from the north, however this would replicate the current prominence of the existing gable.</p> <p>Due to its use of traditional materials, detailing and simple linear form, the extension would be sympathetic to the host property and would be in keeping with the rural context. The host property and the adjoining dwellings would continue to be read and understood as a large complex of former farm buildings.</p> <p>Overall, the proposed extension would maintain the simple agricultural character of the host property as well as the wider farm grouping and would not harm the significance of the host property. The proposal would conserve the landscape and scenic beauty of the AONB.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">22/02079/TEL</a>	W/22/3307694	Redbourn Road Street Works, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		15/08/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3307694">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3307694</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.</p> <p>Under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.</p> <p>There is no requirement within either the GPDO 2015 or the Framework for a developer to demonstrate that they have identified the best feasible siting for the proposed installation, unless harm is identified.</p> <p>The proposed installation would include the erection of a tall mast within the grass verge. The proposed mast would be viewed alongside other tall items of street furniture and the commercial properties. Visually the mast would appear in keeping with other street furniture and alongside the commercial properties and given the extent of existing items would not lead to views appearing cluttered.</p> <p>The proposed installation would be sited away from the tall trees and dense shrubbery, which would partially screen the proposed installation in wider views. The provision of telecoms equipment is expected within what is a busy, urban, roadside environment and, in this instance, it would reflect the existing public realm.</p> <p>I therefore consider that no harm would be caused by the siting and appearance of the proposed installation; the Council also agree with this view. As no harm has been identified, in this instance, the appellant is not required to demonstrate that they have identified the best feasible siting for the proposed installation.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">22/03773/TEL</a>	W/23/3317771	Site At Billet Lane, Gossoms End, Berkhamsted	Written Representations
	<b>Date of Decision:</b>		18/08/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3317771">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3317771</a>			
	<b>Inspector's Key conclusions:</b>			
	The proposed development is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.			

Under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally. The height of the proposed monopole would be some 5 metres taller than nearby existing street lights and it would be taller than the adjacent commercial building. Whilst the proposal would be read as being grouped with this existing street furniture against a backdrop of a commercial use when travelling toward the junction, it would be noticeably taller and wider than the existing street furniture, and it would be taller than neighbouring buildings.

Due to its height and prominent siting within the footway, the proposal would be readily visible from various points along Billet Lane and the A4251. Given its height and width, and relatively prominent siting, the proposed monopole would be somewhat at odds with the prevailing smaller scale mixed use nature and verdant character of the area. The siting and appearance of the proposal would be moderately harmful to the character and appearance of the surrounding area.

It is evident from the appellant's submission that there is a need for improved network coverage in the area. The proposal would provide significant benefits through the upgrade to digital telecommunications in this area allowing for additional coverage and capacity.

The appellant has supplied information and maps regarding the site selection process and has explored several other siting options. Contrary to the Council's view, the appeal submission details that the appellant has conducted a desktop survey and physical inspection of the area to assess opportunities for mast sharing and the use of buildings. This concluded that there were no mast sharing opportunities or existing buildings to utilise, as such a new mast would be required. After due consideration all were discounted for various reasons including pavements being too narrow, the proximity of residential properties, obstruction of and by junction visibility splays and overhead lines.

There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver much needed improved coverage and capacity is a consideration which weighs strongly in favour of the development. To the extent that it would be sufficient to justify it against the moderate harm that would arise from the siting and appearance of the proposal.



No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">22/03390/ROC</a>	W/23/3316329	26 Hempstead Lane, Potten End	Written Representations
<b>Date of Decision:</b>			21/08/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316329">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316329</a>				
<b>Inspector's Key conclusions:</b>				
<p>The condition in dispute is No 6 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority: Schedule 2 Part 1 Classes [A,AA, B and E].</p> <p>Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development (PD) rights unless there is clear justification to do so. The GPDO sets out the PD rights for development within the curtilage of a dwellinghouse. These rights apply generally to all dwellinghouses, with some exceptions. Given that land within the Green Belt was omitted from these exceptions, land within the Green Belt is regarded as no different in terms of the application of PD rights as land outside of it.</p> <p>The appeal site's location within the Green Belt, does not, in itself, represent an exceptional circumstance to warrant removal of PD rights. I have considered the particular characteristics of the dwelling and its surroundings. The proposed dwelling would sit on a large plot and would be large in scale. However, it would be located between similar size dwellings. The immediate area has a wide range of dwelling types and scales, with larger dwellings noted in close proximity. During my site visit I noted that nearby properties also had a variety of extensions and outbuildings.</p> <p>Bearing in mind the limitations of the GPDO in terms of size and position of development, I am not persuaded that the specific circumstances of this site, being part of a built up frontage with a variety of scales, design and outbuildings, are such that extensions and alteration to the approved dwelling would have such an effect on the openness of the Green Belt or its purposes that removal of PD rights is justified.</p> <p>Therefore, a condition restricting PD rights is not reasonable or necessary in the interests of the openness and visual amenities of the Green Belt or the living conditions of nearby residents.</p>				

## **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn or invalid between 03 July 2023 and 24 August 2023.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">22/03241/FUL</a>	W/23/332209	Abilea Meadows, Friendless Lane, Flamstead	Written Representations
<b>Date of Decision:</b>			31/07/2023	
<b>Link to full decision:</b>				
n/a				
<b>Inspector's Key conclusions:</b>				
Appeal withdrawn by appellant.				

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 03 July 2023 and 24 August 2023.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/23/00096/NPP</a>	C/23/3326355	2 Bulstrode Close, Chipperfield	Written Representations
2	<a href="#">E/23/00096/NPP</a>	C/23/3326356	2 Bulstrode Close, Chipperfield	Written Representations

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 03 July 2023 and 24 August 2023.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/21/00302/NPP</a>	C/22/3311899	45 Lawn Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			14/07/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3311899">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3311899</a>				
<b>Inspector's Key conclusions:</b>				
<p>In an appeal on ground (d), the onus is on the appellant to demonstrate, on the balance of probabilities, that at the time the notice was issued, it was too late to take enforcement action in respect of the alleged breach of planning control.</p> <p>There is no documentary evidence of rent paid or received for this period...There is no explanation about why payments are registered against a</p>				

name other than the one on the Tenancy Agreements... There is no presented evidence of payments made or received from or relating to the tenant.

There is ambiguity with the evidence presented. The TAs cover a period from January 2018 to April 2022 (assumed to be 2023) and there is a gap of 4 months and 3 months where there is no TA in place and no indication of rental payments being made. Gaps are explained as being 'between tenancies'. However, it seems to me that a gap of 4 months and one of 3 months is a significant period when the building may have been put to a different use. Notwithstanding these gaps, the evidence of rent paid or an income received is intermittent for the periods during which the building is said to have been occupied by a tenant. Complete evidence of payments made or received during the pertinent period should be available to support the appellant's case with Herts Lettings having some form of control/management of the appeal building since early 2018.

While I acknowledge that a Statutory Declaration has been provided by the appellant stating that the outbuilding has been continuously rented out to tenants since at least January 2018, except for vacant periods between lets, the content does not accord with the evidence provided, and this casts doubt on its accuracy. In these circumstances I give it limited weight.

Prior to the Council's enforcement investigation, its private housing team had conducted a site visit on 31 May 2019, and it was reported that at this time the outbuilding was not in a condition to be used as residential and was being used for storage. The appellant justifies this matter with a screenshot of an email dated 29 May 2019 from Zachary Owens (listed as the tenant in the TA) to the appellant explaining that they were using the building for 'mini storage for a few days' and that their residential use would resume.

The photographs taken in May 2019 by the Council show the building in use for storage, with furniture piled up and stacked rolls of insulation. It also shows the filter hood above a space where the cooker should be and there is wiring hanging from the duct and the equipment is missing the splash back and duct casing. Furthermore, the 2019 photographs show the exterior of the building without the horizontal cladding and windows with tape on the frames, which indicates to me that they were a recent addition to the building and that the building works had not been completed to provide a waterproof structure.

Overall, I find that the submitted evidence lacks precision and is ambiguous. Consequently, I am unable to conclude on the balance of probabilities that the use of the outbuilding as a self-contained dwelling has existed for more than 4 years beginning with the date of the breach. Accordingly, the appellant has not shown, as a matter of fact and degree, that when the notice was issued, no enforcement action could be taken in respect of the breach of planning control.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">E/21/00430/NPP</a>	C/22/3302653	1 The Orchard, Kings Langley	Written Representations
<b>Date of Decision:</b>			21/07/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302653">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302653</a>				
<b>Inspector's Key conclusions:</b>				
<p>There is no appeal on ground (a) therefore the planning merits of the matters alleged do not fall to be considered.</p> <p>The appeal on ground (c) is a claim that the development does not constitute a breach of planning control. The appeal fence is made of 'hurdles' which the appellant says are temporary in nature due to their life span of 7-8 years. They maintain that the intended use of the hurdles is to allow the hedge to establish over one or two years. It is also suggested by the appellant that the hurdles are a form of hoarding for the site while building works are in progress. Thus, the gist of the appellant's case under their appeal on ground (c) is that the fence does not constitute a breach of planning control because it is not a permanent structure.</p> <p>The hurdles are physically attached to posts that are set into the ground and are performing a function of enclosing the space. The fence provides a physical barrier enclosing the open space to the front of the house and has remained in the same position for some time. Consequently, taking into account the evidence before me, I am satisfied that, as a matter of fact and degree, the fence comprises a physical alteration to the land of sufficient permanence that it constitutes development for the purposes of section 55 of the 1990 Act.</p> <p>In this case the fence along with the wall, which it exceeds in height, are clearly intended as a means of enclosure to the appellant's land. Having seen the location in conjunction with the highway, it is my view that the fence would, as a matter of fact and degree, be 'adjacent' to the highway and, despite the intervening lower-level brick boundary wall, would be perceived as such. Consequently, I find that the development does not constitute development permitted by Class A of Part 2 of Schedule 2 of the Order. Planning permission for it is not therefore granted by virtue of Article 3. I conclude that the alleged breach does constitute a breach of planning control and express planning permission is required. The appeal on ground (c) therefore fails.</p> <p>The basis for an appeal on ground (f) is that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or any injury to amenity. There is nothing short of either removing the fence in its entirety or reducing its height that would achieve the purpose behind the requirements. Accordingly, the appeal on ground (f) fails.</p> <p>An appeal on ground (g) is that the period for compliance specified in the notice falls short of what should be reasonably allowed. The notice gives a period of six weeks. The appeal on ground (g) does not succeed.</p>				

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 03 July 2023 and 24 August 2023.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 03 July 2023 and 24 August 2023.

**None.**

## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2023 (up to 24 August 2023).

<b>APPEALS LODGED IN 2023</b>	
PLANNING APPEALS LODGED	46
ENFORCEMENT APPEALS LODGED	12
TOTAL APPEALS LODGED	58

<b>APPEALS DECIDED IN 2023</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	44	100
APPEALS DISMISSED	26	59.1
APPEALS ALLOWED	16	36.4
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	4.5

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2023</b>		
Total	26	100
Non-determination	3	11.5
Delegated	21	80.8
DMC decision with Officer recommendation	1	3.8
DMC decision contrary to Officer recommendation	1	3.8

<b>APPEALS ALLOWED IN 2023</b>	<b>TOTAL</b>	<b>%</b>
Total	16	100
Non-determination	0	0
Delegated	14	87.5
DMC decision with Officer recommendation	1	6.25
DMC decision contrary to Officer recommendation	1	6.25

## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">22/00456/FUL</a>	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	<a href="#">E/21/00041/NPP</a>	C/22/3290614	The Old Oak, Hogpits Bottom Flaunden	tbc
2	<a href="#">22/01106/MFA</a>	W/23/3317818	Solar Array, Little Heath Lane, Little Heath, Berkhamsted	In progress

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 03 July 2023 and 24 August 2023.

None.

## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 03 July 2023 and 24 August 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/01347/FHA</a>	D/22/3313973	Lower Farm End, Luton Road, Markyate	Householder
	<b>Date of Decision:</b>		21/08/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313973">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313973</a>			
	<b>Inspector's Key conclusions:</b>			
	In this instance, the Council identified areas of national and local planning policies that are relevant to the proposed development. In addition, the Council explained how they considered that these policies were breached and the			

<p>harm that would arise from these breaches. Therefore, I find that the Council properly substantiated the reasons for refusal.</p> <p>Although the Council referenced the presence of an outbuilding in their delegated report, it is clear that this is only one of the material considerations that the Council considered relevant to the determination of the planning application. In consequence, I cannot find that the references to this building by the Council to be unreasonable.</p> <p>The applicant has suggested that the Council's Planning Officer indicated that the scheme was acceptable prior to the determination of the planning application. Whilst this may be the case, the Council's reasons for refusal are properly substantiated and have relied upon relevant policies. This is therefore not evidence of unreasonable behaviour that has created wasted expense.</p> <p>I understand that the Council has previously permitted other developments at the appeal site. However, it is clear from the Council's delegated report that these have differing forms and purposes to the appeal scheme. In result, a differing approach is justified in this instance. I therefore do not find that this is evidence of unreasonable behaviour.</p> <p>In consequence, I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00430/NPP	C/22/3302653	1 The Orchard, Kings Langley	Written Representations
<b>Date of Decision:</b>			21/08/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302653">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302653</a>				
<b>Inspector's Key conclusions:</b>				
<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 applicant submits that the Council behaved unreasonably by taking enforcement action and issuing the notice one or two weeks earlier than expected. The applicant has also detailed numbers of cases within the borough relating to enforcement notices issued, retrospective planning permission granted, resolution of breaches and expediency not to enforce for matters concerning fences. They consider that with the rarity of issued notices, the temporary nature of their fence and the fact that the fence was to be screened with Heras style fencing, action was 'unjustified and bizarre'.</p>				



The Council confirmed in a letter dated 8 December 2021 to the applicant that the fence should be removed, or an application submitted. The applicant was given 28 days to respond. This complies with the Council's Local Enforcement Plan (LEP). Further email correspondence dated 5 January 2022 between the parties confirmed the Council's stance and again provided a deadline of 28 days after which time enforcement action would be taken. The applicant was therefore aware that an enforcement notice could be issued from early February 2022, having been given 28 days in which to apply for planning permission or to remove the hurdle style fence.

The planning enforcement investigating officer's report on the expediency of taking formal action, dated 28 January 2022, outlines the breach and attempted resolution. It states that following non-compliance with the Council's requests, enforcement action was considered necessary because of the harm caused by the development in terms of its adverse effect upon the character and appearance of the surrounding area. The notice was subsequently issued on 5 July 2022. While it may have been better practice to issue the notice in a timelier manner, the Council's LEP provides no guidance on the period within which a notice should be issued.

From the evidence before me, the applicant was fully aware that enforcement action was proceeding and that a notice would be issued at some point from the end of the 28-day period referred to by the Council in their correspondence dated 5 January 2022. Whether or not it was ultimately issued one or two weeks before expected by the applicant seems to me to make little difference to any outcome. The applicant had sufficient opportunities to apply for a certificate of lawfulness, apply for planning permission or remove the fence but they had not.

Notwithstanding this, an appeal against the enforcement notice has allowed the applicant the opportunity to bring an appeal against grounds that the development does not constitute a breach of planning control. They also had the opportunity to appeal against grounds that planning permission ought to be granted, although this ground was not pursued.

The power to issue an enforcement notice is discretionary. An enforcement notice should only be issued where the local planning authority is satisfied that it appears to them that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.

The Council acknowledges a high proportion of alleged breaches of planning control are investigated and then closed, for reasons that enforcement action would not be expedient to pursue. Nevertheless, the Council clearly deemed the appeal fence harmful in its context and contrary to the National Planning Policy Framework and development plan policies with reasons set out within the notice. This course of action meets with the guidance contained within the Council's Local Enforcement Plan (LEP) and the PPG2.

For these reasons, I find that unreasonable behaviour resulting in unnecessary

	or wasted expense, as described in the PPG, has not been demonstrated and having regard to all other matters raised, an award of costs is not justified for the appeal.
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## 6.14 FURTHER SUMMARY OF APPEALS IN 2023

<b>APPEALS LODGED IN 2023</b>	<b>TOTAL</b>	<b>% OF TOTAL</b>
HOUSEHOLDER	18	31
MINOR	19	32.7
MAJOR	1	1.7
LISTED BUILDING	1	1.7
CONDITIONS	1	1.7
TELECOMMUNICATIONS	2	3.4
LAWFUL DEVELOPMENT CERTIFICATE	2	3.4
PRIOR APPROVAL	2	3.4
LEGAL AGREEMENT	0	0
ENFORCEMENT	12	20.7
<b>TOTAL APPEALS LODGED</b>	<b>58</b>	<b>100</b>

<b>APPEALS DECIDED IN 2023</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
HOUSEHOLDER	19	43.2
MINOR	13	29.5
MAJOR	1	2.3
LISTED BUILDING	1	2.3
CONDITIONS	3	6.8
TELECOMMUNICATIONS	2	4.5
LAWFUL DEVELOPMENT CERTIFICATE	1	2.3
PRIOR APPROVAL	0	0
LEGAL AGREEMENT	1	2.3
PERMISSION IN PRINCIPLE	1	2.3
ENFORCEMENT	2	4.5
<b>TOTAL APPEALS DECIDED</b>	<b>44</b>	<b>100</b>