



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 16 NOVEMBER 2023 AT 7.00 PM

IF YOU WISH TO VIEW THIS MEETING YOU CAN USING THE LINK BELOW

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 310 788 485 054

Passcode: y9KKAG

[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)

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

Membership

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

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 23/01583/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping - Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH (Pages 6 - 67)
- (b) 23/00023/FUL - Demolition of existing outbuildings and construction of a new bungalow - Lower Farm End Luton Road Markyate St Albans Hertfordshire AL3 8PZ (Pages 68 - 92)
- (c) 23/01905/FHA - Single storey side extension, conversion of garage, new porch and replacement pillars - Holly House, 8 Kilfillan Gardens, Berkhamsted (Pages 93 - 105)
- (d) 23/00767/FHA - Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window - 43 Highfield Road Berkhamsted Hertfordshire HP4 2DD (Pages 106 - 116)
- (e) 23/02040/RET - Retention of replacement raised decking with proposed modifications incorporating removal of lower platform - 7 Olivers Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SL (Pages 117 - 134)

6. APPEALS UPDATE (Pages 135 - 147)

INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	23/01583/FUL	Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping. Land Rear Of 38-40 Windmill Way, Tring, Hertfordshire, HP23 4EH	
5b.	23/00023/FUL	Demolition of existing outbuildings and construction of a new bungalow. Lower Farm End, Luton Road, Markyate, St Albans	
5c.	23/01905/FHA	Single storey side extension, partial garage conversion with new roof, new front porch and replacement pillars Holly House , 8 Kilfillan Gardens, Berkhamsted, Hertfordshire	
5d.	23/00767/FHA	Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window. 43 Highfield Road, Berkhamsted, Hertfordshire, HP4 2DD	
5e.	23/02040/RET	Retention of replacement raised decking with proposed modifications incorporating removal of lower platform 7 Olivers Close, Potten End, Berkhamsted, Hertfordshire	

Agenda Item 5a

ITEM NUMBER: 5a

23/01583/FUL	Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.	
Site Address:	Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH	
Applicant/Agent:	East	Mr Greg Basmadjian
Case Officer:	Elspeth Palmer	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Due to contrary view of Tring Town 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 application site is located in a residential area of Tring where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposed development is considered to be acceptable in terms of its siting, design, bulk, scale and use of materials and would not detract from the appearance of the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).

3. SITE DESCRIPTION

- 3.1 The application site lies to the west of Christchurch Road and to the rear of Nos. 38 and 40 Windmill Way within a designated residential area of Tring. The site would have a frontage onto Christchurch Road to the east.
- 3.2 The site is currently occupied by a single detached garage and benefits from an access onto Christchurch Road towards the southern end of the plot. There is therefore an existing dropped kerb.
- 3.3 On the eastern side of the site is a wedge of amenity land. Corridors of amenity land are a common feature found on both sides of Christchurch Road and form part of the character of the area.
- 3.4 Just outside of the site and running along the southern boundary is a public footpath leading behind to Osmington Place and behind the properties that front Windmill Way. The amenity land to the south of the footpath has a number of significant Beech Trees which have an extensive crown spread which extends well over the south-eastern part of the site.

4. PROPOSAL

- 4.1 The application seeks full planning permission for demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking/landscaping.

Background

- 4.2 The principle of utilising this plot of land for new housing has been established by virtue of previous consents, the first of which (4/01783/18/OUT) was granted on 13th September 2018 for the demolition of a double garage and construction of a new chalet bungalow.
- 4.3 In the intervening period between the approval 4/01783/18/OUT and the submission of the subject application a number of applications have been submitted, two of which were subsequently withdrawn.
- 4.4 The first of these applications was 21/00857/OUT related to the construction of a pair of semi-detached dwellings, which was withdrawn on 30th April 2021.
- 4.5 Following feedback received from the case officer, an outline planning permission (21/03021/OUT) was submitted and granted on 18th November 2021 for the demolition of the existing garage and the construction of a detached chalet bungalow.
- 4.6 A more recent application (22/02278/FUL) sought consent for the construction of two detached dwellings. This application was withdrawn on the advice of the Planning Officer, who raised concerns.
- 4.7 A further application 23/00295/FUL for demolition of the existing single storey garage building and construction of 1 no. detached four bedroom dwelling with associated car parking/landscaping was withdrawn due to issues raised by the Case Officer.
- 4.8 The most recent application 23/00693/FUL for demolition of the existing single storey garage building and construction of 1 no. detached four bedroom dwelling with associated car parking/landscaping was refused on the grounds of character, parking and highways.
- 4.9 The current application has sought to address the reasons for refusal.
- 4.10 Amended plans were requested during the course of this application to address the concerns of the Urban Design Officer. Amended plans were submitted and consulted upon.

5. PLANNING HISTORY

Planning Applications:

(4/01783/18/OUT) – Outline planning. Demolition of a double garage and construction of a new chalet bungalow.

GRANTED – 13th September 2018

21/00857/OUT - Outline planning. Demolition of the existing detached, double garage and construction of a pair of semi-detached dwellings with private gardens and off street parking.
WITHDRAWN - 30th April 2021

21/03021/OUT - Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow.

GRANTED - 18th November 2021

22/02278/FUL - Demolition of existing single storey garage building. Construction of 2no. detached three-bedroom family dwellings with associated car parking / landscaping.

WITHDRAWN - 31st August 2022

23/00295/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

WDN - 22nd February 2023

23/00693/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

REFUSED - 18th May 2023

6. CONSTRAINTS

CIL Zone: CIL2

Pressure: MP

Parish: Tring CP

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

Residential Character Area: TCA5

Parking Standards: New Zone 3

Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)

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

CS17 – New Housing

CS18 – Mix of Housing

CS26 – Green Infrastructure

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Saved Policies of Dacorum Borough Local Plan

10 – Optimising the use of urban land
21 – Density of residential development
51 – Development and Transport Impacts
54 – Highway Design

Saved Appendix 3

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2022)
Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), TCA5:
Christchurch Road and Dundale Road.

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;
The impact on significant trees; and
The impact on highway safety and car parking.

Principle of Development

- 9.2 Policy CS1 of the Dacorum Core Strategy states that market towns, such as Tring, will accommodate new development for housing, employment and other uses.
- 9.3 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.
- 9.4 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.
- 9.5 Saved DBC Local Plan Policy 10 seeks to optimise the use of available land within urban areas.
- 9.6 The principle of a new dwelling in this location is therefore acceptable and has been established through the granting of outline planning permission in 2018 and again in 2021 (21/03021/OUT). The main issues of consideration relate to the effect of the development on the street scene and the potential impacts on the residential amenity of neighbouring properties and significant trees.

Quality of Design / Impact on Visual Amenity

- 9.7 The NPPF 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 Core Strategy seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.8 The site resides within residential character area TCA5: Christchurch Road and Dundale Road according to Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), which is described as a large, broadly low density area of mainly detached and semi-detached predominantly two storey houses of a variety of ages and designs, based on Christchurch Road and Dundale Road and numerous roads and cul-de-sacs leading off from them.

The design of the housing in this area is identified as:

"Design: Extensive variety throughout Parts of the area have been developed in blocks, groups and separate streets with distinct design characteristics."

The development principles set out:

"Housing Design: No special requirements...."

Type: A variety of dwelling types are acceptable, but proposals should relate well in terms of the type, design, scale, bulk and layout of nearby and adjacent development.

Height: Should not exceed two storeys.

Size: Medium sized dwellings are appropriate. Large scale, bulky buildings will not normally be permitted.

Layout: The existing layout structure should be maintained. Dwellings should normally front the highway with gardens provided to their front and rear. Building lines, where present should be followed.....

Density: Should be compatible with the existing character." "Mainly within the low density range (15-25 dwellings/ha)."

Housing Design and Type

- 9.9 The predominant character of dwellings near to the site facing Christchurch Road to the south include two storey detached dwellings with a hipped roof, attached single garage and modest front porch – with a 3 window width at first floor. Hanging tiles and render at ground floor. Chalet bungalows are located opposite the shops located on Christchurch Road adjacent to the site. Further along Christchurch Road to the south but on the opposite side is a two storey dwelling with a cat-slide roof and further to the north on the opposite side of the site are two dwellings with a cat-slide roof similar to the design of the current scheme. More dwellings with this design are found further along this part of the road. The other dwellings follow a similar scale to the nearby dwellings but are brick and tile with a gable facing the road. The dwellings along Windmill Way are predominantly two storey semi – detached dwellings with render and cladding. There is a clear building line with the majority of dwellings being set back from the road with enough space for the parking of vehicles off street. All these dwellings are of a width to accommodate two or three windows at first floor.
- 9.10 The proposal seeks permission for a large two storey detached dwelling with 4 bedrooms and a basement area for a home cinema/gym, games room and patio area.

- 9.11 The proposed design of the new dwelling does correlate with local examples. The cat slide roof with gable ends directly replicates the design of local examples which all follow the same structural rules: the ridge height meets the lowest eave height in a single line creating a simple and clean roof form.
- 9.12 The dormer to the front roof slope has a flat roof which responds to and reflects the local character and architecture. The windows on the upper floor sit beneath the eave height of the upper eave level which is also in character with the local character.
- 9.13 It is considered that the proposed dwelling is sensitive to and responds to the local vernacular well.
- 9.14 The street scene plans provided by the applicant show that the proposed new dwelling will have a similar ridge height to the adjacent shops and those dwellings along Windmill Way.
- 9.15 Whilst acknowledging that the proposed new dwelling is large the amended plans show a dwelling which is less bulky than the one previously refused due to the design of the front elevation being broken up and of a design which is in character with other dwellings in the street scene.

Layout

- 9.16 The proposed dwelling does front the highway with gardens to the front and rear.
- 9.17 The dwelling is located towards the front of the site but will be set back from the public footpath by 10.5 metres at the furthest point and 7 metres at the shortest point. This includes a large corridor of amenity land which is not to be included in the residential curtilage. The amenity land is located approx. 1.5 metres away from the front Porch and 3.5 metres away from the front elevation of the proposed dwelling at the point closest to the side boundary with No. 40 Windmill Way. The retention and protection of the amenity land will be covered in more detail below.
- 9.18 This kind of setback is similar to that found further north on Christchurch Road. Due to this setback and the 1.5 storey element being closest to the frontage it is considered that the proposed new dwelling will not be visually prominent in the street scene.
- 9.19 The building line along this section of Christchurch Road is varied especially in the immediate vicinity of the site. To the north is a two storey building with shops at ground floor and residential above which is closer to the footpath than the proposed new dwelling. The shops have a hard stand area to the front. The Beech trees to the south of the site restrict views of the building line further south.
- 9.20 The properties beyond the Beech trees "Midway" and "Little Clodan" have a staggered building line.
- 9.21 It is accepted that this scheme is of a similar size to the one refused but the bulk has been reduced and design improved so on balance it is now considered acceptable.
- 9.22 The car parking has now been located further away from the crown spread of the four Beech trees covered by Tree Preservation Orders to avoid the potential for pressure to trim or lop these trees.
- 9.23 It is considered that the proposed dwelling by nature of its design, scale and bulk will be in character with the street scene and not appear visually prominent from the north or south along Christchurch Road as shown in the perspective views provided by the applicant.

- 9.24 The proposed development would therefore be in accordance with CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 130.

Impact on Residential Amenity

- 9.25 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties amenity including loss of light and privacy.

Sunlight and daylight

- 9.26 The nearest dwellings to the proposed new dwelling are No. 40 and No. 38 Windmill Way which are located immediately to the north of the site.
- 9.27 The proposed new dwelling will be located approx. 20.5 metres (when measured from the proposed site plan) away from the rear elevations of No. 40 and 38 Windmill Way but more in line with the rear garden of No. 40 Windmill Way.
- 9.28 The applicant has provided a plan showing the 25 degree test in terms of the rear windows of No. 40 and it is clear that there will be no significant loss of sunlight and daylight to these windows as a result of the proposed new dwelling. Based on this distance away from No. 40 and the scale and change in design to cat slide roof to reduce the impact of the new dwelling it is not considered that there will be any significant visual intrusion to warrant refusal of the application.
- 9.29 Due to the relationship between the new building and the nearest neighbours it is not considered that there would be a significant loss of sunlight and daylight or visual intrusion.

Overlooking and loss of privacy

- 9.30 In terms of overlooking and loss of privacy, there will be a bathroom window at first floor in the elevation facing No. 40 Windmill Way but this will be conditioned to be non-opening and obscure glazed below 1.7 metres from the finished floor level thus removing any overlooking issues.
- 9.31 An objection was received from No. 40 Windmill Way regarding potential overlooking from the ground floor window in the north-west side elevation. This window at its highest point is 2 metres from the natural ground level so would be in line with the boundary fencing between the two properties. However, due to the raised patio to the rear of No. 40 Windmill Road it is considered that there would be some overlooking towards this window over the fenceline. It is therefore recommended that this window be obscure glazed and non opening from 1.7 metres above the finished internal floor level.
- 9.32 There is also a window in the first floor side elevation facing the public footpath and Beech Trees, this too is to a bathroom and would have obscured glazing, it is not considered that this window will result in overlooking for the nearest neighbour to the south "Midway" due to the distance and the land between.
- 9.33 The new dwelling would change the view and aspect when standing in the back garden of No. 40 Windmill Way but loss of view is not a material planning consideration and shadowing over an area of rear garden is not a reason for refusal. Furthermore, the design has taken

account of the impact on outlook from No. 40 Windmill Way. The proposed dwelling has been located close to the boundary with Nos. 38 and 40 Windmill Way to minimise the impact on the TPO'd trees.

- 9.34 The addition of 3 windows at first floor in the rear elevation facing the back gardens of No. 36 and 34 Windmill Way has been raised as an objection in terms of overlooking. It is admitted that the distance between these windows and the rear boundary of 10.5 metres is slightly below the accepted standard of 11.5 and not ideal but due to the direct view being of the rear part of the rear garden of No. 36 and not the immediate garden and amenity space it is not considered that a reason for refusal could be substantiated.
- 9.35 Taking all of this into account, it is considered that the proposed development would not have a significantly harmful effect on the living conditions of the adjacent neighbours and would comply with the NPPF, Core Strategy Policy CS12 in this regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seek to protect residential amenity.

Amenity Space

- 9.36 Saved Appendix 3 of the Dacorum Borough Local Plan 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. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for small starter homes or development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.
- 9.37 As a result of the proposed development, the new dwelling (which has a stepped rear footprint) would have a minimum garden depth of 9.5 metres which is below the standard of 11.5 metres stated in Saved Appendix 3. The garden width however is approx. 23.5 metres and there is some garden land adjacent to the house and under the Beech trees.
- 9.38 On balance, it is considered that the size and shape of the garden would result in an area that is functional and the overall garden area is an acceptable size to accommodate the dwelling and not dissimilar in area to others in the locality.

Density

- 9.39 Saved Policy 21 states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30-50 dwellings per hectare net.
- 9.40 Higher densities will generally be encouraged in urban areas at locations where services and/or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town or local centres.
- 9.41 The site is not located within a town or local centre.
- 9.42 The proposed scheme (according to the figures provided) will result in 14.88 dwellings per hectare which is just below that recommended in the SPG of (15-25 dwellings/ha) and therefore considered acceptable.
- 9.43 The site within the red line comprises two halves of the back gardens of No. 38 and No. 40 Windmill Way and a large portion of amenity land along the frontage of the site, so in terms of size of the site it is similar to others in the area.

- 9.44 It is considered that the site can accommodate one dwelling in terms of density and therefore complies with the SPG in this regard.

Amenity Land – Grass Verge

- 9.45 The area of amenity land to the front of the site has been included within the red line. This land is amenity land (within the applicant's ownership) and forms part of an important corridor of similar pieces of land along Christchurch Road which add to the verdant character of this part of Christchurch Road. This land is to remain as open land. The most recent proposed site plan 401 Rev B shows a low brick wall/picket fence between the amenity land and the front garden of the proposed dwelling. This will ensure that the frontage remains open but now allow the front garden to extend into the amenity land.
- 9.46 In order to maintain this land as open amenity land a condition is recommended requiring the land to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden.
- 9.47 It is also recommended that a condition be placed on any approval requiring a plan showing the boundary treatment between the front garden and the amenity land.

Impact on Highway Safety and Parking

Highway Safety

- 9.48 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:
- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
 - the environmental and safety implications of the traffic generated by the development.
- 9.49 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.
- 9.50 The application proposes the retention of the existing access and dropped kerb.
- 9.51 Hertfordshire Highways stated that subject to the inclusion of a number of informatives, they do not wish to restrict the grant of planning permission.

Parking

- 9.52 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid 'large areas dominated by car parking'.
- 9.53 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or

minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.54 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

.....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.55 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

4 bedrooms	Allocated	3.0
	Unallocated	2.4

9.56 The proposed site layout indicates that 3 parking spaces with the requisite dimensions (2.4m x 4.8m) are to be provided.

9.57 Para 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

9.58 Based on the information given it is considered that the parking provision meets the standards outlined in the Parking SPD and therefore the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.

9.59 The proposal therefore complies with the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

Other Material Planning Considerations

Sustainability

9.60 CS29: Sustainable Design and Construction states that for specified types of development applicants should provide a Sustainability Statement. A sustainability checklist was not submitted with the application. It is recommended that a condition be included which requires the submission of a sustainability checklist.

Contaminated Land

9.61 The Contaminated Land Officer has advised that the development will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.

9.62 As such, it is considered that a contaminated land 'discovery' planning condition and several informatives will be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.

Environmental Health

9.63 Environmental Health were consulted on this application and had no objections with regard to noise, odour or air quality but recommended that several informatives be added to any approval.

Waste and Water

9.64 Thames Water had no comments to make on the proposal.

Impact on Trees and Landscaping

9.65 Due to the location of at least 4 significant Beech Trees (covered by a TPO) to the south of the site adjacent to the public footpath Trees and Woodlands were consulted. The Trees and Woodlands Officer responded by stating that the details of mitigation - submitted with the application - to lessen the detrimental impact of the development on these trees is in accordance with current best practice and will afford appropriate protection for the trees.

9.66 The Trees and Woodlands Officer was satisfied that the proposed basement would not affect/encroach into the Root Protection Area of the Beech Trees. The amended plans now show the parking has been moved away from underneath the crown spread of the trees. It is considered that the cars will no longer be subject to bombardment by debris and bird droppings which would have led to pressure for constant and potentially disfiguring, tree pruning to the detriment of trees deemed worthy of protection.

9.67 Condition regarding compliance with submitted details regarding tree root protection.

Refuse / Waste Collection

9.68 Provision will need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management. It is recommended that a condition be included on any approval requiring a plan showing on-site bin-refuse within 25 m of the kerbside/bin collection point.

Pressure MP – Gas Main Buffer Zone

9.69 As there is a Gas Main Buffer Zone to the front of the site Southern Gas Network have been consulted – their comments will be placed in the Addendum or reported to the meeting.

Response to Neighbour Comments

Comments from Local Residents

9.70 Objections received from local residents on the amended plans included:

- development overbearing, imposing, too big by height and width;
- positioning of the building butted up closely to the land boundary with the rear of the houses along Windmill Way;

- comes closer to the green verge making it more overbearing and impacts on the sense of spaciousness;
- inadequate parking and access due to bend in the road;
- parked cars very prominent from the public realm;
- the site is located on a dangerous bend in the road;
- increase in traffic;
- potential hazard to pedestrian safety;
- loss of light and privacy;
- more open space needed on the development;
- out of keeping with character of the area
- site is too small - overdevelopment;
- Close to adjoining properties;
- Increase of noise nuisance and pollution;
- Strain on existing community facilities;
- Damage to tree roots from parking vehicles;
- Narrowing of the pavement; and
- Affects local ecology;

9.71 The above material planning considerations have been discussed in the main body of this report.

9.72 Objections to the previous plans submitted with the application can be found in the Appendix to this report.

Comments from the Parish Council

9.73 The Council recommended REFUSAL to this application on the same grounds as before i.e.: out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns.

9.74 These points have been addressed above in the section covering Quality of Design / Impact on Visual Amenity and Impact on Residential Amenity.

Community Infrastructure Levy (CIL)

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

Chiltern Beechwood Special Area of Conservation

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

9.77 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial

contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

- 9.78 The development would cause additional recreational pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

PLANNING BALANCE

- 9.79 Paragraph 11 of the NPPF states the following:

11. Plans and decisions should apply a presumption in favour of sustainable development.

.....
.....
.....

For decision making this means:

....

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

....

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.80 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.81 It is acknowledged that the Council cannot demonstrate a five year housing land supply and that the presumption in favour of sustainable development – otherwise known as the ‘tilted balance’ – is applicable in this instance.
- 9.82 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.
- 9.83 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted. The tilted balance is engaged in this instance and thereby a material consideration, weighing positively in support of the application taking account of all other material considerations.
- 9.84 In this instance there is no dispute that the principle of residential development is acceptable and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

10. CONCLUSION

- 10.1 The principle of a new dwelling in this location is acceptable.

- 10.1 The proposed development will integrate with the streetscape character and respect adjoining properties in terms of siting, layout, site coverage, design, scale, height, bulk and landscaping.
- 10.2 By nature of the above the proposed scheme would not have a detrimental impact on the character and appearance of the wider street scene and would be in compliance with policy CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 130.
- 10.3 It is considered that the proposed development would not harm the living conditions of the adjacent neighbours and would comply with the NPPF, Core Strategy Policy CS12 in this regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seeks to protect residential amenity.
- 10.4 The proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.
- 10.5 The proposal is therefore in compliance with Saved Policy 51, the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

11. RECOMMENDATION

- 11.1 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):

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

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

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

Site Location Plan
Proposed Site Plan 401 Rev B
Proposed Floor Plans 402 Rev A
Proposed Floor Plans 403 Rev A
Proposed Elevations 404 Rev A

Perspective View North
Perspective View South

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

- 3. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the**

Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

4. **The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

Reason: To accord with the approved plans and for the avoidance of doubt.

5. **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 and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

6. **Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the “low brick wall/picket fence” and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023).

7. **The window at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.**

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 (2023).

8. Notwithstanding the details shown on the approved plans **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 with specific reference to the boundary treatment between the house and the amenity land;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

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).

9. **Works must then be carried out according to the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March, 2023 by GHA Trees.**

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 (2023).

10. **Prior to the occupation of development hereby permitted, details of refuse storage for domestic refuse/recyclable materials and collection arrangements shall be submitted and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated refuse storage area as approved. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

11. **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 Class A, B, D, E and F

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system.

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2023).

Informatives:

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

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.
5. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
6. 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.
7. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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

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

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

8. 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.

9. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
10. 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.

11. 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>
12. 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
13. 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 2023.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>The Council recommended REFUSAL of this application on the grounds of out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns. They do not believe that the current application meets the recommendations given by the planning officer in the pre-application advice.</p>
Environmental And Community Protection (DBC)	<p>Elspeth, Having reviewed the documentation submitted with the above planning application and the previously consulted application response under reference R795476 23/00693/FUL provided by Vicky 6/4/23, having considered the information held the by ECP team I would like to re-iterate the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land: Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p>

	<p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>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</p> <p>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.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Hertfordshire Highways (HCC)	<p>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.</p> <p>Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980: AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is</p>

not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

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

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

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

AN 4) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website

at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Comments

The proposal is for the demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping. | Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.

There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.

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

Conclusion

	HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.
Conservation & Design (DBC)	No objection External materials subject to approval.
Trees & Woodlands	<p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p> <p>As discussed yesterday, the development site is adjacent to a group of high amenity value TPO trees. The applicant has advised a 'no-dig' methodology is incorporated into the design of the driveway, which will alleviate much of the detrimental impacts below ground. However, the proximity of the trees to the parking area is such that continued conflict from above ground nuisance issues, e.g. honeydew, sap, leaf drop and branch drop, will place pressure on the trees being significantly pruned. Consequently, I cannot support the application owing to the impact to these high amenity value trees.</p>
Natural England	<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</p> <p>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"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>
Environmental And Community Protection (DBC)	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.

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative.

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

	<p>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> <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>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</p>
Urban Design - Lucy Large (DBC)	<p>The overall appearance, scale and massing of the proposed new dwelling is overly large and bulky. Whilst it is appreciated that some elements of the design have been incorporated in attempts to reduce the overall massing, it has resulted in a convoluted design that is overly complicated. It is evident that the roof form has been designed to replicate similar buildings within the local area that have the double height cat-slide roof design. However, the design does not directly correlate with the local examples as there is a secondary angle proposed within the cat-slide, which results in a shallower pitch and</p>

	<p>wide side elevation that is jarring in the local context. It is recommended that the cat-slide roof should directly replicate the design of the local examples which all follow the same structural rules: the ridge height meets the lowest eave height in a single line [as seen in below mark-up], creating a simple and cleaning roof form.</p> <p>In addition, the introduction of pitched dormers do not reflect the local character and architectural style of the building precedents. As such, it is recommended that the windows on the upper floor should all have flat roofs, to respond to and reflect the local character and architecture. Similarly, the windows on the upper floor should sit beneath the eave height of the upper eave level [as seen in below mark-up]. Finally, the half-hipped elements on the main roof structure should be omitted from the design, as this is not in keeping with the local vernacular.</p> <p>In summary the design of the dwellinghouse and the roof form, should be simplified and respond to the local architectural style, to ensure a cohesive, high-quality and appropriate design is delivered.</p>
Urban Design - Lucy Large (DBC)	Having reviewed the revised scheme received on the 06th October, the changes are welcomed. The revised scheme has taken on board the previous comments resulting in a proposed dwelling that is sensitive to and responds to the local vernacular well. As such, we consider the proposed development to be of an acceptable standard and would be happy to support the application.
Conservation & Design (DBC)	no additional comments
Environmental And Community Protection (DBC)	<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> <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</p>

days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative.

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

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

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

	<p>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>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</p>
Hertfordshire Highways (HCC)	<p>Proposal AMENDED PROPOSAL Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.</p> <p>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.</p> <p>Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980: AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should</p>

be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

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

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

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

AN 4) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website

at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Comments

The proposal is for the demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping. | Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.

There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.

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

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.

Natural England	<p>Thank you for your consultation.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 3rd July 2023 reference number 440248</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
Parish/Town Council	<p>The Council recommended REFUSAL to this application (on the same grounds as before i.e.: out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns. They do not believe that the current application meets the recommendations given by the planning officer in the pre-application advice.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time as we have already responded to this on 30th June 2023 so no further comments required.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
14	42	0	35	5

Neighbour Responses

Address	Comments
10 Gammel Terrace Tringford Road	I have been a resident in Tring for 33years. The proposed development site has always been derelict aside from the garage that sits on it.

<p>Tring Hertfordshire HP23 4JH</p>	<p>However I can never recall seeing that garage in use. The proposed development has perfect access onto Christchurch road. The proposed development is and would be in keeping with the surrounding properties within that immediate area. As it stands at the moment the site is a mess and an eye saw! I regularly pass this piece of land as my partners parents are residents very close to the site. I think the proposed plan should be approved as it will make good use of a an area that is just going to waste.</p>
<p>15 Beaconsfield Road Tring Hertfordshire HP23 4DP</p>	<p>Dear Sir, For the benefit of new Council members, below is the objection to the first planning application on this site in Christchurch Road which fortunately was refused a few weeks ago. Surprisingly there is a new planning application which does not address any of the issues mentioned in the previous refusal; ie the huge size of the building, the closeness to the road and the parking problems. In fact the building seems to be bigger and nearer the road and now there is a mention of the tree on the adjacent land. These beautiful beech trees, which are loved by the residents, are not on the plot in question and any pruning of them would be the responsibility of the council. Our objections are the same as below to the first planning application and this huge dwelling would be contrary to Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way.</p> <p>We are writing to object to the above planning application for building plot in Christchurch Road Tring. Christchurch Road, Windmill Way, Mill View Road and nearby smaller roads have a mixture of semi-detached and detached house, chalet bungalows and bungalows of differing styles built over the years , but they all fit well together. The size and 'grandeur ' of this application will be a complete eyesore among the existing properties at the top of the hill and on a bend next to the two shops. It seems to be far too big for the plot and be badly situated on the plot in relation to the two houses in Windmill Way which could now be faced with a wall of white from their windows, instead of seeing the trees beyond. The plot is best suited for a chalet bungalow similar to the one opposite.</p> <p>I also have concerns that the property plan appears to show a narrowing of the pavement as pedestrians approach the shop area. This could severely impact on the safety of the many young children walking down Christchurch Road to Goldfield and Bishop Wood schools and children walking to the recreation ground. The plot size seems to have been enlarged to include the grass verge making walking along the pavement dangerous, especially if cars part park on the pavement to visit the shop and during the weekend when cars park on that part of Christchurch Road to access the recreation ground to watch the football matches. We use the footpath to the recreation ground and the pavement to the shop regularly and our young grandchildren live in Mill View Road, so we are concerned about the safety of the area.</p> <p>I have just received your letter regarding the above planning application XXXXXXXX and I would like to object again to the amendment regarding the car parking on the site. This amendment does nothing to address the fact that the building does not fit in with the buildings around it ; it is</p>

	<p>too big in height and width for the site. The Councils reasons for refusing recommendation have not been addressed and all the reasons for refusal in my previous email are still the same.</p>
<p>Petra Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>I am writing to object strongly to planning application 23/01583/FUL</p> <p>The proposal is far too large and bulky for the site, and suffers from all the same problems as the previous application which your case officers quite rightly refused.</p> <p>That corner is very dangerous, and having such poor parking provision on such a constrained plot will surely only make this worse.</p> <p>Lastly, I am concerned for the protected beech trees - it is clear that this proposal would cause their future to be in doubt.</p> <p>Please refuse this application.</p>
<p>1 Windmill Way Tring Hertfordshire HP23 4HQ</p>	<p>I would like to object to the proposed application for the property on the land at the rear of 38-40 Windmill Way, Tring - Case Reference 23/1583/FUL.</p> <p>I note that this is the latest in several application for developments on the same site, with all of the recent ones being either withdrawn or rejected. This one is very similar in nature to the last application, with many of the same issues.</p> <p>This property is far too large for the plot, which is the same issue to the previous proposal, only this time larger. The house has been positioned on the plot so that it is very close to boundary lines and would be very imposing for neighbouring properties. This will have an unfair impact on the quality of life for those residents, restricting both their light and their view.</p> <p>In addition to this, due to the size and position of the proposed house, it will be out of character with most of the other houses in the local area. It is proposed to be situated closer to the road than any other substantial property in the local area, which is not in keeping with other properties, impacting on the spacious feeling of the area for residents, and passing members of the public.</p> <p>The size of the proposed house, with the number of bedrooms, is likely to result in there being too little space to park vehicles on the site. The corner where the property is located offers little visibility to motorist. Parking vehicles on this bend is hazardous, pushing traffic out into the on-coming lane. This is already an issue when there are sporting events on at the local park, but this proposal may push that problem into the hours of night too.</p> <p>I believe that this proposal is clearly over development of the land, out of character with the local area and likely to adversely impact on local residents. The previous proposals were rejected, but this one seems to be in a similar vein, with little or no concessions made. I am also</p>

	<p>concerned that the plans may not be accurately represented, as the size and shape of the protected beech trees are significantly smaller on this new plans, when compared against the last proposal. I am not sure whether this is an oversight or whether there is an intent to have work completed to cut them back to reduce their size.</p> <p>The amendments to the proposed property at the rear of 38/40 Windmill Way have been noted. It seems that these amended plans have been submitted a very short notice, which has given local residents a very short period of time to consider the implications of the proposed development.</p> <p>From reviewing the proposed plans, these are substantially larger than the previously agreed development for that piece of land (a chalet bungalow, where the existing garage currently stands), where the frontage/dimensions facing the Christchurch Road has remained the same.</p> <p>The amended proposed dwelling remains too large for the plot and is over development of that piece of land. The positioning of the building on that plot, with it "butted up" closely to the land boundary with the rear of the houses on Windmill Way, is going to have a significant adverse effect on those living there. The building itself is imposing and will crowd those house / gardens. Due to the positioning of the sun throughout the day, it will impact on the light available to those properties.</p> <p>The house is a out of character for other properties. The positioning of the property on the plot is a considerable way forward, towards to the pavement. This will impact on the spacious feeling of the street, which will also be imposing on a the pedestrian traffic.</p> <p>The proposed development is located on a corner with limited visibility. Although the plans show that parking available for that house, the illustrative vehicles on the plan to show the parking space, demonstrate that it is impractical and not realistically usable. This will no doubt mean that there will be additional parking of vehicles on the street, causing additional hazards to both pedestrians (as they always park across the pavement on that section), as well as vehicle traffic.</p>
<p>32 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We have been given 7 days to respond to this notice. Those without digital access have been given a few days only as lamppost notices were only posted yesterday evening.</p> <p>The proposed dwelling is massive, it totally overlooks our home and garden - we object to the proposal.</p> <p>If the house was built, those in it, would have a full view into every room in our home and garden at all times of day. This proposal is a massive intrusion.</p> <p>Whilst there are trees there now, our privacy would be removed totally, if the the trees were removed from neighbouring gardens.</p> <p>The rear windows on the upper storey of the planned house are higher than any other building in the neighbourhood - they exceed the height</p>

of the 2nd storey windows in Windmill Way houses. Not only that, at the rear of the proposed house. the windows are roofed in an uncharacteristic style, protruding extensively from the roof of the house and not in a way that is in keeping with the area.

The building size is too big for the plot, and as previously stated, overly dominates the surrounding area. The dimensions of the property are sizeably larger than neighbouring properties. We are advised this is contrary to Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way.

The plans don't realistically reflect the tree canopy to the side of the plot (suggesting that these would be paired back,) - this cannot be allowed to happen- these are protected beech trees.

We aren't convinced that any provision for the trees would be made as the existing maintenance of the plot has been one of neglect, showing a disregard for public safety, access and unsafe waste disposal. - this has been timely and constant with successive planning applications!

In detail, the house design shows no consideration for sustainable energy such as solar panels. The provision of parking and garden is not considered either- sensibly, the design should allow for the garden and open space to be in places not overshadowed by trees.

The house design clearly incorporates a 2nd storey and contradicts previous advice. As the second story has been included, the roof slope is awkward and peculiar. The building is bulkier than the previous application (which was declined,) and the roof line is longer.

The proposed property is overbearing, overlooking and overshadowing. It's too big for the plot, it's unacceptably close to neighbouring houses and will be a massive intrusion for us.

Please consider the impact on the many people this will effect.

Whilst a previous application for planning may have been accepted, it is important to note this was for a much smaller dwelling. The permission is for a single height smaller dwelling only.

The road that the property faces onto is often a traffic and parking 'hotspot,' now requiring plenty of roadside & pavement parking on the bend of the road - this house build would create a hazard for all those using the road and the pavement, given the bend in the road and poor visibility as things are.

These issues are specifically and increasingly important considerations on weekends and weekdays when children's training and football fixtures take place at Miswell Park.

Given the traffic & parking considerations, in the short term, any build will prove hazardous to road users and pedestrians in this spot. It is on a bend in the road and busy.

	<p>Once again and at very short notice we are objecting to the now 'amended' application. NB we haven't seen any physical notices advising that an amendment has been submitted.</p> <p>All of our previous remarks relating to this planning application still stand.</p> <p>The so called 'amendment' hasn't addressed any of Tring Town Council's previous reasons for recommending refusal, nor has it addressed our own additional reasons to object.</p> <p>The plans are a danger to all road users because of the size of the house - The parking configuration appears to be even more hazardous than the previous plan (which was unfeasible on the bend of the road.)</p> <p>A house of this scale will totally overlook all of our garden and our neighbours' too and the back of our house. It will also overlook houses and gardens to the front aspect - (opposite on Christchurch Road, Little Hoo and Sandon Close) This is a massive infringement on the privacy of many residents and households in the area. The amendment is actually larger in all aspects than the original application.</p> <p>Any development needs to be single story and in line with original planning permission.</p> <p>Please also note the continued use of the land as a dump where dangerous building materials are left unguarded and accessible from the road.</p>
<p>17 Chapel Meadow Tring Hertfordshire HP23 5HB</p>	<p>I write to give full support to the above planning application. The proposal would bring a derelict site back into positive use which would benefit the area. The removal of the existing buildings would improve the visual appearance of the area as the buildings are in significant disrepair.</p> <p>I can see no reason also why the proposed plan is not within keeping of the surrounding area.</p>
<p>14 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>Please could the Planning Department at Tring Town Council and DBC put an end to these time-wasting, continuous, inappropriate proposals. I do not pay my Council Tax for it to be frittered away by Committees having to constantly sit, discuss and produce endless paperwork.</p> <p>I attached below my previous objections, none of which have been addressed, particularly in regard to the acquisition of what has since been discovered to be "Crown Land"; i.e. the grass verge.</p> <p>Additionally, may I politely point out to the Chapel Meadow resident (some streets away so not actually affecting them) that the site was not "derelict" prior to this contractor's purchase: it was fenced and the Crown Land neatly trimmed by the local Council.</p>

"REF: 23/00693/FUL - NOW 23/01583/FUL

I write in connection with the above planning application; I have examined the plans and I know the site well having lived in Osmington Place for over 30-years.

I believe this latest application, which shows the proposed house re-positioned closer to the rear boundary of 40 Windmill Way, is as a result of the Tree Survey and Arboricultural Impact Assessment undertaken on 10th March 2023 Section 6.3 "There is no part of the new structure which will have tree canopies (from trees to be retained) overhanging it and the building works can progress safely without the need for any facilitation pruning." This consideration is commendable.

However, in doing so it will have further detrimental impact on the residents of 40 Windmill Way as the north-west elevation will be just six-foot from their boundary. It is therefore clear that the project is excessive to the constraints of the plot. Additionally, as stated many times, it does not subscribe to the pre-established pattern of surrounding buildings and not in-keeping with the local vernacular.

Note must also be taken regarding the Root Protection Area of the protected trees as detailed in the Survey, which will affect the Installation of Services - noticeably these have not been made available.

I must reiterate that the land south-east of the proposed development upon which the four protected beech trees stand is private property. It forms part of the communal area apportioned to the Osmington Place Estate and is maintained at the joint expense of the owners on the Estate. No trespass, particularly of works vehicles, will be tolerated.

EXISTING DROPPED KERB

There is a lot of history associated with the parcel of land to the rear of 40 Windmill Way.

Despite the existing dropped kerb, I understand that accessibility to the garage from Christchurch Road was denied to the previous owner - council records would confirm this. It is therefore untrue for the application to state under Existing Use, "with garage parking accessible from Christchurch Road" as no precedent over the dropped kerb has been set and it has never been in constant use.

THIS IS A VERY IMPORTANT POINT and in the intervening years traffic has increased, thus compounding accessibility and safety issues.

CROWN LAND

Regarding the swathe of grass verge now encompassed within what has become a dumping utility site...

(please also note it is remiss of the developer to claim that there has been no Change of Use -

this dumping eyesore, clearly visible to the public, is already having a detrimental impact on the area)

..... this swathe of grass had hitherto been regarded by myself as council land, but it transpires this is Crown Land which the developer has purchased. There are stringent requirements that the Crown

	<p>normally impose in order to prove appropriate ownership of the land. A local consultation may be required to ensure that the purchase will be in the best interests of the local area or for public benefit.</p> <p>Disposal of Crown Land is usually subject to restrictions by way of covenants, conditions or restrictions.</p> <p>BEFORE PROCEEDING ANY FURTHER I ask DBC to obtain evidence that all criteria pertaining to this land purchase have been complicit. If not, it must be returned to its original grass-verge state and</p> <p>please can the "Christchurch Road" sign be re-instated in its original position.</p> <p>ROAD SAFETY</p> <p>When buildings and footfall are combined, the term "active frontage" is used. This means that motor traffic can be potentially slowed by interactions with adjacent uses, in our case the two local shops and a leisure amenity which vehicles and pedestrians call at. The function and nature of the road was assessed for, and passed, the criteria for a 20MPH speed limit recently, extending from Western Road to the junction by Icknield Way. At the top of the hill in the vicinity of the proposed houses there are bends and junctions with Little Hoo, Osmington Place, Windmill Way and Mill View Road. It is my opinion that sight-lines would be further restricted should planning for this house be granted.</p> <p>As the Local Planning Authority you have the right to refuse to validate the repetitive, vexatious applications submitted by this developer - I urge you to act decisively and do so."</p> <p>The Town Council's previous reasons for recommending refusal have not been addressed in this Reconsultation. Indeed the amendments therein have exacerbated problems, i.e. increased proximity to sightlines (new front elevation being closer to the public verge); impractical parking provision; plot overdevelopment; out-of-keeping with local vernacular.</p>
<p>5 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>I strongly object to this proposal. It is totally out of keeping with the area and will stick out like a sore thumb. The proposed plan will be too intimidating on the street scene as it is far forward on the plot. Also too large a building for this small plot. Furthermore, I believe it will create a safety problem in terms of traffic and parking. This is already a potentially dangerous spot with the shops and people parking for the park. Please reject this application. As stated many times before, the originally proposed bungalow would be far more in keeping with the area</p>
<p>73 Kingsley Walk Tring Hertfordshire HP23 5DR</p>	<p>Plans seem to be in keeping with the surrounding properties. Would be keen to see an improvement of the site as it currently is an eye saw and has been deserted for a long time. It is attracting rubbish and people can access the site which could be dangerous in the future.</p> <p>The land hasn't been of any significant use for a long time and would be positive to see it provide a suitable family home.</p>

	I support the plans proposed.
<p>2 Okeford Close Tring Hertfordshire HP23 4AJ</p>	<p>I have added a comment online in objection to the above application.</p> <p>I don't understand why applicants aren't given a limit, that they can keep submitting inappropriate plans in the hope that those it effects give up the battle. Why isn't more done to protect the immediate neighbours and the wider neighbourhood from these profiteering, postage stamp, "back garden" developments? I can't even begin to imagine the mental stress it puts those through who are immediately adjacent.</p> <p>All exactly the same reasons as before and in complete agreement with the, no doubt detailed, objection Mr & Mrs Moore will have submitted, namely: too large, out of keeping and parking.</p> <p>The ludicrous depiction on the new plan of the overhang of the lovely big copper beech trees on the adjacent land seems to sum this applicant's methods up; surely they can't be allowed to butcher them to suit their application?</p> <p>Sirs,</p> <p>We continue to object to the proposal - the changes to the plans do not address the reasons Tring Town Council refused it previously and would appear to increase the risk to the adjacent beech trees.</p> <p>PLEASE do not submit to the applicant's clear objective which is to continue such tiny adjustments until our patience runs dry.</p> <p>As I've said before, there really ought to be a "so many strikes and out" system to prevent such a waste of all of our time.</p>
<p>1 Mill View Road Tring Hertfordshire HP23 4ER</p>	<p>Firstly this development is completely out of character with the area. There are no other houses of this size of design locally.</p> <p>Secondly the design does not work. There is not enough space for safe parking, entry and exit - the property is on a bend in the road, close to a school where I have witnessed accidents/ near misses and where cars regularly speed. This design will make road safety worse.</p> <p>Also, the plan puts the existing trees at risk of damage or being removed, to the detriment of the local environment.</p> <p>The large design is very close to properties in Windmill Way so will detriment their light and create a visual impact.</p> <p>Overall it is not a suitable design for the purchasers and for the local residents. In fact it is a very odd proposal in this location which I object to strongly.</p>
<p>31 Christchurch Road Tring Hertfordshire</p>	<p>I would like to register my objection to this application.</p> <p>Having previously opposed a very similar application, I find it very</p>

HP23 4EF	<p>surprising that the applicant has submitted another comparable application, which doesn't seem to take into account any of the reasons the previous application was refused. This seems like a waste of time on all sides.</p> <p>The main reasons for my objection are the sheer scale of the proposed property, which is not only out of keeping with other properties on Christchurch Road and neighbouring roads, but is also far too large for the site. In addition, the proposed build would have a hugely negative impact on the adjacent properties on Windmill Way, as well as other nearby properties on Christchurch Road and Osmington Place.</p> <p>The revised plans seem very similar to the previous plans, which were refused for a number of reasons. I also find it concerning that the drawing of the plot seems to have included the grass verge, which is currently part of the public footpath.</p> <p>One of my primary concerns relates to the increased traffic and access that will be required by the property, in a location near to a bend in the road, which is already overcrowded with cars on occasion. This is only likely to become more busy in the near future with the use of the adjacent park by a local football club. The fact that there are two schools on this road and therefore a high volume of school children using this footpath, only adds to the unsuitability of the proposal.</p> <p>I sincerely hope that the proposal is rejected once again, rather than wasting any more valuable council time. I would like to register my objection to my application.</p> <p>Having previously opposed a very similar application, I find it very surprising that the applicant has submitted another comparable application, which doesn't seem to take into account any of the reasons the previous application was refused. This seems like a waste of time on all sides.</p> <p>The main reasons for my objection are the sheer scale of the proposed property, which is not only out of keeping with other properties on Christchurch Road and neighbouring roads, but is also far too large for the site. In addition, the proposed build would have a hugely negative impact on the adjacent properties on Windmill Way, as well as other nearby properties on Christchurch Road and Osmington Place.</p> <p>The revised plans seem very similar to the previous plans, which were refused for a number of reasons. I also find it concerning that the drawing of the plot seems to have included the grass verge, which is currently part of the public footpath.</p> <p>One of my primary concerns relates to the increased traffic and access that will be required by the property, in a location near to a bend in the road, which is already overcrowded with cars on occasion. This is only likely to become more busy in the near future with the use of the adjacent park by a local football club. The fact that there are two schools on this road and therefore a high volume of school children using this footpath, only adds to the unsuitability of the proposal.</p>
----------	---

	<p>I sincerely hope that the proposal is rejected once again, rather than wasting any more valuable council time.</p>
<p>82 Mill View Road Tring Hertfordshire HP23 4EW</p>	<p>We object AGAIN to the proposed development of this plot. The redesign submitted is still ridiculously big for the plot size and has now moved forward towards the road creating even more issues with the lack of greenery and pavement space.</p> <p>We are very concerned by the loss of greenery next to the narrow pavement used constantly by shoppers, pedestrians and school children. There is not enough space to allow for parking for the shops and pedestrians use. It is also out of keeping with the design of the surrounding roads using this green space for all rather than incorporating into one property.</p> <p>This is not the spot for a colossal 4 bed/super basement house and we ask the council to continue to see sense and reject these plans. We are very concerned that these plans have been submitted again despite them hardly changing. Permission has been granted for a suitable development and these plans are too big and out of keeping. When will these ridiculous changes be stopped?</p> <p>There are now additional concerns due to the volume of traffic on this stretch of Christchurch Road - both vehicular and pedestrians. The entrance to the park which runs alongside this proposed site is in constant use because of the football pitch and the corner shop. Both of which are important for the community and should be prioritised and protected at all costs. This development would have a significantly negative outcome on both and should be rejected fully and finally.</p>
<p>41 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We object to the latest application due to the proposed size (even bigger than previously rejected plans) and the plans' proposed parking solution (2 cars would be a stretch, let alone 3).</p> <p>I could expand on these points but this has been well covered by others.</p>
<p>The Gables Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>The previous planning application was refused citing several reasons.</p> <p>Among these, the design was too big and bulky, yet this current application is for a design that is larger both in terms of footprint and internal space, and with a longer roof line only slightly reduced in height leaving an even more domineering front aspect...</p> <p>The building was rejected for being set too far forward on the plot, yet this current application shows the building set even further forward on the plot.</p> <p>Both points leave the build still dominating the rather small plot as a large, bulky dwelling contrary to Dacorum's character area appraisal for Christchurch Road.</p> <p>The new proposal seeks to resolve the concerns about tree cover over the proposed car parking location by drawing a smaller area of tree</p>

	<p>cover on the plans, but this does not reflect the actual tree cover clearly visible on site as the beech tree adjacent to the existing garage on site clearly covers a significantly greater length of the garage than is now shown on the plans. The previous plans were more accurate in this regard.</p> <p>As for the claim that the front elevation of the new design is "predominantly 1.5 storey with a catslide / half hipped roof"...</p> <p>...the upper floor still comprises 4 bedrooms and 3 bathrooms with essentially the same footprint as the lower floor, so cannot reasonably be described as "1.5 storey".</p> <p>Adding an odd slope to the front portion of the roof, does not give it the same appearance as a genuine 1.5 storey chalet property or indeed a normal 'catslide' roof, it just gives it an odd aspect further marking it out as out of keeping with the other adjacent property, most specifically including the traditional catslide roofs on the property opposite the proposed development.</p> <p>Having failed to get permission for this grossly enlarged building, when compared to the currently approved plans for a chalet bungalow, the application now seeks to get approval by altering the descriptions of the proposed development, but not the design or reality of the site, without making sufficient changes to meet any of the most recent reasons for rejection.</p> <p>Planning permission already exists for a development proportionate to the size of the plot, it is time that the approved development was progressed without any more of these mendacious applications. Further to my previous objection, having just noticed that the plans associated with this application have recently been amended, I wish to add the following objections.</p> <p>The building remains bulky and cannot be considered to be a 1.5 storey building as it still includes the same footprint as the ground floor and comprises 4 bedrooms and 3 bathrooms on the upper floor.</p> <p>The revised plans have in fact increased the gross internal area above ground, only remaining the same in total as the original plans, by reducing the GIA of basement, further, the car parking arrangements remain convoluted and impractical. .</p> <p>I would wish it to be noted that my previous objections still stand, the amended plans still do not address the reasons given for refusal when the previous application was last submitted.</p>
<p>2 Okeford Close Tring Hertfordshire HP23 4AJ</p>	<p>I strongly object to this application. This proposal is yet again far too big, set too far forward and not in keeping with the area. It very much impacts on houses in Windmill Way in terms of light and privacy. The parking layout is cramped and is under the mature tree canopy which has been made to look smaller in this new application. The application has clearly been given "spin" to seemingly address issues already raised with previous applications. "1.5 storeys"? Yet it is only 20cm less tall than the previous 2 storey application. It is of course still 2 storeys!</p>

	<p>Surely any application should be made to fit in with the neighbourhood, the local plan, not have an adverse effect on surrounding trees etc and be totally in keeping with the constraints and size of the site.</p> <p>I strongly object to this application. This proposal is yet again far too big, set too far forward and not in keeping with the area. It very much impacts on houses in Windmill Way in terms of light and privacy. The parking layout is cramped and is under the mature tree canopy which has been made to look smaller in this new application. The application has clearly been given "spin" to seemingly address issues already raised with previous applications. "1.5 storeys"? Yet it is only 20cm less tall than the previous 2 storey application. It is of course still 2 storeys! Surely any application should be made to fit in with the neighbourhood, the local plan, not have an adverse effect on surrounding trees etc and be totally in keeping with the constraints and size of the site.</p>
<p>46 Christchurch Road Tring Hertfordshire HP23 4EH</p>	<p>The first reason for objecting is that the proposed building is way too big for the plot size. The building would consume too much of the plot, would dominate the surrounding areas and is totally out of keeping with surrounding houses.</p> <p>The proposed down does not integrate well with other buildings in the area and is out of character for the area. The proposal also has the house far too forward in the plot compared to other nearby properties and the design is completely overdeveloped and bulky for the plot size.</p> <p>The proposed house is also overbearing and overlooks neighbours, as the design is so big and overbearing. This is in addition to its close amenity to the pavement, which illustrates that the house design is too big for the plot.</p> <p>Parking is a major issue on the road bend the proposed house would be built on. We have seen recently the dangers of over parking on this stretch of road, where a single lane of traffic is created on a blind corner. It's terrible to have to drive through. This house development would increase the danger for both drivers and people walking on the pavement.</p> <p>The property would overlook neighbours which would cause a reduction of privacy and visual intrusion.</p> <p>It seems that from your previous rejections for planning on this plot, the council's reasons for refusing have not been addressed at all. Having seen the amended drawings for this planning application, we wanted to express our continued objection.</p> <p>The amended plans do not address any of the concerns and problems with the previous plans.</p> <ul style="list-style-type: none"> - The plans are still way too overdeveloped for the plot size. - The development comes way too close to the public verge, so is overbearing, completely out of keeping with the street scene and is a big safety concern. This area is a popular walkway for the nearby schools. - The parking spaces do not work practically and therefore are unlikely

	<p>to be utilised.</p> <p>The plans are bigger than the ones already rejected, so these new designs don't do anything to address any of the concerns raised by the council previously.</p>
<p>68 Christchurch Road Tring Hertfordshire HP23 4EL</p>	<p>We strongly object to this proposal, in our view we consider the building is too large for the plot as it is larger than the proposal which was turned down.</p> <p>It is not in keeping with the surrounding area and the entrance for vehicles is on a dangerous bend. Also creates a problem on the bend with cars parking for the adjacent local shops, which residents have always considered a danger.</p> <p>We feel the pavement will be too narrow therefore causing problems for parents taking children to the local schools.</p> <p>The beach trees adjacent to this development do not reflect the true size of their canopy.</p> <p>It will have a negative impact on the Christchurch Road as it is overbearing, overlooking and overshadowing.</p> <p>We strongly object to this new planning application.</p> <p>Although this is an amended plan it does not address all the problems of the June plan in fact it is larger.</p> <p>We consider it is still over development on a small plot, it comes closer to the green verge making it more overbearing and impacts the sense to spaciousness. It is out of keeping with the local vernacular and has a negative impact on the street scene.</p> <p>The car parking still does not address the problem of damage to the Beech Trees, and if this proposal is passed it would not stop residents parking on tree roots.</p> <p>We also feel the narrowing of the pavement on this dangerous bend will impinge on the safety of parents and children walking to school.</p> <p>It is a dangerous bend due to people parking there to use the recreation ground and local shops.</p> <p>We feel that the Councils previous reasons for recommending refusal have not been addressed by the amendments.</p> <p>We are against this amended planning application.</p>
<p>59 Christchurch Road Tring Hertfordshire HP23 4EL</p>	<p>I wish to object to the planning application as the reasons for the previous refusal still apply to the revised application.</p> <p>The main issue is that the proposed building is much too large for the available plot.</p> <p>Importantly, there are four mature beech trees next to the site. These are protected trees and should not be damaged. The proposed building would require more than "pruning", which is unacceptable.</p> <p>Why not build a property according to the design which has been</p>

	granted approval?
<p>33 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I object to this planning application on the grounds that the Building size is to big and bulky for the plot it would dominate the plot and surrounding area. The new proposal is larger at 219sqm that the refused one. Footprint depth from front to back is 11.5m larger than surrounding properties. Out of keeping with the neighbourhood. Attempting to build larger than the plot can bear means the dwelling is set too far forward compared to nearby properties. It has a negative impact of residential amenity, overbearing, overlooking, overshadowing the house is forced unacceptably close to neighbours and pavement. Parking is under beech tree canopies, unworkable layout of spaces. This application contains some disingenuous claims in an attempt to show that it is responding to the Councils earlier feedback. Application claims the new proposal is "1.5 storeys when it is clearly 2 storeys and the roof ridgeline is actually longer than the refused one. The trees have been drawn smaller not reflecting their actual size. It can clearly be seen from the street by how far the canopy reaches over the existing garage building. This looks like cutting back protected beech trees . NO. This overdevelopment of the plot leads to inadequate parking arrangements on an already dangerous and congested bend heavily used by parking for the local shops. As a large bulky dwelling it is contrary to Dacorum's Character Area Appraisal for Christchurch Rd and Windmill Way.</p>
<p>36 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>Once again another tiresome application that is a " variation on a theme " from previously similar ones which were refused but even worse now.</p> <p>It is oversized cramped and too big and bulky for the plot dimensions/ footprint</p> <p>It is completely out of character with surrounding properties with an adverse impact on the area in general,like a "sore thumb" It is a 2 storey (not 1.5) as claimed and still too high would directly overlook and intrude on privacy to my adjoining property from upper windows.</p> <p>The proposal also has limited parking provision that together with adding to entry / exit traffic on to a road bend that is with shops an already busy hazardous congestion hot spot for everyone.</p> <p>These and those additional points made and covered by other objections here are doubtless why as before this application should be refused.</p> <p>Yet again another variation on a theme with this amended and even larger over development of this site.</p> <p>As with many very similar applications prior to this having all been refused i stand by my previous comments and agree with most of those by others covered here in objecting to this proposal.</p> <p>When(if ever) will there be a more sensibly sized proposal for a single storey building as was originally put forward ! ?</p>

<p>17 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>I object to the above application to build a huge 4 bed two story detached house which has been submitted before. This house is only 20cm shorter than the original plans submitted and is further forward towards the public pavement.</p> <p>The actual structure is bigger as well when you work out the layout measurements. The original super basement, now called a games room is still shown in the new proposal plans with no changes to make it smaller. This house is way too big for the small plot of land, it's too close to the road & pavement which is already a busy area with football teams parking there, the school children on their way to school and the regular dog walkers using the public walkway/alley beside my house. Not to forget the parking for the shop & hairdressers on Christchurch road adds to the risk, especially on weekends. The building does not look in keeping with the other detached houses for that area and overlooks other properties, so privacy is compromised not to mention the conservation of the surrounding trees and roots which an underground basement could compromise. I am hoping that DBC &/or our new Tring Councillors visit the site to see how dangerous the area can be. A bungalow is a much better idea and would suit the surrounding neighbourhood and not compromise the parking quite as much with only one/two cars parking on their own property.</p> <p>Although I agree with comments about the land being an eye site with items being dumped there and that is was unattractive before I still think the proposed house is far too big by height and width. A bungalow would be more sensible and in keeping with the area or even a bungalow with a skylighted bedroom in the small loft area could be acceptable. With only two car parking spaces and further back from the road, it's a very dangerous corner for cars, parking access and pedestrians. The land is too small for the present plans shown, the person applying should be a little more compromising for this to be solved, in my opinion.</p>
<p>42 Christchurch Road Tring Hertfordshire HP23 4EH</p>	<p>This revised application appears to have changed very little from the previous refused application, and none of the reasons for the previous refusal seem to have been addressed.</p> <p>The surrounding houses are all well set back from the road with deep frontages. This new application shows the proposed building to be even closer to the front of the plot than it was in the last application, and would still have the same negative effects upon our property which is directly opposite, by overlooking our garden and patio.</p> <p>This proposed build would still be far too large for the small plot available - one of the reasons for refusal of the last application - yet this building is no smaller in size than the previous application, despite having a fractionally lower roof height. It would still be out of keeping with the surrounding properties - another reason given for the previous refusal - due to both its size and location within the plot and its design and appearance.</p> <p>The frontage is still very cramped with poor parking facilities on a dangerous bend immediately adjacent to the shops where cars are frequently parked throughout the day.</p>
<p>Midway Christchurch Road Tring</p>	<p>The proposed building is still too large even though its dimensions have been reduced from the earlier Site Plan (Rev F 1.3.23) and even though it is now described as medium. The oversize is in relation to the</p>

<p>Hertfordshire HP23 4EF</p>	<p>small size of the plot (especially its width), the view from Christchurch Road and the way it presents itself to No 40 Windmill Way.</p> <p>A. From the site plan, the elevation drawings and the Planning Considerations (7.0) there appear to be a number of overstated assertions, possibly even errors/omissions.</p> <p>7.2.5. "The dwelling is now further back from the highway.....". On the NE front face, the Northern corner is actually closer to the road by a factor of about 12%. At the Eastern corner and the midpoint the distances to the highway are almost unchanged.</p> <p>7.2.6. "...the design is similar to No 42 Christchurch Road". No 42 is set in a wider plot and has two (go-through) entrances-exits for cars and a double garage. Whilst the new NE elevation looks a little closer to No 42, I would not consider it as in keeping with No 42. On its plot the proposed house is oversized. This point also relates to the parking proposed.</p> <p>7.3.2. "Nos 38 and 40 Windmill Way. The flank elevation was reduced in length" Using the site plans to measure the wall directly facing No 40 Windmill Way the length has actually been increased by about 20%. Even when the more distant outline of the building is added in, the increase is still about 10%.</p> <p>B. 7.4 Tree Survey</p> <p>In the previous application there was a professional Arboricultural Impact Assessment which gave detailed specifications of the steps needed for the trees to be protected. I understood this would form part of the conditions for any planning permission granted. This does not feature in the current application.</p> <p>The Tree Survey Executive summary states "The proposed scheme does not require the removal or pruning of any of the trees on site, or of trees within nearby adjacent sites; "</p> <p>The detailed specifications include protection fencing, temporary Ground Protection and No Dig Construction Areas</p> <p>Recommendations 10.1 states "Site supervision - An individual e.g. the Site Agent, must be nominated to be responsible for all arbicultural matters on site. This person must:</p> <ol style="list-style-type: none"> a. Be present on the site the majority of the time. b. Be aware of the arboricultural responsibilities. c. Have the authority to stop any work that is, or has the potential to cause harm to any tree. d. Be responsible for ensuring that all site personnel are aware of their responsibilities towards trees on site and the consequences of the failure to observe these. e. Make immediate contact with the local authority and / or retained arboriculturalist in the event of any related tree problems occurring whether actual or potential." <p>Whilst it is true that the earlier site plan overstated the tree canopy, in the current plan the canopy is understated. The current canopy is</p>
-----------------------------------	---

already significantly over the parking area (photo available) and the canopy will grow.

This means the consultee comment by "Woodland and Trees" (17th July) is no longer accurate, apparently relying on information from the earlier Tree Survey saying no trees were affected and the current inaccurately redrawn canopy. See Executive summary above.

Questions:

What arrangements for trimming the canopy are in place/ envisaged? How would the balance between the need for owners (and indeed the builders) to trim and the protection of the trees be managed?

Will the Tree Survey be part of the builder's obligation in any Planning Permission granted?

Will the Tree survey be updated to recognise the need for trimming over the car parking area?

Will any Planning Permission include the obligation to appoint an individual to be responsible for site supervision on all arboricultural matters on site as envisaged in the Survey Report above.

5.7.1 Access and Parking includes "with turning space...." Parking on the site looks very awkward. Even with a single car it is difficult to imagine turning on the allocated area.

C. Parking for shops and the recreation ground. Cars regularly park half on the pavement along this stretch of road to access the shops and the recreation ground. (eg Football teams) This is a frequent and regular occurrence. At the North end of the plot the path becomes very narrow and therefore a source of danger especially to children who pass quite frequently on the way to school and the recreation ground with its play area.

The boundary markers between the front grass and the road are unclear/unstated. This is important because of the narrowness of the pavement at the North end and the needs of pedestrians.

D. Solar panels. There are none marked on the plans. I understand that the overall effectiveness of a full set of panels is reduced even if only some of them are in shade. Has anyone worked out how far the roof will experience overshadowing from the trees over the day and over the seasons?

The plot and the constraints of the trees are such that a chalet bungalow as originally proposed would be far more suitable. The current proposal is not in keeping with the immediate neighbourhood which consists of chalet bungalows and semidetached houses with some detached houses a little further off. The style and scale of the house continues to be dominating and out of keeping with these neighbouring houses.

I object to this application. My previous objection sets out the basic reasons which are repeated many times by other statements.

There is very little adjustments in the new application - it adjusts the car parking arrangements to a slightly better but still unconvincing arrangement. This has resulted in bringing the frontage closer to the road.

	<p>I would point particularly to the following questions:</p> <ol style="list-style-type: none"> 1. The plans are not clear as to limitations on boundary markers with the road. Height of any "fence" - will this be stated in the application? This is significant because the pavement narrows close to the shops and is frequently used by children/families to access schools, the Rec and the football pitch. Also street parking will be affected. 2. In earlier planning documents a professional tree survey presented robust intentions about tree protection - including an officially designated person to be on site with the authority to stop work that could endanger the trees. Please make the proposals in the survey a condition in any permission given.
<p>40 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>Please see website 'Neighbour letter' - 40 Windmill Road. I write on behalf of the owners and occupiers of No. 40 Windmill Way, in respect of the re-consultation on the above application following submission of amended plans by the Applicant on 16 October 2023.</p> <p>This representation is to confirm that following a review of the amended plans, an objection is maintained to the scheme and that the matters raised in our previous objection letter of 17 July 2023 remain relevant for consideration in the assessment of the proposal. For brevity, a bulleted list of additional points to consider following a review of the revised plans are outlined below:</p> <ul style="list-style-type: none"> - The proposal continues to not be materially smaller or improved in any meaningful way from refused application 23/00693/FUL nor from the originally submitted plans under this application. According to drawing 401 Rev A, the footprint and GIA are identical to the originally submitted plans. <p>However, it is evident from the amended plans that the footprint and GIA are actually larger due to the depth of the projecting cat sliding roof element being extended. This increases also the massing of the north-west elevation and creates an unsightly elevational treatment facing No.40.</p> <ul style="list-style-type: none"> - The revised design means that the forward projecting catslide element is unnecessarily dominant. The depth of this projection creates a disproportionately negative design feature and an oversized ground floor playroom and first-floor bedroom. The internal GIA of these spaces could be significantly reduced without affecting the quality or usability of the rooms. <p>2</p> <p>Indeed, if this projecting element was omitted entirely, you would have standard 2-storey house which confirms that the proposal is not a chalet bungalow nor a reduced quantum of development.</p> <ul style="list-style-type: none"> - The impact of the deeper gable end facing No.40 is heightened by the change in roof form. The refused scheme had a fully hipped roof pitching away from the boundary with No.40 and the submitted scheme had a half-hipped roof. <p>The revised plans now propose a flat gable-end which means the impact of the two-storey form of development is the greatest of all submitted schemes to date, creating a form of development which will be dominant and overbearing upon No.40.</p>

	<ul style="list-style-type: none"> - A large, ground floor window has also been added to the north-west elevation which adds to the actual and perceived loss of privacy to No.40 due to the limited fence height between the two sites. - Overall, in an attempt to overcome previous design comments regarding the proposal being a large dwelling and overdevelopment of the site, whilst insisting on maintaining a full two-storeys of development, each design iteration has actually resulted in an incremental decline in design quality. Discordant massing additions are used to mask the two-storeys which instead create more harm. - The revised parking layout remains contrived, with limited usability. The creation of a parking space to the front of the proposed dwelling, alongside the projecting front massing, erodes the buffer between new development and the amenity land. It will also mean that parked cars are very prominent from the public realm which is detrimental to the quality of the streetscene. - The site layout proposes an expansive area of hardstanding much of which is not intended to be used for parking. The cumulative extent of this hardstanding creates an urbanising and visually intrusive feature which is harmful to the verdant setting of the streetscene. As no parking is proposed under the TPO'd tree canopies/RPA areas, the Applicant should be required to omit hardstanding in this area both to avoid unnecessary development in a root protection area and address the visual harm. - It remains the case that the Applicant has failed to provide a Biodiversity Net Gain Assessment with this application which is required to demonstrate that there will be no net loss in habitat value as a result of the development. <p>3</p> <p>Conclusion</p> <p>Overall, an objection to the proposal is maintained on the basis that the scheme, due to the siting, bulk and design, constitutes a cramped form of overdevelopment and would be visually prominent in the street scene. The proposal will therefore have a detrimental impact on the character and appearance of the street scene, contrary to Core Strategy policies CS11 and CS12.</p> <p>The revised proposal will also be a dominant and overbearing form of development upon the occupiers of No.40 Windmill Way, harming the quality of their residential amenity.</p>
<p>7 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>I object to this application for the following reasons:</p> <p>Loss of privacy - the proposed dwelling is very close to the boundary with the properties on Windmill Way. This appears to be due to the overbearing size of the property and the need for it to be away from the protected trees. If a smaller dwelling was proposed it would be better positioned on the plot.</p> <p>Size of the proposed property: If the previous design was refused due to its size, I am struggling to see how this new building has addressed this concern as it seems just as big, if not bigger.</p> <p>The proposed parking spaces and lay out seems to be compromised and it's a concern that due to the configuration that they will be coming and going on a bend which already can be challenging when cars park outside of the shop and hairdressers. If the parking has to be in that</p>

	<p>part of the site, maybe consider that parking for 1 or 2 cars is more appropriate. The beech trees should not be impacted just to accommodate parking for a new build.</p> <p>Height of the building: I question the design is meant to be 1.5 storeys given such a large second floor.</p> <p>I feel that due to the size of the plot and with the beech trees that a more conservative dwelling would be more suitable. A smaller dwelling could benefit from having more space on the plot so that it can be enjoyed, rather than build a big house with limited space.</p> <p>Based on the amended plans we still object to the plans put forward for this plot of land. We're not against something being built however I don't think the amended plans address any of the concerns.</p> <p>The amended plan seems just as big and is closer to the footpath/public verge. The proposed parking for 3 vehicles just doesn't seem to work.</p> <p>Our previous comments and concerns still stand.</p>
<p>Foxgloves Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>Once again we have objections to this latest planning application.</p> <p>The planned house is far too big for this small plot, and is out of keeping with neighbouring properties. It is overbearing, too close to the road, and the plot takes up the existing grass verge. There is a bend in the road here, often with cars parked for the shops and recreation ground, so already dangerous for pedestrians and traffic. Accessing this plot would only add more difficulties.</p> <p>The plot is in the shadow of some magnificent beech trees, so the future of these is a huge concern. They should not be pruned to accommodate this insensitive plan.</p> <p>Once again we write to object to the amended plans for this planning application.</p> <p>The reasons listed before still apply and we support all remarks made by other concerned residents.</p> <p>It is obvious that the developer has not taken into account any concerns raised previously by those objecting and by Tring Town Council.</p> <p>We are strongly against this amended planning application and hope that it will be refused.</p>
<p>20 Mill View Road Tring Hertfordshire HP23 4ER</p>	<p>The above application has been submitted for a site in Christchurch Road, yet again.</p> <p>The proposals are a blatant example of over-development which is totally out of keeping and proportion with the location.</p> <p>This revised version is worse than the previous application that has been refused. The house is nearer the highway, the parking reduced, the existing trees on the adjacent site have been reduced in an attempt to minimise the clearly over crowded and congested proposal.</p> <p>A site visit by the planning committee would be advisable to appreciate the extent of this design. A clear case of greed.</p> <p>I strongly object to this application</p>

	<p>The above application has had a very recent Amendment. However my previous comments and objections remain.</p> <p>The proposal is clear over development of this site. The house is now even closer to the footpath and road than previously</p> <p>The proposed development remains out of character with the area</p> <p>This amended application appears to have been made very recently. However the proposal remains too large, overbearing and unsuitable.</p> <p>I object to this application</p>
<p>2A Deans Furlong Tring Hertfordshire HP23 4AR</p>	<p>The plans seem to be in keeping with the surrounding properties and at the moment it looks a complete mess. I would therefore like to see this ground developed.</p>
<p>18 Christchurch Road Tring Hertfordshire HP23 4EE</p>	<p>I'm writing, yet again, to object to the latest in a tediously long line of inappropriate planning applications on the plot on Christchurch Road</p> <p>As I have mentioned in my previous objections, the developer already has permission to build a certain type of property on this plot but continues to try and push the boundaries of acceptability by building a completely unsuitable, over-sized house.</p> <p>1) I don't believe the developer has addressed the reasons for the previous refusal by the Council</p> <p>2) the most recent application is for a house which is even bigger than the last one and remains contrary to Dacorum's Character Area Appraisal for Christchurch Road</p> <p>3) the proposal continues to be out of keeping with the neighbourhood: it's even further forward than the last proposal, it lacks space for landscaping and doesn't integrate as part of a row of houses. The proposal assumes cutting back protected trees and the trees on the proposal are in the wrong place.</p> <p>4) overdevelopment of the plot leads to inadequate parking and the roof line is longer than the previously rejected proposal resulting in an even more overbearing impression on the houses in Windmill Way</p> <p>In summary this proposal is far too big for the plot, it's overbearing, overlooking, overshadowing, and inappropriate.</p> <p>Please reject again</p> <p>Thank you I'm writing again to continue my objection to the proposed building work which, I understand, has been amended but which continues to be overbearing, a potential hazard to pedestrian safety, and out of keeping with the character of the area.</p> <p>All my objections below remain valid so please take these into account</p>

	<p>at your meeting on 30 October.</p> <p>In addition, the site is being used, by the developer, as a dumping ground. It's a mess and I urge the council to get the developer to clear, what has become, an eyesore.</p> <p>1) I don't believe the developer has addressed the reasons for the previous refusal by the Council</p> <p>2) the most recent application is for a house which is even bigger than the last one and remains contrary to Dacorum's Character Area Appraisal for Christchurch Road</p> <p>3) the proposal continues to be out of keeping with the neighbourhood: it's even further forward than the last proposal, it lacks space for landscaping and doesn't integrate as part of a row of houses. The proposal assumes cutting back protected trees and the trees on the proposal are in the wrong place.</p> <p>4) overdevelopment of the plot leads to inadequate parking and the roof line is longer than the previously rejected proposal resulting in an even more overbearing impression on the houses in Windmill Way</p> <p>In summary this proposal is far too big for the plot, it's overbearing, overlooking, overshadowing, and inappropriate.</p>
<p>10A Windmill Way Tring Hertfordshire HP23 4HQ</p>	<p>My reasons for objection are: The building is too large for the site, with a footprint no different to the previous refused application, in fact even larger. The design is out of keeping with surrounding properties and would dominate properties in Windmill Way. The access on a dangerous bend crosses a busy footpath for schoolchildren and is often compromised by parked cars attending the Miswell Recreation ground football pitch. The site has been established through the purchase of the ends of rear gardens to properties 38 and 40 Windmill Way over time, and is surely only suitable for an unobtrusive bungalow, or similar. There is also a concern regarding damage to the beech trees during any construction work. I have just learned that there has been an amendment submitted for the above planning application. It is difficult to see how the amended plan addresses the issues raised in previous refusals. I therefore wish to object for the same reasons stated on my initial on-line objection of 14th July 2023. These are: The size of the development is still too large and overbearing for the site, and too close to No40 Windmill Way. (The site is in the rear half of their garden which was sold by a previous owner.) The location on a bend in Christchurch Road is dangerous for vehicle manoeuvring in and out. It is exceptionally dangerous for pedestrians and schoolchildren leaving the adjacent shop, walking to school, etc. The complicated parking arrangement does not help this. The design is not in character with the properties opposite or in</p>

	<p>adjacent Millview Road. I would be obliged if you would consider these comments in addition to my previous on line objection.</p>
<p>23 Okeley Lane Tring Hertfordshire HP23 4HD</p>	<p>I wish to object to the plan for this site. There has been a series of applications made and all have been unsuitable for this plot. In addition since the applications have been made the owner of the land is using the site public verge as a dumping ground for waste</p> <p>The grounds for objection include</p> <p>Building Size- the building proposed is too big and too bulky for the plot and would dominate the plot and surrounding area. The building proposed is actually larger than one previously refused. The new proposal has a larger footprint and footprint depth os larger than existing properties on a significantly smaller plot. As a large, bulky dwelling it is contrary to Dacorum's Character Area appraisal for Christchurch Road and Windmill way.</p> <p>Out of keeping with neighbourhood- the dwelling is set too far forward than other properties, even further forward than previous applications. The use of the public verge in the plan and lack of space for soft furnishing means the building would not integrate as part of a row of houses. It would affect the residential area, reducing the sense of space. The new proposal appears to assume cutting back the protected beech tress is acceptable, the drawings on the plan are inaccurate showing placement of these protected trees.</p> <p>Poor design- overdevelopment of this plot leads to inadequate parking arrangements and poor amenity. Inclusion of a full size second storey and peculiar roof slope, longer ridge roof line, makes the building even more bulky than before.</p> <p>Negative impact on residential amenity- design is overbearing, overlooking and overshadowing of neighbouring properties due to overdevelopment on the small plot. The house with its large size is too close to surrounding buildings and pavement, leaning to loss of privacy and visual intrusion. The proximity of the pavement is of concern, due to already inadequate parking in this area especially at weekends.</p> <p>Dear Planning,</p> <p>I am sending this email to say that I continue to object to the plans for the above application as the reasons for refusal still remain and have not been addressed by the amendments proposed.</p> <p>The development is out of keeping with the local area, the plot is at risk of overdevelopment causing considerable overlooking of neighbouring properties.</p> <p>The property will be overbearing and have a negative impact on the existing street scene and be a risk to pedestrian safety with poor parking planning and access.</p> <p>The use of the existing public verge is also unacceptable and should not be included in the development.</p>

	Kind Regards
<p>91 Miswell Lane Tring Hertfordshire HP23 4EX</p>	<p>Contrary to many on here that seem to be regurgitating the same and frankly tenuous objections, i am fully in support of this development. Having lived in around the corner for over 25 years, this plot has been begging for a decent development for some time now. This need for development has only increased in recent months as objections from a few 'NIMBYS' prevent works from commencing and consequently leave the site overgrown and ugly. A beautiful dwelling, as shown in the drawings, would be welcome and very much in keeping with the standard of properties along Christchurch road. It would be a shame to see such a site wasted with a small property, especially given the budgets of buyers in the local area. This is exactly what this plot needs</p> <p>To add to this i have noticed a steady flow of youths now littering and loitering on the site. I recall that the builders involved initially erected a protective fence but understand from neighbours that they were ordered to remove this - effectively opening the doors for people to treat the property as if it were public land. This only exasperates the need for development to commence as this could surely only cause issues the further this situation exists.</p> <p>I see that the relevant surveys have been conducted with regards to protected trees so see no tangible issue here, contrary to the objection parties 'script'</p> <p>One final point i would make is that i see people commenting about privacy. I am not sure what plans they are looking at but it's clear to me that there are no windows facing either of the neighbouring properties on windmill way and at the rear there is a substantial tree line protecting privacy for the garden to the rear.</p> <p>In summary, i support this application and wish to see this messy site transformed into a beautiful family home.</p>
<p>19 Christchurch Road Tring Hertfordshire HP23 4EE</p>	<p>Planning Reference 23/01583/FUL</p> <p>Objection to planning application for construction of 4 bed detached house with super basement on land to the rear of 38 - 40 Windmill Way, Tring, HP23 4EH fronting onto Christchurch Road.</p> <p>This proposed planning permission for a large detached house crammed onto the end of what was originally the end of two gardens and a garage is totally out of keeping with the area; there are no other such properties developed so close to the road anywhere near this location. The proposed house is too bulky and too big for the constraints of the plot; the proposed footprint is larger than surrounding properties on a significantly small plot, making it out of keeping with neighbouring properties. The footprint of this new application at 108 sqm is bigger than the previously refused application. The footprint depth front to back of 11.5m is larger than surrounding properties on a significantly smaller plot. It is contrary to Dacorum's Character Area</p>

Appraisal for Christchurch Road and Windmill Way.

In order to squeeze in this oversized property, the building has been proposed to be positioned close to the road making it overbearing and visually intrusive on such a prominent bend at the crest of the hill and would dominate the street scene. This proposal is set further forward on the plot than the previously refused plan. Even using the land that is currently public pavement and verges, the house would not have a proper front garden, and so has nothing to buffer the house from the street. This would be out of keeping with the character of the neighbourhood, which has extensive front gardens creating an open feel. The height and width of the proposed house, on such a small plot, would negatively impact on the residential amenity of neighbours by being overbearing; creating overshadowing and loss of light that would detract from the enjoyment of their gardens and rear rooms. Despite an attempt to pass off this latest design as a chalet bungalow with the new proposal being fractionally less tall (20cm) than the design that was previously refused; however, the proposed roof ridgeline is actually longer than the previously refused one creating even more upper level bulk than before. The new proposal is actually larger, at 219 sqm, than the previously refused one. For neighbours opposite the new house and adjacent to the proposed new house, there would be problems with overlooking and loss of privacy. The proposed house is much too close to the boundaries of 38 and 40 Windmill Way and would loom over them. This new application has made no effort to address neighbours' previous concerns regarding size and bulk and setting and position on the plot. The design still has a 'super basement' which has now been marked as 'cinema/games room' rather than being used to lower the overall profile of the development.

In an attempt to justify the large house, the current public grass verges and part of the pavement would be converted to private garden creating several problems. This will create a narrow, potentially dangerous pavement corridor for the many school children who use the pavement; the current verge provides space for these pedestrians when cars using the shops are parked alongside this verge. Entering or exiting the properties with a vehicle with the proposed layout will be potentially dangerous and create a traffic safety problem due the lack of visibility of the traffic due to the dangerous bend in the road.

The visual impact of this proposed house would be severe, damaging the green and open character of the crest of the hill and the loss of this verge would be totally out of keeping with the verges that are present throughout this area including opposite to this development. It would hem in the shops and garages. The resulting street scene would be ugly, cramped and lacking in greenery, in a manner totally out of keeping with the open character of the surrounding neighbourhood.

There would be almost no space for parking for the shops and for getting into the recreation ground and football ground, especially on match days. This would have a negative effect on these community amenities.

The proposed house has a minimal garden which is too small for a

large family house and would be heavily shaded.

The dwelling is very close to the preserved beech trees and could damage their roots. The proposed plan seems to assume cutting back protected beech trees, which should not be allowed to happen. The plan should reflect the actual size of the trees as the current canopy already reaches over the existing garage building. The Council have already raised issues about the poor positioning of the parking spaces under the tree canopy. The Council have additionally expressed concern about the 'pressure for constant and potentially disfiguring tree pruning'. The trees should not be made to fit the proposal; the proposal should fit within the constraints of the site.

The Council's reasons for refusing previous application have not been properly addressed. Any dwelling on this plot should be smaller to allow a better fit and position on the plot.

Planning Reference 23/01583/FUL - AMENDED PLAN

Objection to planning application for construction of 4 bed detached house on land to the rear of 38 - 40 Windmill Way, Tring, HP23 4EH fronting onto Christchurch Road, next to the shops

These amended plans are essentially the same as the ones submitted in June, but the layout has been misleadingly manufactured to appear to provide three parking spaces.

However, in reality, as one of these spaces blocks in the other two spaces this third space would be totally impractical. As a result, it is obvious that the residents will opt to park on the driveway under the trees instead, which is exactly the problem that the amendment was supposed to solve.

The amended plans are essentially the same as the ones submitted in June and I believe the amended plan still does not do enough to address the problems with the proposal. In particular:-

1. It has the same height, footprint and internal area as the June plan - it is still bulky and represents the same level of overdevelopment on this small plot, and this June plan was already larger than the one that was previously rejected as being too big, along with other problems.

2. It is actually deeper than the June plan, and comes much closer to the public verge, so it is even more overbearing to the street scene, and impacts the sense of spaciousness. This, as previously mentioned on my objection to the original plan, is contrary to Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way.

3. The amended plan is still not a 'chalet bungalow' or 'scaled down .. cat-slide' because it has a full four bedrooms and three bathrooms on the upper story, and is much larger than nearby properties with cat-slide roofs. It is therefore still out of keeping with the area and contrary to the recommendations of pre-application advice.

4. Pedestrian safety concerns remain over parking, access and restricted use of the verge.

5. It still overlooks the neighbours.

I do not believe that the current amended application meets the recommendations given by the planning officer in the pre-application advice. Please refer to my previous objections under the original planning application as I believe that the points previously made still

	<p>apply.</p> <p>Further to my comments objecting to the amended above mentioned plan, I also attach evidence of parking issues which we experience near the shops in Christchurch Road, this development can only exacerbate these issues. Please bring these to the attention of the planning committee when they consider this application Additional photos added to Documents tab on the website</p>
<p>58 Christchurch Road Tring Hertfordshire HP23 4EJ</p>	<p>I believe that this application should be refused on the same grounds as the previous application (23/00693/FUL). In particular it is not in keeping with the existing street scene, it would be overdevelopment of the site. In addition it would dominate the views from nearby houses particularly those in Windmill Way.</p> <p>I also note that this application seems inaccurate in the way in that the tree canopy of the tree to the south of the site is drawn. It seems to have shrunk considerably since the previous application.</p>
<p>52 Christchurch Road Tring Hertfordshire HP23 4EJ</p>	<p>Building size: The house is very large in relation to the size of the plot. As a bulky dwelling it is out of keeping with Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way. The proposed building is only about 20 cm less tall than the design that was refused and is in effect 2 storeys and not 1.5.</p> <p>Negative impact on residential amenity - overbearing, overlooking and overshadowing: because of the bulk, height and width on a relatively small plot, it is hemmed in by pavement and protected beech trees. The house is too close to neighbours leading to a completely overbearing aspect affecting nos. 38 and 40 Windmill Way and nearby house and causing overshadowing of the house and gardens. The tree canopy shown on the new proposal is shown as reduced in size but that would assume the cutting back of protected beach trees which should not be permitted.</p> <p>Out of keeping with the neighbourhood:</p> <p>It is set too far forward compared to other properties, not in keeping with the original plan to have similar house designs within an open plan setting. It is visually out of keeping with the estate. The driveway to this property would cross the narrowed pathway and grass verge at a relatively sharp bend in the road where cars park outside the shops and for access to the recreation ground and Tring Tornados football pitch and clubhouse. This would create a hazard for children walking to and from the two schools in Christchurch Road.</p> <p>Poor design and lack of amenity space appropriate for a family house. The layout is cramped with poor parking. Any acceptable dwelling should be smaller to allow a better fit and position on the plot. I continue to object to the plan for application 23/01583/FUL; the amendments do not resolve the problems. I believe that the Tring Town Council's previous reasons for refusal have not been addressed by the amendments. It has the same height, footprint and internal area as the June plan.</p>

	<p>It represents the same level of overdevelopment on this small plot. It is deeper than the June plan and comes closer to the public verge, so even more overbearing to the street scene.</p> <p>The amended plan is still not a 'chalet bungalow' type. It has four bedrooms and three bathrooms on the upper storey.</p> <p>It is out of keeping and at odds to the recommendations of pre-application advice.</p> <p>There are still pedestrian safety concerns over parking, access and use of the verge.</p>
<p>Lydgate Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>This new application appears to be materially the same as the previous one and my objections relating to overdevelopment, too big for the plot and too much loss of footpath/increase in traffic risk on an already dangerous corner therefore remain valid. As I have reiterated in respect of the numerous recent applications for this site, I have no objection to a smaller house going on the site as was originally submitted and granted planning permission.</p>
<p>65 Dundale Road Tring Hertfordshire HP23 5BX</p>	<p>This latest application looks essentially the same as the previous ones, so all of my previous comments still stand.</p> <p>The application refers to a 1.5 storey house, when it is actually a 2 storey house. There are no sections which show the interface boundary with the public footpath and existing verge.</p> <p>As per my previous comments, the red line boundary shown on the latest plan gives absolutely no definition of what this boundary means. The physical boundary which has existed ever since Christchurch Road was set out and the houses built decades ago is shown as an unlabelled grey dashed line on the plans. Between this and the pavement is what is assumed to be referred to as 'public amenity land' and which the developer has undertaken to maintain in their latest application as follows:-'While the applicant is puzzled as to the vagaries of the council's feedback, nevertheless the revised proposal ensures that the land referred to as 'amenity land' and owned by the applicant is preserved, including the removal of the unsightly garage building '. The garage building has never been part of the amenity land, and is therefore irrelevant. The risk is that the developer will place a physical fence or boundary along the 'red-line boundary' either at the start, or after completion which will entirely alter the streetscape at the top of Christchurch Road. Given that an attempt to do this was made years ago at the start of the works, as well as the removal and dumping of the 'Christchurch Road' road sign and the current piling of construction rubble on the 'amenity land', this is a very real risk which any planning needs to strictly guard against.</p> <p>Other comment is that the tree canopy in the latest plans has been re-drawn to try and minimise the importance of these trees, which would probably die off of cut to the proposed shape given.</p>
<p>34 Windmill Way Tring Herts</p>	<p>Yet another planning application for this plot (the 7th in the last five years we believe).</p> <p>Plans for a chalet bungalow were granted twice (2018 & 2021) - anything larger was either withdrawn or refused.</p> <p>Most of the objections relating to the previous application still apply to this new one.</p>

	<p>The position of the dwelling is still too close to the boundaries of 40 & 38 Windmill Way.</p> <p>The planned building is still too large, too bulky, too far forward and overbearing in relation to nearby properties and the street scene. It is still out of keeping with the character of the area.</p> <p>It is a 2 storey house (not 1.5), especially the rear aspect which will be the view from our property.</p> <p>The canopy outlines of the protected beech trees do not seem to reflect the reality.</p> <p>The parking spaces are still very cramped and seemingly inaccessible when all 3 are in use. The entry/exit so near to the public footpath to the recreation ground and also on to a bend in the road could create a safety hazard.</p> <p>The parking along the street and on the pavement for the local shops, park and football ground means road safety could be an issue.</p> <p>The inclusion of the grass verge/'amenity land' still concerns local residents. Pedestrian access along the narrow pavement could be compromised.</p> <p>We object to this planning application and believe it should be refused.</p> <p>Thank you.</p> <p>Objection The amendments to this planning application do not address our previous objections dated 17 Jul 2023.</p> <p>The planned dwelling and its parking spaces still form an overdevelopment of this site.</p> <p>The front of the house has been moved forward on the plot leaving little space for landscaping while the back (the view from our property) is still two storeys and therefore overbearing and overlooking.</p> <p>We are confused by the number of upstairs windows at the back. The first floor plan shows two windows while the rear elevation shows three!</p> <p>Access to the front door seems questionable - across the grass verge or flower beds or between the cramped parked cars.</p> <p>The property is still out of keeping with the area and overbearing to neighbours both in Christchurch Road and Windmill Way.</p> <p>We believe this inappropriate application should be refused.</p>
54 Christchurch Road Tring Hertfordshire	Please see letter in documents tab

HP23 4EJ	
The Gables, Christchurch Road, Tring	<p>With respect to the two recently added perspective drawings, both have used an extremely wide field of view which has the effect of making distant objects significantly smaller than they would be when actually standing on the street at that location.</p> <p>Also the most obviously useful perspective, from the pavement opposite the proposed development has been omitted, so the actual impact on the street scene cannot actually be seen at all.</p> <p>These drawings seem to be intended to mislead the observer to believe that the proposed development will not dominate the street scene, which is at odds with the reality, which would be clearly seen had the perspective from the opposite pavement been included or had the field of view not been so wide as to distort their relative size (a technique often referred to as 'forced perspective' when used in special effects for cinematography or photography).</p>

Agenda Item 5b

ITEM NUMBER: 5b

23/00023/FUL	Demolition of existing outbuildings and construction of a new bungalow.	
Site Address:	Lower Farm End Luton Road Markyate St Albans Hertfordshire AL3 8PZ	
Applicant/Agent:	Mr Wright	Mr Andrew Whiteley
Case Officer:	Sally Robbins	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Markyate 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 proposal constitutes the redevelopment of previously developed land, which is acceptable within the Green Belt wherein the scheme would not have a greater impact on the openness of the Green Belt than the existing development. The proposed layout and design would sit comfortably within the surrounding area, noting the low profile of the proposed dwelling and the substantial vegetation screening the site. The level of amenity space and proposed access / parking provision are considered to be acceptable and, whilst it may be visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Luton Road in Markyate. The site comprises part of the garden of Lower Farm End and contains various structures within the site, including a stables for four horses, a machinery / hay store and a shipping container. The site includes its own separate existing access off Luton Road.

3.2 The site is located within the Metropolitan Green Belt and to the southeast lies open countryside. Luton Road is situated to the northeast of Markyate and comprises sparse residential development, along with agricultural land uses.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing stables and machinery / hay store and the removal of the shipping container on site. This would be followed by the construction of a single storey detached dwelling with associated parking and landscaping. The dwelling would comprise three bedrooms and would be finished in timber effect cladding, facing brickwork and a green zinc roof.

5. PLANNING HISTORY

Planning Applications:

22/01347/FHA - Removal of existing roof, raising of external walls and introduction of a replacement roof to provide increase to first floor accommodation. Existing brick walls to be rendered and painted. *REFUSED - 10th October 2022*

2/01929/FHA - Proposed Detached Residential Summer House
REFUSED - 10th October 2022

23/00151/FHA - Proposed Detached Residential Summer House
UNDER CONSIDERATION

4/01994/19/DRC - Details as required by condition 5 (equine management plan) of planning permission 4/03348/15/FHA (erection of stables and tack room (resubmission of application 4/02474/15/FHA)
GRANTED - 29th October 2019

4/01884/17/DRC - Details of means of enclosure and car parking layout as required by conditions 4 and 5 of planning permission 4/00513/15/FUL (conversion of building from b1(c) to a residential dwelling (c3) with replacement window with a new door (northwest elevation))
GRANTED - 6th September 2017

4/01883/17/ROC - Variation of condition 2 (approved plans) attached to planning permission 4/02829/16/FHA (construction of new detached timber clad barn)
GRANTED - 6th September 2017

4/02829/16/FHA - Construction of new detached timber clad barn
GRANTED - 9th February 2017

4/02040/16/FHA - New vehicular Access.
GRANTED - 28th September 2016

4/03348/15/FHA - Erection of stables and tack room (resubmission of application 4/02474/15/FHA)
GRANTED - 3rd May 2016

4/02475/15/FHA - Erection of detached garage
GRANTED - 26th August 2015

4/02474/15/FHA - Erection of stables, tack room and storage barn
REFUSED - 25th August 2015

4/00513/15/FUL - Conversion of building from b1(c) to a residential dwelling (c3) with replacement window with a new door (northwest elevation)
GRANTED - 2nd June 2015

4/02875/14/OPA - Change of use of office (use class b1(a)) to residential - single dwelling unit (use class c3)
REFUSED - 3rd December 2014

4/01193/11/DRC - Details of removal of access road and replacement landscaping as required by condition 4 of planning permission 4/00503/11 (hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with Luton Road and part of private access
GRANTED - 2nd December 2011

4/00503/11/FUL - Hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with Luton Road and part of private access
GRANTED - 8th June 2011

4/00100/08/LDE - Use of building as an office
REFUSED - 5th November 2009

Appeals:

22/00071/REFU - Removal of existing roof, raising of external walls and introduction of a replacement roof to provide increase to first floor accommodation. Existing brick walls to be rendered and painted.
DISMISSED - 21st August 2023

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Parish: Markyate CP
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 (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Core Strategy
NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns Area of Outstanding Natural Beauty (AONB)
CS26 – Green Infrastructure
CS27 – Impact on Heritage Assets
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 119 – Development Affecting Listed Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)
Landscape Character Assessment of Dacorum SPG (2004)
Dacorum's Green Belt Review and Landscape Character Appraisal (2016)
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:

- Principle of Development
- Impact on Openness
- Landscape and Visual Impact (Layout, Design, Scale)
- Impact on Residential Amenity
- Impact on Trees and Landscaping
- Highway Safety & Parking
- Other Material Considerations.

Principle of Development

9.2 The application site lies within the Green Belt, wherein Policy CS5 of the Core Strategy states that development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

9.3 Section 13 of the NPPF also considers the construction of new buildings as inappropriate development. However, there are some exceptions contained within paragraph 149, including sub-paragraph (g) - the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

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

Previously Developed Land

9.4 Previously developed land is defined in Annex 2 of the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' It goes on to list a number of exclusions, for example agricultural or forestry buildings,

however it does not specifically preclude stables and their associated infrastructure from the definition. For the purposes of paragraph 149 of the NPPF, it is considered that the application site constitutes previously developed land.

9.5 The proposed dwelling would not provide affordable housing, therefore the development can only be assessed against the first bullet point of paragraph 149 g), i.e. it must be established whether the development would have a greater impact on the openness of the Green Belt than the existing development.

Impact on Openness

9.6 The area of previously developed land comprises the stable building and a machinery / hay store situated within an area of hardstanding and comprising an existing access to Luton Road. There is a shipping container in the southeast corner of the site, in between the stables and the southeast boundary, however this is a temporary structure that does not have formal planning consent and is therefore excluded from the below assessment.

9.7 When considering applications for development in the Green Belt, local planning authorities are required to ensure that substantial weight is given when considering potential harm to the Green Belt. According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl and safeguard the countryside from encroachment by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form - as distinct from the absence of visual impact. However, it has been well-established by case law that the openness of the Green Belt has a visual aspect as well as a spatial aspect. As such, the impact of the proposal on the openness of the Green Belt should be assessed taking into account both its spatial and visual impact.

Spatial Impact

9.8 The first point to consider is whether the proposed development would have a greater spatial impact on the openness of the Green Belt than the existing development. The below figures have been provided by the applicant:

Existing

Footprint: 178.9m³

Volume: 718.86m³

Proposed

Footprint: 181.9m²

Volume: 631.26m³

9.9 Based on the above figures, the proposal represents an increase in footprint of 1.7% and a reduction in volume of 12.2%. The maximum height of the proposed dwelling would be 4.03m and it would have an eaves height of 3.05m. This is in comparison to the existing stables, which measure 4m high, and the existing machinery storage barn, which measures 5m high. In terms of layout, the dwelling would partially sit over the footprint of the existing stables, however it would be positioned further towards the southeast of the site than the existing machinery / hay store. The proposal includes an area of hardstanding to the front of the dwelling to allow for a driveway and parking area, however there is already a substantial amount of hardstanding on the site. The proposed dwelling would be positioned within the existing boundaries of the site and would not sprawl out into open countryside. Whilst there would be a marginal increase in footprint, this would be offset by the overall reduction in volume and height.

9.10 Taking all of the above into account, it is considered that the proposal would not spatially have a greater impact on Green Belt openness than the existing development. In addition, the proposed

development would have no greater harm than the existing use of the site, in terms of residential paraphernalia.

Visual Impact

9.11 The application site is located within a parcel of land known as MY-A1 according to Dacorum's Green Belt Review and Landscape Character Appraisal (2016). The appraisal emphasised the importance of the open, rolling character and instances of intervisibility. The parcel of land comprising the application site makes a strong contribution to the purposes of the Green Belt.

9.12 The site is relatively well-screened from the highway and from other public vantage points by the trees and vegetation surrounding the site. It is considered that the lower height and reduction in built form proposed would be less visible than the existing buildings on site. There are public rights of way that surround the site that have uninterrupted open views of the site across open fields to the southeast and southwest. However, it is considered that the proposed building would not be more prominent than the existing buildings on site. The proposed dwelling would be single storey and would comprise a green-coloured roof that would help it to assimilate into its surroundings and it would not appear overtly prominent in relation to the surrounding rural landscape.

9.13 In terms of other development within the site, the scheme proposes hardstanding to form a driveway and landscaping to the front and rear of the property. The level of hardstanding proposed would not be too dissimilar to the existing situation on site and the proposed landscaping provides the opportunity to soften the development.

9.14 Taking all of the above into account, it is considered that the proposed development, would not be visually more prominent than the existing development, by virtue of its low profile and relatively well screened nature of the site. In addition, further landscaping would be secured via condition in order to soften the development. Thus the proposal would not visually have a greater impact on Green Belt openness than the existing development.

Summary

9.15 Bringing all of the above together, it is considered that the proposed development would not have a greater impact on Green Belt openness than the existing development, either spatially or visually, by virtue of the decrease in volume and overall reduction in height and lower profile. Visually the proposal would not be overtly prominent within the surrounding rural landscape and it is considered that the visual permeability within the site would be retained. In addition, the site is relatively well-screened, which would further mitigate any visual impact.

9.16 It is therefore considered that the proposal would not cause greater harm to Green Belt openness than the existing development, to accord with the first bullet point of paragraph 149 g) on the NPPF. The Proposal is therefore acceptable in principle, subject to the below assessment.

Visual Impact (Layout, Design, Scale), Impact on Chilterns AONB

9.17 Core Strategy Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. Furthermore, paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The site lies adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB) and therefore regard must also be given to any development that may affect its setting.

9.18 The surrounding area is rural in character with development concentrated along Luton Road and Caddington Common, comprising predominantly low-level bungalows with some larger two

storey detached properties. The site is fairly well-screened from Luton Road by vegetation, although the site can be viewed from public footpaths to the south and west.

9.19 The Landscape Character Assessment of Dacorum SPG (2004) identifies the area of land within which the application site resides as 'Markyate Ridges and Valleys' (Area 126). The landscape character is described as predominantly mixed arable and pasture farmland with some common land, woodland and parkland, converging upon the M1 corridor to the east. The key characteristics are narrow upland ridges and valleys, gently undulating open arable land, medium sized irregular shaped fields, isolated settlements and farms and open views across surrounding valleys. The guidelines for development within this area, are to improve and conserve – to promote awareness and consideration of the setting of the Chilterns AONB and views to and from it, when considering development on sites adjacent to the AONB.

9.20 The proposed dwelling would set back from Luton Road and the boundary with the AONB. The proposed dwelling would be single storey with a low-pitched roof and would be finished in utilitarian materials that are appropriate within a rural setting. There is substantial boundary treatment along Luton Road that would be retained, and there is further opportunity for further landscaping within the site. The Council's Conservation Officer has been consulted and raised no objection to the proposal, subject to a condition requiring solid wooden gates to screen the development from view.

9.21 Due to its low profile, there would be limited visibility of the proposed development from Luton Road, especially during the summer months when there is dense screening from vegetation. There would be longer views from within the open countryside, however it is considered that the proposed layout, scale and design is sympathetic to the character and appearance of the wider countryside. The proposal therefore complies with the above-mentioned policies in terms of its visual impact and impact on the setting of the Chilterns AONB.

Impact on Heritage Assets

9.22 Policy CS27 of the Dacorum Core Strategy, Saved Policy 119 of the Dacorum Local Plan and the NPPF seek to ensure that all development favours the conservation of heritage assets and retains the character and setting of listed buildings.

9.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with respect to development that affects a listed building or its setting. In particular, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

9.24 The application site is located approximately 0.5km from the Grade II* Listed Markyate Cell and its surrounding Registered Park and Garden. As such, the Council's Conservation and Design Officer has been consulted and has provided the following representation:

"The proposal site faces onto the Luton Road at the north east end of the Lower Farm End site. It is well screened with trees along the road as well as a 5 metre high conifer hedge in the south west corner. The AONB lies on the other side of the Luton Road encompassing Cell Park with its grade II house and registered park and garden.*

Currently the site has a number of outbuildings, it is proposed to demolish these and replace them with a single storey house built in a contemporary style with a green roof and using similar utilitarian materials to the existing outbuildings. The replacement house will be sited at the end of the plot with an L plan.

The plans state that there is an existing access that will be used. There are large areas of hard standing proposed in front of the house with six spaces for car parking. I would suggest a condition for solid wooden gates in order to screen this from view.

Given the location at the rear of the plot, the substantial screening and the single storey utilitarian design it is not considered that this would have a detrimental effect on the AONB or listed building and parkland, providing the applicants accept the suggested condition.

Recommendation: No objection.”

9.25 In accordance with paragraphs 201 and 202 of the NPPF, where a development proposal will lead to any harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, noting that the building is of the highest category of protection being Grade II* Listed.

9.26 Given the significant separation distance and the fact that the proposed dwelling would not be visible within the same vistas as the listed building or registered park, it is considered that the proposed development will not cause any harm to the significance of Markyate Cell and Park and therefore the balancing exercise outlined in the NPPF need not be undertaken. The proposal complies with the above-mentioned policies in terms of its impact upon heritage assets.

Impact on Residential Amenity

9.27 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in a detrimental impact upon the neighbouring properties and their amenity space in terms of visual intrusion, loss of light or privacy.

9.28 The nearest residential property to the proposed dwelling is The Lodge, which is located 30m to the east of the site. In terms of the visual impact, the proposed dwelling would be single storey and would be set away from the common boundary with The Lodge by 4m. There is substantial vegetation and an existing 1.9m-high close-board fence along the boundary that would be retained. The proposed dwelling may be visible from the upper level windows of The Lodge, however it would not be significantly overbearing or visually intrusive due to the separation distance and low height of the dwelling. In terms of light provision, privacy and noise / disturbance, it is considered that the separation distance in excess of 30m between the two dwellings is sufficient enough to avoid any significant harmful effects.

9.29 An objection has been received from The Lodge with concerns relating to residential amenity, however as outlined above, it is felt that the proposed dwelling would not cause significant harm by virtue of the separation distance proposed.

9.30 In terms of the existing dwelling, Lower Farm End, the separation distance would be around 40m, which is also considered to be sufficient to avoid any significant overlooking or noise / disturbance.

9.31 Taking all of the above into account, the proposed development complies with the above-mentioned policies in terms of residential amenity.

Impact on Highway Safety and Parking

9.32 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.33 The parking requirement set out in Appendix A of the Parking Standards SPD is 2.25 allocated spaces for a three-bedroom dwelling within Accessibility Zone 3. The development proposes three off-street parking spaces situated on hardstanding to the front of the dwelling, which meets the above requirement. There is also further space on the proposed hardstanding for additional vehicles, should the need arise for example for occasional visitors.

9.34 In terms of access and highway safety, the proposed dwelling would utilise an existing access off Luton Road. The Highway Authority has been consulted and raised no objection to the proposal, noting that vehicles (including larger fire appliance vehicles) would be able to turn on site and exit in forward gear.

9.35 It is considered that the proposal meets the car parking requirement and would not have an impact on highway safety, to accord with the above policies.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.36 There are a number of mature trees within the site and on adjacent land. Whilst the proposed scheme does not require any trees to be removed to facilitate the development, the areas of proposed demolition and construction lie within close proximity to mature trees. As such, it is reasonable and necessary to secure an arboricultural impact assessment and tree protection plan by condition. Furthermore, the proposed development does provide an opportunity to soften the built form by way of additional planting and landscaping, which could be secured by a landscaping condition. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

Contaminated Land

9.37 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. The site does not reside within an area of know land contamination, however the Council's Environmental Health Officer has recommended contaminated land conditions due to the vulnerability of the proposed residential end use to the presence of any contamination. This would be secured by condition should permission be granted.

Waste Management

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

Habitats Regulations Assessment – Chilterns Beechwoods SAC

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

9.40 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the

conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

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

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

9.43 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

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

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

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

Conditions

9.47 A number of conditions are recommended in order to address technical matters, including contaminated land, tree protection measures, materials and landscaping. In addition, it is considered reasonable and necessary to remove Permitted Development Rights by condition (Condition 10). This is in order for the Local Planning Authority to retain control over any further additions / extensions that could potentially cause harm to the openness of the Green Belt. Furthermore, it is considered reasonable and necessary to ensure that all of the existing buildings and structures on the site are removed by condition prior to the construction of the new dwelling (Condition 2). This is to ensure that the proposed development would not have a greater impact on Green Belt openness than the existing development, to accord with paragraph 149 of the NPPF.

Community Infrastructure Levy (CIL)

9.48 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

10. CONCLUSION

10.1 The proposed dwelling would not be inappropriate development within the Green Belt as it would constitute the complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Furthermore, by virtue of its layout, design and scale the proposed dwelling would not have a significant impact on the character and appearance of the countryside or the setting of the adjacent Chilterns AONB. There would be no significant impact upon the living conditions of surrounding properties and it will provide a good standard of living conditions for future occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 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.

Conditions and Reasons:

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

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

2. **The buildings / structures labelled as ‘machinery, hay and feed store’, stables’ and ‘container’ on drawing no. WRIG/22110/EXISTSITE shall be demolished and all the materials removed from site prior to the construction of the new dwelling hereby permitted.**

Reason: To safeguard the visual amenities of the Green Belt in accordance with Dacorum Borough Core Strategy (2013) Policy CS5.

3. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs)

- o The sequential order of events required for tree protection

- o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable)

- o The position and specification of ground protection in accordance with BS5837:2012 (as applicable)

- o Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable)

- o Details of proposed levels

o The position of service routes and drainage, and means of installation if these encroach through the RPA of retained trees.

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

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

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

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

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

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

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

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

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

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

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

5. Any contamination, other than that reported by virtue of Condition 4 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

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

6. **The development hereby permitted shall not progress beyond damp proof course level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.**

Specific details of the following shall be submitted to the Local Planning Authority for approval:

- o **Sample panels of brickwork**
- o **Roof material sample**
- o **Cladding material sample**
- o **Details of window and door frames**
- o **Rainwater goods.**

Development shall be carried out in accordance with the approved details.

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

7. **Prior to the occupation of the development hereby approved, details of the timber entrance gates shall be submitted to and approved in writing by the Local Planning Authority.**

Development shall be carried out in accordance with the approved details, which shall be installed prior to occupation and retained as such in perpetuity.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the area and to preserve the setting of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS24 and CS27 of the Dacorum Borough Core Strategy (2013).

8. **Prior to the occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

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

The approved landscape works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.

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 Policies CS12 (e) and CS24 of the Dacorum Borough Council Core Strategy (2013).

9. **The development shall be carried out in accordance with the ecological enhancement opportunities detailed in the Preliminary Ecological Appraisal by Samsara Ecology (report date December 2022). The scheme of enhancements shall be initiated prior to the commencement of the approved development and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2023).

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

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

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013).

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

WRIG/22301/SITE1A

WRIG/22310/PLANE

Preliminary Ecological Appraisal by Samsara Ecology (dated December 2022)

Planning Statement by A P Whiteley Consultants Ltd (dated 3rd January 2023)

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

Informatives:

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

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

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

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

3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
4. Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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

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

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

5. Construction Dust: 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.
6. Waste Management: 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.

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

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

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

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

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

8. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
9. The Contaminated Land 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>
10. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
-----------	----------

Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>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.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>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.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure</p>

	<p>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.</p> <p>Comments</p> <p>The proposal is for the demolition of existing outbuildings and construction of a new bungalow at Lower Farm End, Luton Road, Markyate. Luton Road is a 60 mph classified B secondary distributor route that is highway maintainable at public expense. The access was approved in 2016 under planning reference 4/02040/16/FHA to access the stables and large storage outbuilding as noted in the planning statement.</p> <p>The trips to and from the dwelling are considered to be the same or less than that of the current use for which the access has no recorded accidents in the last 5 years associated with it. The 2.4 x 160 metre visibility splay agreed at planning application 4/02040/16/FHA is still considered acceptable. Vehicles are able to turn on site to enter and exit the site in forward gear which is considered acceptable. The dwelling is not in a sustainable location in terms of highways, however, there is a footway adjacent the site which leads to the nearby settlement. No alterations are proposed to the existing highway network.</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Drawing number WRIG/22304/PLANB illustrates that an 8.2 metre fire appliance can enter the site and turn on site which is required owing to the proposed dwelling being greater than 45 metres from the highway network to all part of the building.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission subject to the inclusion of the above informatives.</p>
Parish/Town Council	<p>Markyate Parish Council object to any building on Green Belt and support comments submitted by neighbouring property.</p> <p>This proposal overlooks neighbouring property.</p> <p>There are two applications, from the same owner, relating to the single</p>

	<p>plot of land. They do indeed represent overdevelopment in the green belt.</p> <p>Planning rules state that any outbuildings should not take up more than half the land around the original house - the building as first built or how it stood in July 1948</p> <p>The plot of Lower Farm End was first defined as a plot when it was sold for growing trees, and permission was given for a tool shed/barn, valid use within the green belt.</p> <p>Later, the area was enclosed by a 2-metre-high fence when a new access road was provided, with a view to making the area safe for raising livestock. (Kingsley Griffiths RIBA Chartered Architect Deign & Access statement March 2011)</p> <p>The use of the barn was altered to B1a, and then B1c in order to then obtain planning permission for conversion to a residential dwelling. This was justified by the lack of demand for offices in the area, but the change from agricultural use was hardly justified when there was an application to erect stables at much the same time.</p> <p>There has been no formal division of the plot - the stables can still be accessed from the original revised entrance near the barn, which is now a bungalow.</p> <p>The replacement of agricultural outbuildings within the green belt with a second residential building on the plot is surely overdevelopment within the green belt. This supports our objection to 23/00023/FUL</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Conservation & Design (DBC)	<p>Lower Farm End, Luton Road, Markyate</p> <p>The proposal site faces onto the Luton Road at the north east end of the Lower Farm End site. It is well screened with trees along the road as well as a 5 metre high conifer hedge in the south west corner. The AONB lies on the other side of the Luton Road encompassing Cell Park with its grade II* house and registered park and garden.</p> <p>Currently the site has a number of outbuildings, it is proposed to demolish these and replace them with a single storey house built in a</p>

	<p>contemporary style with a green roof and using similar utilitarian materials to the existing outbuildings. The replacement house will be sited at the end of the plot with an L plan.</p> <p>The plans state that there is an existing access that will be used. There are large areas of hard standing proposed in front of the house with six spaces for car parking. I would suggest a condition for solid wooden gates in order to screen this from view.</p> <p>Given the location at the rear of the plot, the substantial screening and the single storey utilitarian design it is not considered that this would have a detrimental effect on the AONB or listed building and parkland, providing the applicants accept the suggested condition.</p> <p>Recommendation: No objection</p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>Noise, Odour and Air Quality:</u></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</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months</p>

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>

Contaminated Land:

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

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

Contaminated Land Conditions:

Condition 1:

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

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

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Condition 2:

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

Should no ground contamination be encountered or suspected upon

	<p>the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here: https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

Neighbour Responses

Address	Comments
The Lodge Luton Road Markyate St Albans Hertfordshire AL3 8QA	<p>1. Overlooking and loss of privacy The proposed bungalow is on the boundary with our property and will invade our privacy. The occupants will be able to overlook and see into our kitchen and upstairs bedroom as well as activities in our vegetable garden and pond plus any activity at that end of our property. What is a quiet haven for wildlife and our family will be destroyed.</p> <p>2. Loss of light and overshadowing The grass path on our side of the boundary will be in shadow of the proposed new bungalow as will part of our vegetable garden resulting in poor cropping. A bungalow along much of the boundary at that point will lessen the light coming into our property and darken the effected area</p> <p>3. Noise & disturbance resulting from use Our house is close enough to the proposed new build for us to be totally disturbed by noise from the occupants, particularly children at play but also car movements and</p>

any chatter as occupants/visitors enter/leave the bungalow or use the garden. After 50+ years of quietness the prospect of noise from near neighbours is very upsetting.

We came here because because of the quietness of open countryside and no immediate neighbours. The prospect of this totally changing because there is a proposed bungalow on the boundary of our property is not welcome.

Luckily for us so far most of the buildings on the site have not been/are not occupied. The new bungalow at the other end of his site is well away from our property so we will have to see what noise emanates from there. Unfortunately the second new proposed bungalow is on the nearest boundary to our house and we certainly object to the location and presence. Noise and disturbance will be inevitable which is unacceptable in a quiet, rural location.

4. Visual Intrusion

The proposed bungalow will overlook our property and will intrude upon our privacy

5. Trees and shrubs

Our boundary with the property is lined with hedges and individual shrubs. In particular, a 50 year plus oak tree overhangs the proposed new bungalow. A tree preservation order is being sought to ensure that it is not mutilated to facilitate a new build. A tree survey is needed.

6. Access to site

A. The road outside our properties is fast (no speed limit) and often very busy. There are frequent queues during rush hours outside the proposed bungalow. Vehicles parking for deliveries to the proposed bungalow will cause dangerous delays to other traffic.

B. There is no pavement on this side of the road, only a deep ditch. Pedestrians, particularly children, will be in considerable danger when trying to cross a decontrolled, fast moving road on a hill to reach the safety of a pavement.

7. Existing bungalow on site

At the opposite. end of the site is a recently built bungalow with detached double garage. Why is a second bungalow needed on the same site when the existing bungalow has never been occupied?

8. Ecodiversity and Geological Conservation

The site is part of a rural environment. It is important for existing and future wild animals and birds to continue to roam and breed and not to further restrict their movement. Many species of birds and animals/mammals use the site to roam and to breed including deer, badgers and moles.

Item: 5c

23/01905/FHA	Single storey side extension, conversion of garage, new porch and replacement pillars	
Site Address:	Holly House, 8 Kilfillan Gardens, Berkhamsted	
Applicant/Agent:	Mrs Emma Ellson	
Case Officer:	Robert Freeman	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	This application has been referred to committee in view of the contrary recommendation of the Town Council. The Town Council objects to the design of the proposed works and the impact on the street scene.	

1. RECOMMENDATION

- 1.1 That planning permission is **GRANTED**

2. SUMMARY

- 2.1 The application site is located in a residential area of Berkhamsted where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposed development is considered to be acceptable in terms of its design, bulk, scale and use of materials and would not detract from the appearance of the dwelling nor the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.4 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 Kilfillan Gardens is a small residential cul-de-sac of 8 units off Graemesdyke Road, Berkhamsted. The street contains a large detached dwelling, Raglan House, within which there are four flats. There are four detached dwellings (Nos.5-8) within the remainder of the cul-de-sac. The detached dwellings are constructed in two styles although all share common design elements such as the provision of hipped roof form, front portico and flat roofed garages. A former close care housing scheme, Kilfillan Park is also accessed off Kilfillan Gardens.
- 3.2 The application site comprises a large detached dwelling at the eastern end of the cul-de-sac constructed in brick and with a hipped roof form. This has been extended by the addition of a two storey rear extension constructed with a rendered finish. .
- 3.2 A portico extends to the front and side of the property and connects the property with a flat roofed detached garage. This garage shares a common boundary with the garage to the neighbouring plot. The southern boundary of the site is heavily landscaped with a number of mature trees.

4. BACKGROUND

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (23/01669/PRHW). The pre-application response expressed concerns with the introduction of a pitched roof form and the impact on the character and appearance of the area. The applicants have subsequently amended the proposals by raising the parapet wall to the front of the garage in an attempt to screen the extension beyond.
- 4.2 The application property was initially extended following the grant of planning permission 4/01710/16/FHA and the subsequent grant of permission 4/02620/16/ROC. The initial application was amended to remove the introduction of timber cladding to the front elevation with the subsequent amended scheme resulted in a change in roof form and materials to the rear extension of the property.

5. PROPOSALS

- 5.1 The application seeks planning permission for the construction of a single storey side extension providing a pitched roof above the existing garage and facilitating the provision of a dressing room and mezzanine office within the associated roof space.
- 5.2 The proposals also include a partial conversion of the garage to provide a downstairs toilet and storage and the removal of the mock columns and roof forming a portico to the front of the property. A porch would be provided outside the front door to the property with replacement pillars.
- 5.3 A proposed extension would increase the depth of the garage by some 3.65m and infill a section between the existing two storey rear extension and the boundary of the site. The partial conversion of the garage would leave a single parking space therein.
- 5.4 A parapet wall would be provided to the front elevation partially screening a pitched roof beyond with the inclusion of three Velux windows to the front elevation. Large glazing panels at the rear of the property would provide light to a mezzanine office at the rear of the dwelling and garden room.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in Appendix B

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Kings Langley Neighbourhood Plan 2020-2038 (adopted September 2022)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality

Saved Dacorum Borough Local Plan 1991-2011

Policy 13 – Planning Conditions.
Policy 51 – Development and Transport Impacts
Appendix 7 – House Extensions

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 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)

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within the town of Berkhamsted where the extension of existing residential properties would be accepted in principle in accordance with Policies CS1 and CS4 of the Core Strategy

Layout and Design

- 8.2 The key consideration in this case is whether the proposed extension to the property results in an acceptable design and one which is not unduly harmful to the character and appearance of Kilfillan Gardens. This is highlighted in the responses from Nos. 5, 6 and 7 Kilfillan Gardens and the objection of the Town Council.
- 8.3 The main area of concern is with the side extension to the property. These responses contend that the scale, bulk, height and design of the proposed extension is harmful to the uniform appearance of properties in Kilfillan Gardens contrary to the NPPF, Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011. Significant weight is applied to the content of Saved Appendix 7 as outlined in Annex B of this report.
- 8.4 As set out in the site description, the properties in Kilfillan Gardens are not uniform in appearance with three distinct building styles being adopted within a relatively small street. Whilst the principle roof form to all properties is hipped, there is variation on subservient elements of the properties within the street.

- 8.5 The principle building on entry to Kilfillan Gardens is Raglan House which contains flats 1-4 Kilfillan Gardens. This is an imposing building constructed to appear as a semi-detached property and with a projecting front gable and mock Doric porch located centrally within its front elevation. Flat roofed double garages are located on either side of the property with the roof hidden behind a brick parapet and with decorative brick arches and gates connecting the garage to the main dwelling.
- 8.6 Nos 5 and 6 are 'L' shaped detached hipped roof properties with stone portico. These properties also have flat roofed detached garages connected at the front of the property via decorative brickwork and hidden behind parapet walls. In the case of No.5 this parapet wall has been raised and its arch removed whilst No.6 has constructed a modest porch entrance to the side of the property and infilled part of its portico.
- 8.7 The application property is located at the end of the cul-de-sac and is the only property in Kilfillan Gardens to be arranged perpendicular to the street. The property punctuates views down Kilfillan Gardens and to the east of the site. Constructed later than other properties within the street, both Nos 7 and 8 Kilfillan appear as wider properties given their flat frontages and the introduction of arched windows. The porticos to these properties extend and wrap around the dwelling before connecting to detached flat roofed garages. In the case of No.7, this is the only property whose garage is located perpendicular to the main dwelling.
- 8.8 The proposals have been designed to be in keeping with the street scene constructed in brick and with sash style windows to the proposed WC and matching clay roof tiles to the new extension. These would match the existing materials and windows in terms of style and proportions with the exception of a linked glazed panel between the property and the former garage building. This new glazed opening is not considered to be harmful to the overall appearance of the development.
- 8.9 The existing garage roof will be complemented by a new brick parapet wall. This would reflect a number of the garages within the street and would reduce the visual impact of the proposed new roof. This parapet detail has been raised in accordance with pre-application advice, whilst a hip has been added to the proposed roof during the course of determining this application. The extension would be set back from the frontage of the dwelling providing limited views of the roof and velux windows thereto. There should be no objection to the provision of a pitched roof per se, which would not detract significantly from the wider character and appearance of the property in accordance with the NPPF and Policy CS12 of the Core Strategy.
- 8.10 The rear/side extension has been designed to reflect the style of the rear extension to the dwelling and adopts a more contemporary form with aluminium glazing panels and a smooth white render. This is considered to be appropriate in this context.
- 8.11 There are no objections to the removal of stone columns to the front of the property and their replacement to form a new enclosed porch. It is likely that such works would not require permission in their own right and as such there would be no grounds for objection to this element of the proposal under Policy CS12 of the Core Strategy or Saved Appendix 7 of the Local Plan 1991-2011.

Impact on Residential Amenity

- 8.12 Despite the concerns of No.7, I do not consider that the proposed extensions to the dwelling would result in any significant harm to the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.

- 8.13 The extension would be provided above the existing garage to the property and at an oblique angle to fenestration within the front elevation to No.7. It would share a party wall with the neighbouring garage and would not project a significant distance beyond the common flank elevation thereto. Given the juxtaposition of properties and that the ground floor windows to No.7 are beneath the portico thereto, I find that the proposals would not result in any significant loss in either daylight or sunlight to the habitable rooms of the property. They are also not considered to be overbearing to this property given that they are at an oblique angle to the dwelling frontage and a significant distance therefrom. I note that the main garden to No.7 would be to the rear and side of the dwelling and would be unaffected by the proposals.
- 8.14 The proposed development does not include any windows in the flank elevation that may look out over the neighbouring garden to No.7 and as a consequence I find there to be no material loss in privacy thereto. The existing windows within the front elevation to No.7 provide natural surveillance to the street and I find that the inclusion of additional windows thereto would not materially change this situation. The velux windows would be located at a high level and would serve a dressing room area. They would not look onto the street nor result in overlooking of the shared access drive. The large glazed openings at the rear of the property would not result in any overlooking of neighbours to the east of the site, where there is a dense tree coverage in-situ.

Access and Parking

- 8.15 The proposed works would not fundamentally alter the parking and access arrangements for the dwelling. The existing garage is insufficient in width for the parking of two vehicles whilst the amended scheme would retain a single car parking space within the garage to the property. A single space would remain available to the front of the dwelling despite alterations to the proposed portico. The proposed works would not increase the demand for off-street parking associated with the property and for these reasons I cannot find any conflict with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) that might justify the refusal of planning permission in this case.

Other Material Planning Considerations

- 8.16 A number of comments have indicated that the case officer is being inconsistent with judgements in 4/01710/16/FHA by recommending that alterations to the front elevation of the property are acceptable. The primary objection in relation to this earlier application was that the introduction of timber cladding and removal of columns would significantly detract from the appearance of the property. Removing the portico does not, in my opinion, necessarily require planning permission and as such would not comprise a reason for refusal in either case. It is evident that changing the style of portico to the dwelling does not fundamentally result in harm to its appearance. This case is also not comparable as the materials proposed, unlike those before, would match those on the existing dwelling. I afford the decision to amend application 4/01710/16/FHA no weight in this case and do not consider the approach to this case to be inconsistent to this proposal.

Chiltern Beechwoods Special Area of Conservation (SAC)

- 8.17 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). 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. The proposed development given its nature is not

considered to result in an increase in recreational pressure at the CBSAC and an Appropriate Assessment is not required in this instance.

.9. RECOMMENDATION.

9.1 That planning permission be **GRANTED** subject to the conditions below:

Conditions:

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

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

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

**23004 AL (0) 110 Revision F
23004 AL (0) 111 Revision F
23004 AL (0) 112 Revision C
23004 AL (0) 120 Revision F**

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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

INFORMATIVE

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.

Contamination

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>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	Objection In view of its height, mass, scale and design, the proposal is

	incongruous and out of keeping with the neighbouring properties and street scene. In addition, the development would lead to loss of amenity to the neighbouring property by way of overlooking. This application is not in compliance with the Borough's previous stance for the property and the street scene. We would object under Policy CS12 of the Core Strategy and Appendix 7 of the Local Plan 1991-2011
--	--

APPENDIX B – NEIGHBOUR RESPONSES

Neighbouring Consultations	Contributors	Neutral	Objections	Support
26	3	0	3	0

Address	Comments
5 Kilfillan Gardens	<p>I consider that the proposed design is out of keeping with the existing properties in Kilfillan Gardens.</p> <p>I am aware that a previous planning application in respect of No. 8 (ref. 4/01710/16/FHA) was revised so that the original/existing appearance to the front of the property was retained. This was on the basis that the proposed alterations to the front elevation were considered to have a negative impact on the street scene. I believe that the same considerations should be applied to this application.</p> <p>For the above reasons I consider that the application should be refused.</p>
6 Kilfillan Gardens	<p>8 Kilfillan Gardens is the last house in the cul-de-sac and forms one of a pair of identical properties (7 and 8) constructed in the early 1980s. The pair of properties share an access drive.</p> <p>I object to the proposals on the following grounds:</p> <ol style="list-style-type: none"> 1) It is entirely out of keeping with the design of No.7 2) It would greatly overlook the shared drive and front garden of No.7 to the significant detriment of No.7 and with a resulting loss of light to the front garden. 3) The proposals would be entirely out of keeping with the street scene in Kilfillan Gardens which comprises a uniform set of properties, 4) The proposed development would be extremely visible against the skyline as one walks down Kilfillan Gardens to the east and approaches No.8 5) It would remove the view of vegetation and mature trees to the rear of Nos.7 and 8 6) I note that the previous application (4/01710/16/FHA) was revised so that the original /existing appearance to No.8 was retained. This was

	<p>on the basis that the alterations to the front elevation were considered to have a negative impact on the street scene. The same considerations should be applied to the current proposals.</p> <p>For these reasons, this proposal should be rejected.</p>
<p>7 Kilfillan Gardens (via Aitchison Rafferty)</p>	<p>The description of development is misleading as the proposed development is not for a single storey side extension; the proposed development is above an existing single storey garage block and thus creates a two storey side extension.</p> <p>REASON FOR OBJECTION</p> <p>The main concerns with the development are the impacts of the proposed scheme on the character and appearance of the street scene and the surrounding area and the loss of amenity by loss of outlook and overbearing impacts and a loss of privacy by overlooking from the proposed windows to the front roof slope</p> <p>POLICY</p> <p>Dacorum Borough Local Plan 1991-2011</p> <p>Appendix 7</p> <p>Appendix 7 outlines the design principles behind the extension to dwellings such as those proposed to 8 Kilfillan Gardens.</p> <p>The reason behind good design is outlined in A7.1; house extensions are promoted to protect the environment and benefit the public at large; the external appearance of an extension has a wider impact. The more sensitive the building or area, the higher the standards of design that will be sought.</p> <p>Item A7.2 states that extensions should harmonise with the existing house and the surrounding area in the following respects:</p> <p>(i) the extension should harmonise with the original design and character of the house</p> <p>a) scale- it should not dominate the existing building or project above the roof line,</p> <p>b) roof form – it should match the existing house in terms of design, pitch, angle of pitch and materials. Felt or plastic sheeting should be avoided on pitched roofs and when used on flat roofs can often be screened by parapet walls.</p> <p>c) window design – it should match the existing windows in terms of size, proportions, divisions and materials. The same lintel and sill height should be used, and windows should line up vertically and horizontally</p> <p>d) external finishes – should match as closely as possible in terms of type, colour and texture.</p>

(ii) Surrounding Area – Any extension should maintain the common design characteristics of the row or street within which the house is located, regarding

a) roof line – no extension should disrupt a clear consistent roof line and form;

b) building pattern – if a row of houses of uniform design and building line forms an attractive group in the street scene then extensions should not detract from this group effect,

c) design details – where features such as windows, doors, roof and wall materials, bays, porches etc are of a consistent design, it is important that any extension or alteration to reflect the original character of a house; this should not alter the character of an area by reducing the space around and between properties which would give a cramped appearance.

(iv) Where side extensions are proposed strict requirements will apply to prominent side extensions and the parts which are clearly visible from the street.

(v) in cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area. Some extension at first floor level may be feasible. This should be designed to avoid the creation of terraced or semi-detached character and to respect the above space standards.

Core Strategy

Policy CS12

On each site development should

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

f) integrate with the streetscape character

g) respect adjoining properties in terms of:

iv. scale

v. height

vi. bulk

vii materials

DESIGN AND IMPACT ON CHARACTER AND APPEARANCE

The National Planning Policy Framework (NPPF) states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF seeks to achieve a high quality of design and that new development is sympathetic to local character. The NPPF confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

It is clear that the proposals do not meet the local design policies and requirements in the Local Plan.

Kilfillan Gardens and the surrounding area of detached dwellings typically set back from the highway on generously sized and well landscaped gardens results in an attractive, verdant and pleasant residential character.

The development of Kilfillan Gardens was undertaken in two phases with the first phase (1-6) having a very similar and uniform appearance to one another. The second phase (7 and 8) was designed to replicate the existing development in the cul-de-sac.

As such Kilfillan Gardens has a uniform appearance with replicated architectural forms and features which creates a strong identify and a constant design rhythm within the street scene.

The existing architectural forms of the buildings within Kilfillan Gardens include hipped roof forms to the main building, flat roofed single storey side extensions to form garages, where each garage door is a double door and each property (Nos.1-6) has a parapet wall to conceal the flat roof. With the exception of Nos.1-4, the subservient identity of the use of the flat roof forms is continued by the use of flat roofed canopy porches supported by neo-classical style columns.

The existing architectural design features of the building include the use of brick and tile as the dominant wall and roof material; fenestration is multi-paned with sash style windows except for some arched windows to Nos.7 and 8.

The architectural design of dwellings in Kilfillan Gardens can be described as a mid/late 20th Century version of neo-classical, Georgian architecture where the use of brick, hipped roofs, columned porches and multi-paned fenestration dominated.

The application site consists of a two storey detached dwelling which is set back from the highway and has the repeated forms and features of other buildings.in the street.

The application dwelling is highly prominent in the street scene. When entering Kilfillan Gardens from the west, the application site is in the immediate view.

As can be seen in comparison images, the proposed development would make significant and incongruous changes to the appearance of the dwelling especially the highly visible front and north side elevations, which would in turn cause undue harm to the character of the street scene and the surrounding area.

The dwellinghouse at No.8, Kilfillian Gardens is currently congruent with the style of dwelling in the street. This uniformity would be deleted by the proposed development. Nowhere on the street are there two storey side extensions, no other dwelling poses the architectural form of crown roofs; the prevailing character is that of single storey flat

roofed side extensions. The increase in bulk and massing of the dwelling would not be in keeping with other properties and would be incompatible with the proportions of surrounding properties.

The existing single storey side garage extension to dwellings in Kilfillan Garden, contain double doors and the use of a single door in the proposed development appears as a failed attempt to retain the frontage.

Other proposed fenestration to the front elevation of the application dwelling would also appear incongruous. Nowhere in the street scene are there roof lights to front elevation roof slopes and the use of a single fixed pane, full height window to the front elevation would be out of sync with the established use of multi-pane Georgian style sash windows in this vicinity.

Moving to the rear elevation, whilst it is accepted that the rear elevation would not be visible from the public realm, the excessive use of glazed panels and the lack of a robust and balanced solid to void ration appears to be a fault in the design which may lead to significant energy losses. The use of glazed roof lights and slate tiles to the proposed roof provides further evidence of the lack of consideration to the character of the dwelling and the area.

Returning to national and local planning policy, it is clear from the proposed drawings and images and the outlined incongruent features that the proposed development does not comply with policy requirements.

Appendix 7 is clear that the external appearance of house extensions has a wider impact and that high design standards are sought in sensitive locations.

Contrary to Appendix 7 the proposed development fails to harmonise with the existing dwelling and the surrounding area. The proposals facilitates the use of a contemporary design which is out of keeping with the design and character of the original dwelling; it has a dominant scale; the crown roof form does not match, windows do not match the established designs and slate, render and single pane glazed panels are incongruent features.

The proposals fail the requirements of Appendix 7 as it does not maintain the common design characteristics of the street. The established roof line to the side of the property would be disrupted and the side extension would detract from the group effect of Kilfillan Gardens.

The Local Plan requires that where side extensions are proposed, strict requirements will apply to prominent side extensions but mainly those parts that are clearly visible from the street. Where an existing side extension goes to the boundary it will not normally be acceptable to build over its full area.

The visual effect of the extension on the original building and the lack of retention of space around it would be harmful to the original building

and the spacious character of the area. Furthermore, the identified harmful design forms and features fails the specific requirements of policy CS12 of the Core Strategy.

Specifically, the proposed development could cause harm to the amenity of neighbouring dwellings by way of a loss of privacy, it would not integrate with the streetscape and has been demonstrated not to respect the established character of adjoining dwellings in terms of scale, height, bulk or materials.

In addition to the proposals failure to comply with the local policies the development fails to meet the national required standards of the NPPF. The proposed development is not considered to be visually attractive, nor would it add to the quality of the area. It follows that the development is unsympathetic to the local character of the area because of the poorly considered architecture which fails to create a sense of place contrary to paragraph 130 of the NPPF.

LOSS OF AMENITY

A core planning principle, as set out in the NPPF, is to always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed development would have a significant adverse impact on the amenity of the adjacent property and garden of 7 Kilfillan Gardens contrary to the above policies.

The proposed depth and height of the extension, in such close proximity to the boundary of No.7 would have an overbearing and oppressive impact on the adjacent property and garden causing a loss of outlook. Furthermore, the proposed development includes three roof lights to the front roof slope. The use of the area at the front of the property as a home office space would give the user a clear view of the street, the comings and goings of neighbouring units with an associated loss of privacy.

In view of these factors the proposed development would unacceptably harm the amenities and living conditions of adjoining owners contrary to local and national planning policies.

PREVIOUS HISTORY

The application site received planning permission for a two storey rear extension in 2016 (4/01710/16/FHA)

The granted application originally included alterations to the front elevation of No.8 Kilfillan Gardens, however this was revised to remove the alterations to the frontage. These revisions were made on the basis that they would be harmful to the street scene of Kilfillan Gardens.

There is no reason why the judgement of the Council in relation to this matter should change during the intervening years and the LPA is obliged to be consistent in its decision taking.

CONCLUSION

The details within this statement clearly demonstrate that planning application 23/01905/FHA is unacceptable by way of its failure to comply with both Nation and Local Planning policies and should be refused by the LPA.

There are no reasons for the LPA to depart from the policies of the Local Plan. The starting point for assessing the development proposals is the Development Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 "the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise"

Because of the excessive height and mass and the incongruent design of the proposed development, significant harm would be caused to the established residential character and appearance of the area and amenity of the residents of No.7

Furthermore the LPA has established a precedent for the proposed development of the frontage of NO.8 by removing proposals to extend and alter the frontage of the property in consideration of application 4/02620/16/ROC (for variations to 4/01710/16/FHA)

The LPA have a duty to remain consistent in their decision making and there is no reason for the previous opinion of the Planning Authority to change since the determination of this case.

Agenda Item 5d

ITEM NUMBER: 5d

23/00767/FHA	Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window.	
Site Address:	43 Highfield Road Berkhamsted Hertfordshire HP4 2DD	
Applicant/Agent:	Mr Edward Blake	Mr William Howes
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposed extensions would have limited visibility within the public realm and would integrate with existing and surrounding dwellings by virtue of their sympathetic design, scale and materials. Whilst visible from surrounding units, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it have a significant impact upon local parking provision.

2.2 The proposal is therefore in accordance with Saved Appendix 3 and 7 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Highfield Road in Berkhamsted. The site comprises a two storey Victorian terraced dwelling that is located within Berkhamsted Conservation Area. The surrounding area is predominantly residential in character, comprising mainly Victorian properties, and includes several listed buildings within close proximity, including 47 Highfield Road which is Grade II Listed.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear dormer window.

4.2 The application is a re-submission following a previously refused scheme (ref. 22/01771/FHA), which was refused for the following reason:

- 1. By virtue of its scale and design, particularly at roof level, the proposed extensions would have a detrimental impact on the character and integrity of the original dwelling and the surrounding Conservation Area. There are no public benefits that would outweigh the identified harm and the proposal therefore fails to comply with Core Strategy (2013) Policies CS11, CS12 and CS27, Saved Appendix 7 and Policy 120 of the Dacorum Borough Local Plan (2004) and the NPPF (2021).*

4.3 The application has subsequently been amended. The full-width dormer on the previously refused scheme has been replaced by a narrow casement dormer.

5. PLANNING HISTORY

Planning Applications:

22/01771/FHA - Proposed demolition of the existing ground floor rear outrigger to allow the Construction of a new rear ground floor extension, alongside a rear first floor and roof extension.
REFUSED - 16th August 2022

Appeals:

23/00062/NONDET - Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window.
*LODGED – 18th August 2023**

**An appeal has been lodged against the non-determination of the current application. However, the Local Planning Authority is required to make a recommendation to the Planning Inspectorate to inform what the LPAs decision would have been.*

6. CONSTRAINTS

Area of Archaeological Significance: 21
BCA Townscape Group
CIL Zone: CIL1
Berkhamsted Conservation Area
Parish: Berkhamsted CP
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA2
Parking Standards: New Zone 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan (DBLP) 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction

Appendix 3 - Layout and Design of Residential Areas
Appendix 7 - Small-scale House Extensions
Policy 120 - Development in Conservation Areas

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Conservation Area
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The site is situated in a residential area of Berkhamsted, wherein appropriate residential development is encouraged in accordance with Core Strategy Policy CS4. The application site also falls within Berkhamsted Conservation Area where development is expected to positively preserve and enhance the established character and appearance of the conservation area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Dacorum Borough Local Plan and the NPPF.

9.3 The main issues of relevance to the consideration of this application relate to the impact of the proposed extensions on the character and appearance of the existing building, wider street scene, Conservation Area and impact on residential amenity of surrounding properties.

Quality of Design / Impact on Conservation Area

9.4 Core Strategy Policies CS11, CS12 and Saved Appendix 7 of the Local Plan seek to ensure that development within settlements respects the typical density in the area, respects surrounding properties and harmonises with the existing house and surrounding area. As outlined above, the site falls within Berkhamsted Conservation Area where development should preserve or enhance the character and appearance of the area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and Section 16 of the NPPF. Regard is also given to the statutory tests of preserving or enhancing the character or appearance of Conservation Areas under Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990.

9.5 In accordance with paragraph 202 of the NPPF, where a development proposal will lead to harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.6 The proposed development comprises the demolition of the existing single storey rear outrigger extension and its replacement with a larger, full-width single storey rear extension with dual-pitched

roof along with a first floor flat-roofed extension and casement dormer within the roof slope. As outlined above, the scheme is a re-submission and has been reduced in scale at roof level.

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

"No. 43 is a small flat fronted terraced house constructed of plum and red brickwork with a slate roof. It lies on the east side of the street within the Berkhamsted Conservation Area with the boundary running along the rear garden. No 47 two doors to the north (and part of the same terrace) is grade II listed and there are a number of locally listed buildings in the vicinity. The rear of this terrace can be partially seen from the cul-de-sac behind, Curtis Way.

An application to demolish the existing rear outrigger and build a two storey extension and loft extension was recently refused (22/01771/FHA) by virtue of its scale and design particularly at roof level which would have a detrimental impact on the character of the house and surrounding Conservation Area.

The current application is essentially the same application but instead of a full mansard or large wide dormer for the loft extension, a narrow casement dormer is proposed and the roof slope maintained. This is welcome and ensures that the conservation area is preserved. The detrimental uPVC windows to the front will be replaced with timber windows, which is considered a conservation gain to offset the two-storey extension to the rear. It also appears that the existing solid door will be replaced with a door with a diamond window to increase light levels internally. Recommendation: Acceptable with materials condition and full details of windows."

9.8 The surrounding area comprises predominantly Victorian terraced properties, some of which have undergone extension or alteration. The most notable examples include the two-storey rear extensions at nos. 41 and 39, as well as the new build flats of 37 and 37A, which comprise a two storey gable-end rear wing. These are the four adjoining neighbours to the northeast of the application site.

9.9 The proposed single storey element would comprise a glass gable-end and at first floor level there would be a sedum roof. The casement dormer window would be positioned centrally within the original roof slope. The proposed materials of matching brickwork and slate roof tiles would complement the original dwelling. As mentioned above, the existing uPVC windows on the front elevation would be replaced with timber frames, which would have a positive impact on the street scene.

9.10 Taking all of the above into account, it is considered that there would be no harm to designated heritage assets, therefore the balancing exercise set out in paragraph 202 of the NPPF need not be undertaken. The proposed design, scale and form of the extensions will not have a detrimental impact upon the character and appearance of the existing house or surrounding area. The proposal therefore complies with Core Strategy Policies CS11, CS12 and CS27, Saved Appendix 7 and Policy 120 of the Local Plan and the NPPF.

Impact on Residential Amenity

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

9.12 There are no significant concerns in relation to the single storey rear extension, which would project from the main rear wall of the original dwelling by 6m, comprising a gable-end roof with a ridge height of 3.5m and an eaves height of 2.6m.

9.13 In terms of the first floor element, this would project from the original rear wall by 3.3m. This would match the projection of the existing first floor extension for no. 41 and as such will not have a significant impact in relation to this neighbouring dwelling.

9.14 In relation to no. 45, the proposed first floor extension would be visible, however there is an existing single storey rear extension at no. 45 with a tiled roof, therefore the majority of light provision to this neighbouring dwelling is provided by the rear patio doors. The proposed first floor extension would not project any further beyond the rear elevation of no. 45's single storey rear extension. Nor would it project beyond the existing single storey rear wing on the application property, which comprises a 3.8m-high flank wall. As such, the proposed extensions would be visible, however when compared to the existing built form of the single storey outrigger, the proposed extensions would not have a significant increase in visual impact nor would it result in significant loss of light. 45-degree drawings have not been provided, however these measurements have been approximated by the case officer. It is considered that, in relation to the neighbour's ground floor patio doors, the proposed extension would pass the 45-degree test in elevation. In relation to the neighbour's first floor window, the proposed extension would pass the 45-degree test in plan.

9.15 Concerns have been raised by neighbouring residents in relation to the scale and bulk of the proposal and the impact on light provision and being visually overbearing. Concerns were also raised regarding a side-facing window within the ground floor extension of 41 Highfield Road that would be blocked by the proposed adjoining wall. It is understood that the window serves a passageway into the neighbour's kitchen. The blocking of the window would restrict all light to this window, however as it is not a primary window serving a habitable room there it is not considered that the application could be refused on those grounds. Further, an agreement relating to the window and adjoining wall, such as a party wall agreement, would be a civil matter.

9.16 Overall, as outlined above, whilst the proposed development would be visible from surrounding residential units, it is not considered that the bulk and mass would be significantly overbearing, nor would it result in a significant loss of light. Furthermore, there are several examples of similarly scaled rear extensions along the row of properties on Highfield Road, which is fairly constricted and characteristic of Victorian terraced streets. To conclude, it is not considered that a reason for refusal on residential amenity grounds could be substantiated. The proposal complies with the above-mentioned policies in that regard.

Impact on Highway Safety and Parking

9.17 The NPPF, Policies CS8 and CS12 of the Core Strategy, Saved Policy 58 of the Local Plan and the Parking Standards Supplementary Planning Document (SPD) (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.18 There would be an increase in the number of bedrooms from two to three as a result of the proposed development. The parking requirement set out in the Parking Standards SPD states that within Zone 3 a two-bedroom house should have 1.5 spaces and a three-bedroom house should have 2.25 spaces. As such, the increase in parking requirement as a result of the proposed development equates to 0.75 spaces.

9.19 There is no off-street parking provided or proposed for the dwelling. The site resides within an historic Victorian street wherein very few houses are able to provide off-street parking. As such, there is a shortfall in parking for the proposed development, however taking into account the accessible location within close proximity to Berkhamsted town centre and the apparent lack of

parking restrictions on Highfield Road, it is not considered that the proposal could be refused on the grounds of parking.

9.20 There are no changes that would affect the adjoining highway, therefore the proposal would have a neutral impact on highway safety.

Other Material Planning Considerations

Area of Archaeological Significance

9.21 The site resides within an area of archaeological significance. The County Archaeologist has been consulted but has not provided a response. It is considered that, owing to the modest scale of the proposal and existing built development in close proximity, it is unlikely that there would be a significant archaeological impacts.

Chiltern Beechwood Special Area of Conservation (SAC)

9.22 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). 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. The proposed development given its nature is not considered to result in an increase in recreational pressure at the CBSAC and an Appropriate Assessment is not required in this instance.

Community Infrastructure Levy (CIL)

9.23 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site resides within CIL Zone 1, however the application is not CIL liable as it would not result in more than 100 square metres of new residential floor space.

10. CONCLUSION

10.1 By virtue of its sympathetic design, it is considered that the proposal would not have a detrimental impact on the character and integrity of the original dwelling or the surrounding Conservation Area. The proposed extensions would be visible from neighbouring properties, however the layout, scale and bulk would not be significantly harmful to the living conditions of neighbouring properties. The proposal is therefore in accordance with Saved Appendix 3 and 7 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

11. RECOMMENDATION

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

Conditions and Reasons:

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

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

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

- **Brickwork**
- **Roof tiles**
- **Glazing**
- **Dormer window cladding material**
- **Rainwater goods**
- **Joinery details and finish.**

Development shall be carried out in accordance with the approved details.

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

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

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

- LP01 Location Plan**
- 201 Ground & First Floor Plan**
- 202 Second Floor & Roof Plan**
- 203 Section 02 & 03**
- 204 Section 03, 04 & 05**
- 205 Front & Rear Elevation**

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	No. 43 is a small flat fronted terraced house constructed of plum and red brickwork with a slate roof. It lies on the east side of the street within the Berkhamsted Conservation Area with the boundary running along the rear garden. No 47 two doors to the north (and part of the same terrace) is grade II listed and there are a number of locally listed

	<p>buildings in the vicinity. The rear of this terrace can be partially seen from the cul de sac behind, Curtis Way.</p> <p>An application to demolish the existing rear outrigger and build a two storey extension and loft extension was recently refused (22/01771/FHA) by virtue of its scale and design particularly at roof level which would have a detrimental impact on the character of the house and surrounding Conservation Area.</p> <p>The current application is essentially the same application but instead of a full mansard or large wide dormer for the loft extension, a narrow casement dormer is proposed and the roofslope maintained. This is welcome and ensures that the conservation area is preserved.</p> <p>The detrimental UPVc windows to the front will be replaced with timber windows which is considered a conservation gain to offset the two storey extension to the rear. It also appears that the existing solid door will be replaced with a door with a diamond window to increase light levels internally.</p> <p>Recommendation: Acceptable with materials condition and full details of windows.</p>
Parish/Town Council	<p>The Committee agreed with the comments made by objectors and Conservation and Design and objected to the proposal. The amended scheme has been submitted with minimal changes from the original refused application and by its scale, mass and bulk, remains incongruous and does not harmonise with the original dwelling, nor with its setting in the Conservation Area.</p> <p>CS12, CS27</p>
BCA Townscape Group	<p>Objection</p> <p>This small cottage is in the conservation area and adjacent to listed and locally listed buildings.</p> <p>The proposed extension is disproportionately large and takes up too much of the garden. Its addition to the house would neither conserve nor enhance the conservation area.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
-------------------------	--------------	---------	------------	---------

5	4	0	4	0

Neighbour Responses

Address	Comments
45 Highfield Road Berkhamsted Hertfordshire HP4 2DD	<p>This proposal almost replicates the plans which were submitted (and denied by Dacorum Planning) in 2022. I am concerned about the revised plans for a number of reasons. Firstly, the plans are not in keeping with the aesthetics of the local conservation area, which needs to be protected. Furthermore, a two storey extension will have have a negative impact upon allowing light into both neighbouring properties (including my own). As I said when the previous plans were submitted in 2022, I have no objection to replacing the single storey outrigger (bathroom extension) with one of a similar size and which is more aesthetically pleasing. I see no need for a large two storey extension which will tower over my garden when the property is used for rental purposes and the owners are not in need of extra family space themselves. It will detract from both neighbouring properties, and is an unnecessary development as the properties are so close together.</p> <p>This proposal almost replicates the plans which were submitted (and denied by Dacorum Planning) in 2022. I am concerned about the revised plans for a number of reasons. Firstly, the plans are not in keeping with the aesthetics of the local conservation area, which needs to be protected. Furthermore, a two storey extension will have have a negative impact upon allowing light into both neighbouring properties (including my own). As I said when the previous plans were submitted in 2022, I have no objection to replacing the single storey outrigger (bathroom extension) with one of a similar size and which is more aesthetically pleasing. I see no need for a large two storey extension which will tower over my garden when the property is used for rental purposes and the owners are not in need of extra family space themselves. It will detract from both neighbouring properties, and is an unnecessary development as the properties are so close together.</p>
41 Highfield Road Berkhamsted Hertfordshire HP4 2DD	This would completely block a rear door access to 41 Highfield Road.
1 Cross Oak Road Berkhamsted Hertfordshire HP4 3EH	<p>Reading the planning application received by my mother living at 41 Highfield Road, the proposed extension to the rear of the property will effectively block off what was a back door way to her kitchen, which has a temporary wooden panel installed. There is a small window in this panel allowing light into the passageway of her kitchen. This was done, because the access to the rear of the properties was cut off by successive new owners moving into various properties in the row. 43, 45, 47, 49 Highfield. It is also to be noted, on 43 Highfield road's rear of property where they plan to build over, there is a man hole cover for the sewers for all of these properties. There is also another man hole cover on the other side of the temporary panel of the "rear old door way" of 41 Highfield. At no point has my mother been contacted about a party wall agreement or an enclosure agreement as she will no longer have</p>

access to her wall. At no time have I been able to speak to anyone at the planning office. I have left a message, but no one has rung me back. In your planning you state that any comments made will be made public. Whilst I understand the reasons for this, my mother is elderly and she doesn't need her name being published. Will you ring me to discuss further as I have hit a wall with communicating with planning and I need to ascertain clarification as to what will be sorted to seal this doorway permanently and the man hole sewer access as the sewer turns left for this row of houses and runs under 41 Highfield road, if this application is approved.

Further to this, it looks like the 2nd level of the proposed level is to extend out further than my mother's 2nd level and therefore not keeping in line with 41 Highfield Road. Also the slop on the roof for the lower level would shed water directly onto the flat roof of my mother's bathroom as I cannot see from the plans where the guttering is being positioned.

Looking at the photos sent of the rear of the property (for some reason taken at night), do not show the access to my mother's property at the side of the building as they have taken the photo from behind a tree that blocks the view of the side of my mother's house. This tree was however removed several weeks ago prior to them renting out the property to a new tenant.

After reviewing the planning application for 43 Highfield Road, it appears the new plans are to create a single storey and two storey extension at the rear of 43 Highfield Road.

The second story part of the extension appears to stick out over a metre further than 41 Highfield Road's rear extension making it appear overwhelming and overbearing for the intended footprint and also having an impact on the current view and lighting on the bedroom window of 41 Highfield Road.

My other concern is on the side of 41 Highfield Road there is a temporary wooden panel which originally was an entrance to the property. This doorway was panelled up as the original right of way access to all of the row of cottages was blocked off by various extension builds and fences erected by new people moving into the row of cottages over the years. However, this panel has an external glass window in it allowing light into the passageway of the kitchen, WC, bathroom area of 41 Highfield Road. Therefore blocking this off will take away all natural light in this area.

There is one other point with regard to this entrance, there is a main sewer access cover within this small enclosed space that can be accessed if the panel is removed for service. Whilst I believe this would come under building regulations, I think it should be considered at this point if the area is to be blocked off completely by the new build, as this services all the cottages 41,43,45,47,49 and could prove a great inconvenience to all the cottages if there is a back up in the sewer.

The single storey extension because of the glass A framed roof would also stick up further than the single flat roof extension of 41, again a dominating look over the area. Once again this may be a building

	<p>regulations issue, but where do the gutters to take the rain water away go from this A framed roof? They will need to be within the footprint of 43 and not over sail 41 or 45 Highfield Road.</p>
<p>55 Highfield Road Berkhamsted Hertfordshire HP4 2DD</p>	<p>I object on the basis of obstruction of view, disturbance of valuable flora & fauna & erosion of the historic landscape of Highfield Road.</p> <p>It will also be an eyesore that will impinge upon the quiet enjoyment of my home as promised in my tenancy.</p> <p>I object on the basis of obstruction of view, disturbance of valuable flora & fauna & erosion of the historic landscape of Highfield Road.</p> <p>It will also be an eyesore that will impinge upon the quiet enjoyment of my home as promised in my tenancy.</p>

ITEM NUMBER: 5e

23/02040/RET	Retention of replacement raised decking with proposed modifications incorporating removal of lower platform	
Site Address:	7 Olivers Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SL	
Applicant/Agent:	Ms Y Sutton	Ms Holly Butrimas-Gair
Case Officer:	Victor Unuigbe	
Parish/Ward:	Nettleden With Potten End Parish Council	Ashridge
Referral to Committee:	Contrary view of Parish Council	

1. RECOMMENDATION

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

2. SUMMARY

- 2.1 The proposed development constitutes the retention of a replacement larger raised decking and the removal of its lower platform. The majority of the existing decking has replaced a previous original decking, which was a lawful structure, by virtue of the passage of time. The development, as proposed to be retained and modified, represents appropriate development in the Green Belt and preserves the openness of the area, it does not have any significant adverse impact on the appearance of the main dwelling on the site, the Olivers Close streetscene, the adjacent Chilterns Area of Outstanding Natural Beauty (AONB), or the maintenance of the openness of the Green Belt.
- 2.2 The existing levels of overlooking and loss of privacy to the closest neighbouring properties resulting from the development are not unduly detrimental, given that the levels are similar to those that were experienced with the previous lawful decking. The development would also not have any detrimental impact on highway safety and the provision of off-street car parking. The scale and nature of the development are such that it would not result in any land contamination concerns, nor would it result in any adverse impact on noise, odour, air and water quality.
- 2.3 Given the above considerations, the proposed development is on balance, acceptable and accords with the aims and objectives of the National Planning Policy Framework (2023), Policies CS5, CS8, CS11, CS12 and CS32 of the Dacorum Core Strategy 2006-2031, and Saved Appendix 3 and Appendix 7 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

- 3.1 The application site is located at the northern end of the turning head on Olivers Close – a residential cul-de-sac – in the village of Potten End.
- 3.2 The site contains a two storey semi-detached dwelling with a main hipped roof, pebble-dash, cream render facings, single storey side extension and part single storey (with attached lean-to canopy structure) and part two storey rear extensions.
- 3.3 The lie of the site is such that the ground levels fall very steeply from the front boundary to the rear boundary, and from the western boundary to the eastern boundary.
- 3.4 The dwelling contained a previous original rear decking, which appeared to be constructed circa 2001 following the implementation of a planning permission (with reference 4/00407/01/FHA) for the single storey and part two storey rear extensions. The original

decking had one platform with handrails, projecting support posts and a staircase at the end facing the boundary with the unattached property to the west at No. 6 Olivers Close. As submitted on the accompanying application forms, works were completed eight months ago – in March 2023 – to erect the current larger replacement timber-framed raised decking with handrails to the western side and rear of the dwelling, and which incorporate a top level platform accessed via a staircase from a lower level platform. The decking is erected on a wooden base/enclosure part covered by black canvass, and a ramp adjoins the decking to the west leading into the garden.

- 3.5 The site is located within the Metropolitan Green Belt, and to the rear, the site lies adjacent to the boundary of the Chilterns AONB.

4. PROPOSAL

- 4.1 Permission is sought for the retention of the timber-framed raised decking, and modifications are proposed to remove the lower platform, so that the top platform forms the only landing for the decking. It was originally proposed to install 1.8 metre high privacy screen on the side of the top platform facing the boundary with the adjoining property to the east at No. 8 Olivers Close. The proposal has subsequently been amended to omit the privacy screen following advice from Officers that installing the screen would result in a perception of enclosure and overbearing impact of the rear garden of No. 8
- 4.2 This application follows on from the refusal of permission on 07/08/2023 for a previous related application (with reference 23/01330/FHA), which proposed the retention of the decking with both top and lower platforms, as well as the installation of 1.8 metre high privacy screens on the sides of the two platforms facing the boundary with No. 8. Application reference 23/01330/FHA was refused on the grounds that the retention of the decking – in combination with the installed privacy screens – results in a significant detrimental impact on the amenities of the occupiers of No. 8, by reason of visual intrusion, direct overlooking of, and loss of privacy to the rear garden of that property.
- 4.3 With this current application, the applicants have proposed the removal of the lower platform and privacy screens as remedial measures to address the Council's reason for refusing permission for application reference 23/01330/FHA.

5. PLANNING HISTORY

Planning Applications :

23/01330/FHA – Retention of replacement decking and additional raised decking and installation of privacy screen

REFUSE - 7th August 2023

4/00407/01/FHA – Single storey and part two storey rear extension

GRANT - 25th April 2001

Appeals):

23/00074/REFU – Retention of replacement decking and additional raised decking and installation of privacy screen

LODGED -

6. CONSTRAINTS

Advert Control: Advert Spec Contr
Ancient Woodland: Ancient & Semi-Natural Woodland
CIL Zone: CIL1
Former Land Use (Risk Zone):
Green Belt: Policy: CS5
RAF Halton and Chenies Zone: Red (10.7m)
Small Village: 1
Parking Standards: New Zone 3
Wildlife Sites: Brown's Spring & Hollybush Wood

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 (2023)
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
CS5 – Green Belt
CS6 – Selected Small Villages in the Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Local Plan:

Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (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 is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Policy CS5 of the Dacorum Core Strategy (2013) specifies that the Council will apply national Green Belt policy – as contained in the text of paragraphs 147 to 151 of the National Planning Policy Framework (NPPF) (2023) – to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Paragraph 150 of the NPPF in particular, specifies that engineering operations – which is what the replacement decking constitutes – constitute one of a certain number of developments that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

9.4 Policy CS5 clarifies that small-scale development – such as limited extensions to existing buildings – are acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
 - ii. It supports the rural economy and maintenance of the wider countryside.
- Notwithstanding the above objectives of Policy CS5, the Dacorum Core Strategy specifies that development within selected small villages in the Green Belt will be permitted in accordance with its Policy CS6.

9.5 The site is located in the village of Potten End, which is one of four selected villages in the Green Belt where there is recognised need to allow for limited development, which supports their existing role within the settlement hierarchy. Within these selected villages, Policy CS6 specifies that ‘*house extensions*’ is one of six development types that will be permitted, and that each development must:

- i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and
- ii. retain and protect features essential to the character and appearance of the village.

9.6 The application dwelling has been extended over a period of time, for the most part with the benefit of planning permissions. However, the raised replacement rear timber-framed decking cannot be said to be an extension to, or enlargement of the dwelling within the meaning of Policies CS5 and CS6, given its form and nature are such that it does not constitute additional usable habitable floor area of the dwelling. The replacement decking does constitute an engineering operation as it is a facility that allows for stepped access from the dwelling into the rear garden. Paragraph 150 of the NPPF makes clear that engineering operations are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.

In assessing openness, the decking is not entirely a solid structure, but a permeable one, as its constituent parts – the handrails, platforms and staircase – are timber-framed and allow

for views through the gaps in their construction. Where solid is the base the structure is viewed against the backdrop of the existing parent property. In this respect, the decking preserves the openness of the Green Belt given its permeability. The decking is not visible from the turning head on the cul-de-sac on Olivers Close or any other public realm. Given that the decking does not constitute additional usable habitable floor area for the dwelling, it does not conflict with the purposes of including land within the Green Belt. The development does not conflict with the purposes of including land within the Green Belt.

- 9.7 The replacement decking with its 1.1 metre high handrails, has a relatively extensive overall depth of 11.5 metres (from side to rear) and a height of 2.3 metres from the highest point of the ground (to the side) and an overall height of 5 metres from the lowest point of the ground in the garden. However, the very extensive depth and expansive area of the rear garden is such that the decking sits visually comfortably within its spacious context, and the secluded location of the site as well as the dense vegetative screening on the side and rear boundaries are such that adequate gaps would still be retained to help maintain the visual and spatial openness of the Green Belt, and ensure it is kept permanently open. The decking itself is a permeable structure with 'see through' gaps in its construction, so its form is such that it helps to preserve the openness of the Green Belt.
- 9.8 In addition the applicant has provided photographic evidence on the submitted plans and Planning Statement of the previous raised rear decking, which appeared to have been 'in-situ' for a considerable period of time, and which appeared to be in a general state of disrepair. From the photographs, the previous decking had only one landing platform with handrails, projecting support posts and a staircase leading from the western side (facing the boundary with the unattached property to the west at No. 6 Olivers Close) into the garden. There is no record for any grant of permission for the previous rear decking; the applicant has submitted that the decking was in-situ at the time construction works took place to erect the rear extensions in 2001. Nevertheless, given that the decking would have been deemed lawful by reason of the passage of time and by the time of its removal, and given the replacement top platform has been erected in similar positioning, the majority of the replacement decking would have been lawful and as such could not be objected to. The replacement deck – albeit with an increased depth from 4 metres to 5 metres along the boundary with adjoining No. 8, and with an increased depth from 1 metre to 5 metres at the other end facing the boundary with No. 6 – is an engineering operation which, when compared to the previous lawful decking would preserve the openness of the site and wider countryside. In conclusion there is no objection in principle to the erection of a raised replacement decking to the side and rear of the dwelling. It is considered appropriate development and does preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 9.9 Given the above considerations, the existing replacement rear decking development constitutes a proportionate addition on the site, and does not detract from the maintenance of the openness of the Green Belt. Notwithstanding its extensive scale, it has an overall traditional design – incorporating timber as a traditional material – which preserves the appearance of Potten End as a selected village in the Green Belt, thereby according with Policies CS5 and CS6 of the Dacorum Core Strategy (2013), and the Green Belt protection policy contained in paragraph 150 of the NPPF (2023).

Quality of Design and Impact on Visual Amenity

- 9.10 In accordance with Policy CS11 of the Dacorum Core Strategy (2013), development should respect the typical density intended in an area, enhance spaces between buildings and general character and preserve attractive streetscapes.
- 9.11 Policy CS12 (g) of the Dacorum Core Strategy (2013) seeks to ensure that development respects adjoining properties in terms of layout, site coverage, scale, bulk; landscaping and amenity space.
- 9.12 The replacement rear decking is of timber construction, which is a material that is traditional in form and considered acceptable, as it helps ensure a sympathetic design for the structure, and ensures it does not detract from the landscaped character and appearance of the site and the wider area. Notwithstanding the significant enlargement of the existing dwelling, and the fact that the decking has an extensive scale in and of itself, its attachment to the side and rear of the dwelling is such that it sits visually comfortably within the expansive context of the rear garden. The replacement decking is less visually imposing than a solid structure given its permeability and the fact that its constituent parts have been built with 'see-through' gaps curtilage.
- 9.13 Given the near secluded and well-landscaped screened location of the site, as well as the part side and mainly rear location of the replacement decking platform, it is not readily visible from any public vantage points. It is therefore considered that the decking structure is not visually intrusive on the character and appearance of the surrounding area and the adjacent Chilterns Area of Outstanding Natural Beauty (AONB), and it does not significantly detract from the appearance of the wider Potten End village.
- 9.14 In summary, the replacement raised decking has a design and overall scale that does not cause any significant detrimental harm to the character and appearance of the host dwelling and wider Potten End village, and it follows that the development accords with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

Impact on Residential Amenity

- 9.15 The National Planning Policy Framework (NPPF) (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings.
- 9.16 Policy CS12 of the Dacorum Core Strategy (2013) specifies 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 Dacorum Borough Local Plan (2004) specifies that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.
- 9.17 From a comparison of the submitted photographs of the previous and replacement decking platforms, as well as from observations during the Case Officer site visit, the replacement top platform – at 5 metres deep along the boundary with No. 8 – is a metre deeper than the previous decking platform. The replacement top platform is also wider than the previous, given that the previous was only 1 metre deep on the other side facing No. 6. It is however noted that the replacement top platform appears to have been erected at a similar height as the previous, given the photographs show both platforms in line with the base of a set of rear-facing ground floor patio doors. The replacement top platform also has handrails of comparable height along the side boundary with No. 8.
- 9.18 With regards to the proposed retention of the top platform as the only landing for the replacement decking, it is noted that the previous decking was erected without the benefit of planning permission. However, given that the decking appeared to have been 'in-situ' since

at least 2001 to when it was removed this year – a significant passage of time of over 4 years – the decking would have been immune from enforcement action and benefitted from having ‘deemed consent’ by the time of its removal. Officers are satisfied in the main that having had the benefit of reviewing the submitted photographs of the previous original decking, the majority of the replacement decking is similar to the previous decking. It is acknowledged that given the significant changes in ground levels between the application site and No. 8, there is a high level of overlooking between the sites. It is also acknowledged that the previous decking also allowed for a high level of direct overlooking between the application site and neighbouring No. 8. However, it is considered that given the proposed modification to have the top platform as the only landing for the replacement decking, and given that the top platform is only a metre deeper than the previous decking along the boundary with No. 8, it would be unreasonable to withhold the grant of permission, given that views presently offered directly from the top platform are not significantly worse than those offered from the previous decking over the boundary and onto the existing raised rear decking platform and garden at No. 8.

9.19 This application proposes the removal of the second lower platform, which is welcomed as a remedial measure to safeguard the residential amenities at adjoining No. 8. The lower platform is set away from the boundary with No. 8 by approximately 0.6 metres, and acts as a potential additional amenity or holding area for persons in such close proximity to the boundary. Because of the near uniform height of 2.9 metres that the lower platform has along the boundary – notwithstanding the varying fall in levels along that boundary into the garden – it was considered during the determination of refused application reference 23/01330/FHA that the lower platform has a far more adverse impact on No. 8 than the top platform, given that the near uniformity of the height along the boundary makes it far more visually intrusive and unduly dominating and overbearing in views from the rear openings and garden at No. 8. This explains why its complete removal from the decking structure would significantly ameliorate the harm presently being cause to the amenities of No. 8 by way of direct overlooking and significant loss of privacy. The removal of the previously proposed 1.8 metre high privacy screens along the sides of both platforms is also welcome, given they would project 0.7 metres above the railings. The removal of the privacy screens is also welcome, given it would remove the perception of an oppressive enclosure when viewed from the rear elevation and garden of No. 8. This application does not include the lower deck and an informative to this effect will be included for the avoidance of doubt. There are active enforcement cases on the site and a pending appeal for the lower deck such that it is not necessary or reasonable to condition its removal as part of this application.

9.20 It is noted that the previous decking had a staircase that was positioned at the other end facing the boundary with No. 6, and which did not give rise to direct views of the rear openings and garden at No. 8. The staircase erected with the replacement decking is in closer proximity to the boundary with No. 8, and it is acknowledged that as persons are climbing up to, or climbing down from the top platform, they could potentially look directly over the garden and through the rear facings openings into habitable areas at adjoining No. 8. However, unlike the lower platform which is of a width and area that could allow for its use as a secure and safe ‘holding amenity’ area, the steps of the staircase – in and of themselves – are limited in depth and as such, cannot be utilised as safe and secure areas for any person to stand on for a considerable period of time. It would be generally expected that any person utilising the staircase would do so to either climb up to, or climb down from the top platform. It is therefore considered that any overlooking from the staircase towards the garden and rear openings at No. 8 would be fleeting and for a limited time, as a person is climbing up to or climbing down from the staircase.

- 9.21 With regards to the impact of the replacement decking on the amenities currently enjoyed at adjacent No. 6 to the west, the decking has been widened at this end facing the boundary with No. 6 and having an additional depth of 4 metres along the boundary. However, the ground levels at No. 6 are higher along the common boundary, and the boundary is staggered given the angled orientation of the dwelling at No. 6. Furthermore, the decking is set away and tapers inward from the boundary, so that any views from the decking towards the ground floor rear habitable openings at No. 6 are significantly limited. There are ground floor openings in the side elevation at No. 6 that can be viewed from the decking. However, these openings are secondary and non-habitable, so the views from the decking would not be visually intrusive or result in any significant loss of natural light to, or outlook or privacy to No. 6.
- 9.22 Given the above considerations, the modification of the existing replacement raised rear decking to incorporate the removal of only the lower platform, would on balance and when compared to the similar levels of impact experienced from the previous lawful original decking, not have an unduly significant adverse impact on the residential amenities of the adjoining properties at Nos. 6 and 8, in terms of being visually overbearing, dominating, or resulting in a significant loss of light, outlook or privacy. The proposal is therefore on balance, considered to accord with Policy CS12 of the Dacorum Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

Impact on Highway Safety and Parking

- 9.23 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Core Strategy (2013), and the Council's Parking Standards Supplementary Planning Document (SPD) (2020), all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.24 By reason of its form and nature, the raised rear decking platform does not constitute any additional internal habitable floorarea for the dwelling. As such, it does not generate any demand for off-street parking provision over and above the current provision (two spaces) on the site, which is contained within a driveway in the front garden.
- 9.25 As such, the proposal does not have any conflict with the objectives of Policy CS8 of the Dacorum Core Strategy (2013), the Council's Parking Standards SPD (2020) and the NPPF (2023).

Other Material Planning Considerations

Contamination (Former Land Use)

- 9.26 The application site falls within a former land use risk zone for ground contamination. The Council's Scientific Officer was consulted and commented that there is no objection on the grounds of land contamination. The Pollution Team was also consulted and whilst they commented that there is no objection in respect of air, water and noise quality, they recommended the addition of relevant informatives to the decision notice in the event that planning permission is granted.

Response to Neighbour Comments

- 9.27 These points have been addressed in the sections above.

Response to Parish Council

- 9.28 These points have been addressed in the sections above.

Community Infrastructure Levy (CIL)

9.29 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.

Chiltern Beechwood Special Area of Conservation (SAC)

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

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

10. RECOMMENDATION

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

Condition(s) and Reason(s):

1.

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

**001
Planning Statement (dated August 2023)**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. For the avoidance of doubt, the attention of the applicant is drawn to the fact that this planning permission does not relate to or include the retention of the lower decking platform currently on the site.
3. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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

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

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

4. 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.
5. 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.
6. 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.

7. 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
Parish/Town Council	The Council sees no reason to change its objection to this proposal.
Parish/Town Council	The Council sees no reason to change its objection as submitted on 22nd September,
Parish/Town Council	<p>Object</p> <p>This is a variation on 23/01330/FHA to which the council objected.</p> <p>Decking had been installed to the rear of 7 Olivers Close by the previous owners without planning permission, but by virtue of being there for over 4 years, became permissible. This decking was acceptable to neighbours and did not require any screening.</p> <p>New decking was installed by the current owners with an upper and lower level, again without planning permission. 23/01330/FHA sought retrospective approval which was refused.</p> <p>In the current application the applicant has proposed removing the lower level of decking, but retaining the upper level as proposed in 23/01330/FHA.</p> <p>It was the larger upper decking which triggered the imposition on neighbour amenity, which in turn prompted the suggestion of screening. However, the proposed screening is also a problem as it blocks both light and outlook for number 8.</p> <p>As such the Parish Council objects and recommends that the decking should be returned to its original dimensions, which did not impose on the neighbours amenity, and therefore did not need a screening solution.</p>

Environmental And Community Protection (DBC)	
--	--

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	3	0	3	0

Neighbour Responses

Address	Comments
9 Olivers Close Potten End Berkhamsted Hertfordshire HP4 2SL	<p>We have been into no. 8 Oliver's close on many occasions and where previously there has never been any issues. We have found the new decking structure to be more intrusive, in the fact that it has been extended further along the fence. We can see the privacy issues, however the plan to simply put up a high screen will have a very negative affect on number 8 as the sunlight comes through on that side.</p> <p>We remember the previous owners of No 8 did feel the original decking to be very intrusive and there was no planning for the original decking either. I think on this basis the new structure should be looked at very carefully as it has clearly had a negative impact on the neighbouring property.</p>
8 Olivers Close Potten End Berkhamsted Hertfordshire HP4 2SL	<p>As we mentioned in our previous objection to the first retrospective planning application (planning reference 23/01330/FHA). We would like to reiterate it was not an easy decision to speak to planning enforcement, as we have absolutely nothing against the neighbour personally at all. We felt we were left with no alternative option, due to the scale of the problem, and the hugely negative impact on our home.</p> <p>We feel it is important to reiterate why we went to the planning enforcement team as it was not done without prior consideration. There was no attempt at communication from the applicant regarding the plans, prior to the decking being installed. The applicant also unfortunately did not give any indication of being prepared to make any changes to the design or structure once we had voiced our concerns in March 2023 and still nothing since the first application was refused.</p> <p>We believe planning permission should have been sought at an early stage. It would have given us a chance to make our objections know before the work started and avoided this difficult situation. It was only when the builders started the project that we understood the scale of it and the impact on our home and garden.</p>

We told the builders and neighbour that we were not happy with how it affects us and they said it was allowed. We were told that they had checked with the design team and it was permitted. It was very clear no changes would be made and nothing we said would change this unpermitted structure.

Unfortunately, we are realising with this second application there is absolutely no genuine consideration from the neighbouring property as to the impact on our home this is having. The viewing platform to be made smaller (no exact measurements) but nothing else changes.

This revised retrospective planning application has only been submitted due to the The Parish Council and Dacorum Borough Council refusing the original planning application (planning reference 23/01330/FHA).

It is important to note the original decking also had no planning permission, and was not part of the build in 2001, (We included this in our original objection document which can be found on this portal).

There is an assumption the original decking formed part of the approved planning application in 2001. This is clearly incorrect as there is no mention of decking in detail of the document and no evidence of a decking in the site plans (planning reference 4/00407/01/FHA).

The original decking was demolished in its entirety in February 2023.

In our opinion, this new oversized decking structure should be evaluated and considered as a completely new structure.

The decking that was there before was not approved, and now it has been replaced with something that looks totally different, and which is even more intrusive.

If the original decking structure is deemed acceptable on the basis of the 4 year rule as part of this new application. We object to this as it is entirely different to what was there before.

The original stairs were located on the far side of the previous decking at it furthest point away from us. The new stairs have been located in much closer proximity to our fence line. This results in anyone walking up and down the stairwell having an even greater view overlooking into our property.

This revised application mentions the re- configuration of the stairwell. This is very vague and open to interpretation, it does not say what will be done exactly.

There is no mention as to how the stairwell will be reconfigured and no clear measurements or dimensions applied to this part of the retrospective planning application. This has to be clarified prior to anything being agreed surely.

In our view there should not be any platform area on the stairs, where someone can stand and have a view over the fence into our house or garden.

There is no need for a plantation area on the stairs, as this does form part of a necessity to access the high-level decking or the garden below.

We believe the stairs should be moved back to the far side of the decking to replicate its original location. Particularly if this structure is being allowed on the basis that it was there before.

The stairs were not previously in the location they are now, so the 4 year rule will not apply to the stairs or the decking as they are both very different to the original.

Our privacy has been compromised with the new oversized decking area.

The 1.8 meter screening off that will sit on top of the raised decking will only benefit the applicant to gain her privacy on the elevation.

Adding a 1.8 metre fence on top of the already elevated decking will simply create a huge overbearing wall of fencing on the side of our property.

This proposed screening would only further destroy our outlook and natural daylight. This hugely affects the main living space of our home.

It will also greatly affect the sunlight on our low-level decking. These areas will now receive no sunlight and be in permanent shade, as the sun only reaches these areas from the West (applicant's side) and will now be blocked by a 1.8-meter screen.

We reiterate there has been no consideration to the impact on the neighbours by the applicant or design team at all.

The original decking is being used to get this very different design approved via the retrospective planning application.

Any of the repairs required to the original stairs do not justify increasing this new decking by 40% from the original footprint, and completely invading the privacy of neighbouring properties.

Relating to the policy CS5 / CS6 : I do not think the new structure complies, as it is not sympathetic to its surroundings or neighbours.

The decking and fence will be visually intrusive on the skyline and we will lose the sunlight that comes into the north facing windows.

The applicant states the replacement and additional decking is NOT overbearing. I strongly disagree from the other side of the fence! Again there has been no attempt to communicate with us on this matter at all to reach solution.

The applicant has said to satisfy local policy they will put up a privacy screen.

However, the neighbour has been wanting to put up a screen all along,

	<p>in fact the builders put one up and we asked them to remove it.</p> <p>Putting up an 1.8 meter screen on top of an already overbearing structure is insult to injury.</p> <p>It fails to comply with the policy CS12 in that it does not respect our outlook and garden aspect and sunlight into the house and the garden, and it most definitely does have a detrimental impact on neighbouring properties.</p> <p>As we have mentioned previously, the 1.8 meter fence being proposed greatly affects the daylight into our home and our amenity space on the other side of this tall fence.</p> <p>I believe we even mentioned this to the neighbour, and they appeared to understand this point. However this vital element has not been removed from this second application and is one of the main objections to this new structure. The new structure runs even further along our fence line so the tall fence has an extremely negative impact.</p> <p>The decking could have been designed in such a way that it did not impact neighbouring properties in the way that it does, and still allow enjoyment and safety for the occupant.</p> <p>I believe the local policy has not been followed, as it is an overbearing structure that affects our outlook and essential sunlight into the north facing windows of our home and to our amenity space. We will have no sun on the other side of the proposed 1.8 meter fence which runs the whole length of the top part of our fence line, which will create a huge wall of elevated fencing.</p> <p>I am emailing an objection document with pictures, to be uploaded to the portal which will further demonstrate our objections.</p>
<p>8 Olivers Close Potten End Berkhamsted Hertfordshire HP4 2SL</p>	<p>Objection to Planning Application ref: 23/02040/RET</p> <p>The revised planning application includes the removal of part of the lower raised platform. It is slightly unclear as to which element of the lower raised platform will remain as there is no clear dimensions mentioned within this revised application.</p> <p>This revised retrospective application mentions a slight reconfiguration of the stairs but does not clarify what this means? There should not be any need for any additional raised platform area that doesn't form part of the standard stairs for access.</p> <p>The stairs leading to the garden have been designed to incorporate the second raised viewing platform. To remove part of the second viewing platform results in the stairs protruding out at an unnecessary distance from the top raised platform. In my opinion any stairs leading to the garden should be redesigned as close to the top decking as possible to minimise the appearance the overbearing structure and to minimise the</p>

privacy intrusion into our home and garden when using the stairs.

The statement 4.4 within the revised application

4.4 Looking at the Officer Report in more detail, it is acknowledged that the decking allows for stepped access from the dwelling and that the original platform had been in a state of disrepair, meaning an upgrade was necessary.

It also confirms that the original would have been deemed lawful given the amount of time that it had been in place for, and that it is a proportionate addition to the dwelling house that does not detract from the maintenance of the openness of the Green Belt. Therefore, no objection was raised to the principle of the new decking giving its similar positioning to the original.

Firstly, the previous decking was completely demolished. There was no application consent or planning application applied for prior to demolishing the previous decking. In fact, the only reason this second retrospective application has been submitted was because of the enforcement officer served an enforcement case to this applicant. There was no attempt to apply for any retrospective planning for either of the two raised decking levels prior to contact with the enforcement officer.

As the original decking was demolished and the new raised decking with a much larger footprint was constructed without planning permission shouldn't the entire decking area now be under a new review? What are the rules?

The section in planning application mentioning stepped access from the dwelling and that the original decking was in a state or disrepair, meaning an upgrade was necessary.

The original decking was repaired by the previous owners as part of the condition of the sale prior to the purchase of the new owner in January 2020. Regardless of this fact any upgrade relating to any safety concerns should NOT be a green light to install a much larger raised platform area. Any new design should have included sort of consideration to the impact to the privacy of the adjoining property but unfortunately this has not been the case.

The new raised decking area has been extended by almost an additional metre along our fence line from the previously demolished raised platform (and approx. an additional 4 metres at the far end in width). This was completely unnecessary and unjustified to make the decking safe.

This makes this raised decking protrude almost 5 metres from the applicant's house at a very high level. Why was this necessary?

This makes the height of this decking from the further point away from the house at approx. 1.50 metres from the ground level. The maximum height of a fence between two properties is 2m high, so how can a decking raised to 1.50 metres from the ground level be OK and acceptable?

The previous decking that was demolished allowed for a view into our dining room and kitchen area. Extending the raised decking out by almost an additional metre clearly results in being able to see even further inside our home. With the new decking and the additional length along our fence line, the applicant can now even see into our living room area. Previously we were on the sofa and turned to see the neighbour in the very corner of the deck looking over into our property while being on the phone (how is this acceptable). Only a couple of more feet of decking results in and couple of extra feet of lost privacy inside our home. Being able to see even an extra inch inside our property is simply not ok.

What's the point in having privacy rules and regulations if the loss of privacy inside our home is now greater than it was previously?

The addition of almost one metre expansion along our fence line of this raised decking and approx. 4 metres on the far side of this platform also has a detrimental effect on the privacy of our garden from multiple angles. This expansion of this raised decking does create many more viewing angles of our garden and into our home that simply was not there previously.

I would welcome any council member to visit our home to see for their own eyes the invasion of privacy within inside our home and garden.

The applicant would like to install a 1.8 metre fence along the 5 metres of raised decking to create privacy for their own side which is quite ironic. A fence panel was erected by the builders during the construction as the applicant from no 7 wanted her own privacy. When I questioned the builder if they also had permission to erect this partition panel this was swiftly removed. In fact, you can see this particular partition panel still standing in one of the applicants own pictures within this second retrospective planning application.

Installing a 1.8 metre partition on top of the already raised decking will have a detrimental effect on the natural daylight into our dining room area and kitchen. This will also block the late evening sun to our own ground level decking, which affects our own rights for our enjoyment within our home environment.

The legal team supporting this second retrospective application make reference to the enjoyment for any future occupants, which I'm sure is a really huge concern of theirs. Any future occupants that move into this property may decide to remove this 1.8 metre partition then allowing them to see us sitting on sofa in our living room again.

Therefor using a 1.8 metre partition to create some sort of privacy is a complete lose/lose situation for us in our property.

We also have patio doors at the rear of our property that is raised high above the ground level. However, we have managed with a very small elevated decking area (1.5 metres in depth and not 5 metres depth) that has steps directly down to the larger ground level decking. This is

the method we use to access our own garden without comprising the privacy of the neighbour's property.

This would have been a simply option for applicant to replicate after demolishing their previous decking area. Unfortunately, any thought of any intrusion of privacy to their neighbours was clearly of no interest.

We do not feel that we should have to compromise with the privacy inside our home and then potential loss of natural light to mitigate the privacy issue, especially after living happily in our home for almost 17 years now.

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 25 August 2023 and 03 November 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00767/FHA	D/23/3328055	43 Highfield Road, Berkhamsted	Written Representations
2	23/00413/FUL	W/23/3328678	Land East Of Cyrita, Hogpits Bottom, Flaunden	Written Representations
3	22/02538/FUL		Frithsden Vineyard, Frithsden	Written Representations
4	22/02315/DRC	W/23/3329143	Unit 1b, 49A High Street, Northchurch	Written Representations
5	23/00149/FHA	D/23/3329414	Everglades, Old Watling Street, Flamstead	Householder
6	23/01261/UPA	D/23/3329934	Hillcrest, Stoney Lane, Chipperfield	Householder
7	23/00895/ROC	D/23/3329469	17 Granville Road, Northchurch	Householder
8	23/01357/FUL	W/23/3331301	Land To Rear Of 23- 26 Brook Street, Tring	Written Representations
9	22/03183/FUL	W/23/3322715	Land At Little Heath Lane, Little Heath Farm, Potten End	Written Representations
10	23/00125/FHA	D/23/3331469	Little Paddock, Frithsden Copse	Householder
11	23/00877/FUL	3331979	35 High Ridge Road, Hemel Hempstead	Written Representations
12	23/01330/FHA	D/23/3332110	7 Olivers Close, Potten End	Householder

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 25 August 2023 and 03 November 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/02740/FUL	W/23/3315012	2 Lower Yott, Hemel Hempstead	Written Representations
	Date of Decision:		01/09/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3315012			
	Inspector's Key conclusions:			
	<p>The development proposed is an extension to building to create a dwelling.</p> <p>The appeal property is an end terraced house located in a residential area where properties are generally of a similar style and period. Although the front elevation of the terrace is staggered with the end properties at either end being set back by a small distance from the front elevations of the middle properties, the row of houses are all set back on their plots with parking areas to the front. Some of the properties have been extended to the front at ground floor level, but at first floor dwellings have a largely uniform appearance which provides a simple, uncluttered appearance to the streetscene that contributes positively to local character.</p> <p>The proposed extension to the front, side and rear would replace an existing single storey side and rear extension. Because of the hipped roof design of the roof, the extent of the forward projection and its width, the front extension would appear as a prominent and incongruous feature against the simple form of the existing buildings.</p> <p>The proposal would be highly prominent being set forward and seen against the modest porch of the host property and located on a corner plot. The proposed development would appear disproportionate when viewed from the street. It would neither complement the appeal property, nor would it integrate into the streetscene. Consequently, the proposed development would look harmfully out of place.</p> <p>I have taken account of the fact that planning permission has now been granted for an extension to the existing dwelling to create a new dwelling. However, the approved scheme is materially different from the appeal proposal as it does not include the first floor side and first floor forward projections which would appear incongruous for the reasons set out above. As a result, although I accept that there is a greater than theoretical possibility that the approved scheme might take place and I attach significant weight to the existence of this extant planning permission, it does not alter my view that the proposal would unacceptably harm the character and appearance of the area.</p> <p>I therefore conclude that the proposal would have an adverse impact on the character and appearance of the host property and the area.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	22/01766/DPA	W/23/3314903	Site of 1-31 Nightingale Walk, Hemel Hempstead	Written Representations
	Date of Decision:		09/10/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314903			
	Inspector's Key conclusions:			
<p>The development proposed is the construction of a part-one, part-two storey extension to the existing buildings to provide 16 new dwellinghouses.</p> <p>The appeal site is a three-storey block of flats that is located at the end of Berkley Square which is a residential road. The appeal site occupies a prominent position at a turning head that is surrounded by communal grassed areas and densely vegetated boundaries which results in an open and verdant character and appearance.</p> <p>The proposal seeks to raise the height of flats 1-12 and 26-31 by two storeys and flats 14-25 by an additional storey. The Council do not raise an objection to the two-storey element of the proposal, and I have no substantive evidence to conclude otherwise.</p> <p>The Council's main area of concern relates to the additional storey proposed above flats 14-25. The additional storey would result in the building being noticeably higher and therefore visible from the wider area, resulting in a dominant feature. The proposal would also enlarge the existing bin storage area, located opposite the turning area. While some benefit would be provided by increasing the amount of bin space for residents, this increase in size would stand out due to the prominent position and also draw further attention to the increase in height of the building.</p> <p>I therefore conclude that the proposal would have an unacceptable external appearance, having particular regard to its effect on the character and appearance of the area.</p> <p>The overall increase in height would result in as greater sense of enclosure, particularly due to the T-shape of the flats. The flats that are located at the interactions of the T-shape would be most affected. I accept the existing and established relationship and existing occupiers outlook from the windows in these areas. However, the greater sense of enclosure as a result in the increase in height, would result in an overbearing and intrusive outlook from these properties.</p> <p>The proposal would require the removal of a section of green space. The proposed loss of this green space and its replacement with hard surfaced car parking areas and vehicles would have a harmful effect on the outlook of the occupiers of flats 1 to 6, 14 to 19 and 20 to 25.</p> <p>I therefore conclude that the proposal would have an unacceptable impact on amenity of the occupiers of the existing building and neighbouring premises.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	22/00486/RET	W/22/3304627	Wood End Farm, Wood End Lane, Markyate	Written Representations
	Date of Decision:		09/10/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3304627			
	Inspector's Key conclusions:			
<p>The development proposed is Change of use of paddock for the keeping of horses for equestrian use. Construction of stables for the keeping of horses and ancillary storage. Creation of hard standing area for vehicular access via existing gated entrance.</p> <p>The site is located within the AONB, which is characterised by large open fields (bounded by mature trees and hedgerows), areas of woodland interspersed with sporadic development.</p> <p>On my site visit, I observed that the access track, hardstanding, and stables were highly visible from the existing opening. I also observed that despite much of the vegetation being in leaf, the development was readily visible, in places, through the trees and shrubs from Puddephat's Lane. Views inward from the northeast, are restricted by existing built development. Consequently, although the site is partially screened by built form, it is visible from short and mid-range views, particularly from the site entrance on Wood End Lane and the wider views off Puddephat's Lane. This visibility is likely to be increased further during winter months.</p> <p>Sited away from the existing access opening and from buildings on Wood End Farm, much of the development occupies a somewhat centralised position within this area of the field, away from the existing built form. As a result of the distance from the surrounding built form and separate access, I do not consider the development to be visually associated with Wood End Farm but an independent feature within the landscape.</p> <p>Whilst it is not uncommon to find stables in rural locations, the erected stables' location alongside the access track and hardstanding results in a visually intrusive and incongruous form of development within the open landscape. Consequently, the proposed development as a result of its siting is demonstrably harmful to the character and appearance of the area and wider AONB.</p> <p>The change to equestrian use is not objected to by the Council. I also acknowledge that there are other equestrian-related developments found nearby. However, the presence of such uses does not overcome the detrimental harm to the AONB I have identified above.</p> <p>The use of the stables and field by private individuals for equestrian uses is likely to increase the intensity of the access. In the absence of any evidence to show that appropriate standards of visibility could be achieved and maintained, the development when in use, could lead to increased potential</p>				

	<p>for collisions between road users. I am, therefore not satisfied that the use of the access in this location would not give rise to highway safety concerns. It would also not be appropriate to condition these details given the uncertainty that achieving the visibility splays may require land outside of the appellant's ownership.</p> <p>Additionally, I have not been supplied with any cogent evidence to demonstrate that sufficient onsite parking and manoeuvring for larger vehicles can be undertaken within the appeal site. Or that the vehicular access is of a sufficient width. This would in turn likely lead to vehicles waiting in the highway or reversing onto the highway.</p> <p>As a result, based on the lack of substantive evidence to demonstrate that the proposal would not have implications for highway safety, I find that the proposal would be contrary to Policies CS8 and CS12 of the Core Strategy.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	22/02586/FUL	W/23/3314513	Land Adjoining Cyrita, Hogpits Bottom, Flaunden	Written Representations
	Date of Decision:		10/10/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314513			
	Inspector's Key conclusions:			
	<p>The development proposed is the erection of a dwelling.</p> <p>The proposed house would be concealed to a degree from the road by the vegetation to be retained to the front as well as new trees as shown on the plans. Nevertheless, it would be seen from Hogpits Bottom through the access gap onto the plot and through the access to Cyrita. However, the house would be most noticeable from the bridleway as its flank wall would be close to the side boundary. Therefore, the dwelling would have a significant visual effect within the immediate context of the site, particularly for users of the bridleway.</p> <p>The erection of the dwelling and the residential use of the site would clearly change the nature of the plot. This domestic character would not in itself be out of keeping as the proposal would represent the continuation of a line of houses. However, the style of the proposed house would be unusual to the locality. It would be as high as Cyrita and The Orchards but the dwelling would be narrower. As such, it would have a distinct vertical emphasis, reinforced by 2 projections to the front. This would be in contrast to Cyrita that has a wider frontage and more of a horizontal emphasis, despite being 2 storeys high. Also, the proposed house would have higher eaves and would appear taller than the other houses in the row apart from Cyrita and The Orchards.</p> <p>Furthermore, the dwelling would be close to the side boundaries of the plot and to Cyrita's flank wall. This close relationship along with the house's height and vertical emphasis would cause the development to appear less</p>			

<p>spacious than other nearby properties. The hipped roof to the sides would not prevent a perception of the house being close to Cyrita and at odds with the more open layout seen in the row of houses.</p> <p>From the bridleway, the side wall of the proposed house would appear obtrusive and overbearing. The provision of new planting along the side boundary would not address nor overcome the marked detrimental visual effect of the development to the users of the bridleway.</p> <p>For these reasons, I conclude the development would be harmful to the character and appearance of the area.</p> <p>A new tarmac surfaced access drive would lead from the road to the gated entrance onto a parking area for 3 cars. A pedestrian zone measuring at least 1m wide would be marked out by granite setts along the drive up to the gate and so to join the remainder of the bridleway. While the demarcation is noted, it would seem unlikely that walkers, cyclists and horse riders on the bridleway would remain in the pedestrian zone given its restricted width and lack of physical constraint to movement. As such, there is a risk that users of the bridleway would share the same parts of the drive as drivers coming to and from the proposed house.</p> <p>For drivers entering the site from Hogpits Bottom, visibility of those on the bridleway would be restricted by roadside vegetation. It is likely that drivers would only be able to see people and animals on the bridleway once they have turned into the access. A sudden meeting between vehicles and users of the bridleway could be hazardous, particularly if horses and riders are involved who might be surprised by an unanticipated vehicle turning onto the route in front of them. In these regards, the proposed access would be unsafe.</p> <p>Therefore, the vehicular movements associated with the proposal would pose a modest but unacceptable level of risk to users of the bridleway.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	23/00451/FHA	D/23/3321313	5 The Shrubbery, Hemel Hempstead	Householder
Date of Decision:			25/10/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3321313				
Inspector's Key conclusions:				
<p>The development proposed is first floor front link extension, infill front extension and front and rear dormers.</p> <p>The Council raised no objection to the proposed first floor link extension, the infill front extension or the front dormers and I see no reason to disagree with this view.</p> <p>The proposed rear dormer would extend most of the width of the eastern section of the house and would be set down from the ridgeline. However, the</p>				

<p>submitted plans indicate that the set back above the eaves would be minimal and it would appear as though the main wall of the dormer would be in a similar plane to that of the main wall of the house, thus adding to the impression of disproportionate height and bulk. This proposal is a reduction in size from a previous scheme which extended across more of the width of the roof. However, I consider that, although it is smaller, it would still be a very large and bulky element in proportion to the house itself and would have a visually dominant impact on the street scene near the house.</p> <p>The layout of this group of houses is very compact, and although the dormer is nominally on the rear elevation of No. 5, it effectively fronts onto a short street and directly faces the front elevations of other houses in the group across a short distance of approximately 11 metres. The size, design and location of this large dormer would appear out of proportion with the house itself and in the context of the closely spaced group of houses.</p> <p>The appellants have drawn my attention to rear dormer windows in the surrounding area. I do not have any information regarding the circumstances under which these were permitted and I have considered this case on its own merits according to individual circumstances.</p> <p>I conclude that the proposed rear dormer window would harm the character and appearance of the existing house and the street scene,</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	23/01214/FHA	D/23/3327106	20 Bridle Way, Berkhamsted	Householder
Date of Decision:			26/10/2023	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327106				
Inspector's Key conclusions:				
<p>The proposed development is proposed is a single storey front garage extension, single storey front, side and rear extension, two storey front and side extension, and extension to front dormer window.</p> <p>The appeal proposal includes the elements permitted under 23/00547/FHA, together with an additional element, namely the construction of a two storey extension to the front and side. The latter would be set back from the garage front but would be forward of the existing first floor part of the house and rise from the front wall of the permitted single storey front extension. It would run the full depth of the side elevation of the existing house with a front gable over the forward projection and a side gable of similar pitch to that of the existing main roof.</p> <p>I consider that the scale and design of the proposed two storey extension would appear as an incongruous element, particularly due to the front gable roof design and forward projection, out of keeping with the distinctive form and design of the existing house and the pattern of development of the other, similar houses nearby. The house is in a prominent location on the corner</p>				

<p>and the siting of the extension close to the side boundary, fronting Haynes Mead, would result in it being highly visible from public viewpoints. I have taken account of the examples of other two storey side extensions nearby and find that the houses differ in their original design characteristics and are not directly comparable to the appeal property. I have considered this proposal on its own merits.</p> <p>I conclude that the proposed two storey extension would harm the character and appearance of the existing house and the street scene.</p>

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 25 August 2023 and 03 November 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/02159/FHA	D/22/3311270	The Old Stables, Delmer End Lane, Flamstead	Householder
	Date of Decision:		19/10/2023	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3311270	
	Inspector's Key conclusions:			
	<p>The development proposed is the construction of double garage.</p> <p>The appeal site is located within the Green Belt. The proposed garage would occupy an area of hardstanding which is currently used for vehicular parking. Although the proposed garage would be detached from the main dwelling, it would have a functional and close relationship both physically and visually and its scale would be domestic. Consequently, it would appear as a normal domestic adjunct. Under these circumstances, and having regard to relevant case law, I am satisfied that the appeal development could be considered as an extension of a building.</p> <p>There are no plans of the former barn and stables before me. Nevertheless, the appellant indicates that the replacement dwelling largely occupies the footprint of the original buildings and is of a lesser floor space and volume. Based on the available evidence, I have no reason to doubt this. The proposed garage would increase both the footprint and volume of the original building. However, given the limited scale of the proposal both in terms of its footprint and height, I find that the overall increase would be relatively modest. Consequently, having regard to the scale of the original building together with proposed garage, I am satisfied that the overall addition would be limited and would not result in a disproportionate addition over and above the size of the original building.</p> <p>For these reasons, the proposal would not be inappropriate development in</p>			

	the Green Belt as defined by paragraph 149 of the Framework. It would also comply with Core Strategy Policy CS5 in so far as the appeal proposal would be a limited extension to an existing building.
--	--

6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn or invalid between 25 August 2023 and 03 November 2023.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 25 August 2023 and 03 November 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/22/00179/COB	C/23/3331206	Hillside View, Old Watling Street, Flamstead	Written Representations
2	E/22/00382/ENG	C/23/3332255	Land Adj. Row Beech Cottages, Watling Street, Kensworth	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 25 August 2023 and 03 November 2023.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 25 August 2023 and 03 November 2023.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 25 August 2023 and 03 November 2023.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2023 (up to 03 November 2023).

APPEALS LODGED IN 2023	
PLANNING APPEALS LODGED	58
ENFORCEMENT APPEALS LODGED	14
TOTAL APPEALS LODGED	72

APPEALS DECIDED IN 2023 (excl. invalid appeals)	TOTAL	%
TOTAL	51	100
APPEALS DISMISSED	32	62.7
APPEALS ALLOWED	17	33.3
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	3.9

	TOTAL	%
APPEALS DISMISSED IN 2023		
Total	32	100
Non-determination	3	9.4
Delegated	27	84.4
DMC decision with Officer recommendation	1	3.1
DMC decision contrary to Officer recommendation	1	3.1

APPEALS ALLOWED IN 2023	TOTAL	%
Total	17	100
Non-determination	0	0
Delegated	15	88.2
DMC decision with Officer recommendation	1	5.9
DMC decision contrary to Officer recommendation	1	5.9

6.10 UPCOMING HEARINGS

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

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom Flaunden	13.12.2023

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 25 August 2023 and 03 November 2023.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 25 August 2023 and 03 November 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/02586/FUL	W/23/3314513	Land Adjoining Cyrita, Hogpits Bottom, Flaunden	Written Representations
	Date of Decision:		21/08/2023	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314513			
	Inspector's Key conclusions:			
	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. This application claims unreasonable behaviour by the Council due to it refusing planning permission partly because of concerns on the safety of users of an adjacent bridleway.

Before the planning application leading to the appeal, a previous planning application was submitted to the Council that proposed a dwelling on the appeal site. This previous proposal was for a house of a different design to that subject of the appeal but the access arrangements for both are the same. The Council refused planning permission for the previous scheme but not due to the proposal's effect on the safety of users of the bridleway.

The Council's explanation is that the officer for the previous planning application had not properly assessed whether the proposed access would be safe for all users. It is suggested that a different case officer considering the planning application leading to the appeal is entitled to form a different view on the matter. This is particularly the case given the uncertainty on the level of traffic generated by any existing use rights and as interested parties had raised concerns.

As an example, the PPG states that not determining similar cases in a consistent manner may give rise to a substantive award of costs against a local planning authority¹. Clearly in this case, the Council's decision leading to the appeal is inconsistent with its previous decision as it includes an access safety objection. The applicant's grievance over the inclusion of this refusal reason is understandable. The Council is entitled to come to a different view on the matter but the inconsistency in its decisions leads to uncertainty that is unfair on the applicant.

However, it is noteworthy that interested parties as well as the Council have raised objections over the access and how the development would affect users of the bridleway. As such, I would have needed to consider the matter in my determination of the appeal, regardless as to the Council's stance on the issue. Also, as explained in my appeal decision, I too have found the proposal would adversely affect the safety of users of the bridleway and so the concerns raised are not unsubstantiated. Given this context, I find the applicant has not been put to unnecessary expense in responding to access safety concerns, even though the Council's objection on these grounds is inconsistent with its previous decision.

For the above reasons, I find that any unreasonable behaviour by the Council in terms of objecting to the proposal on access safety grounds has not led to the applicant incurring unnecessary or wasted expense in the appeal process. Therefore, I conclude an award of costs is not justified.

6.14 FURTHER SUMMARY OF APPEALS IN 2023

APPEALS LODGED IN 2023	TOTAL	% OF TOTAL
HOUSEHOLDER	24	33.3
MINOR	24	33.3
MAJOR	1	1.4
LISTED BUILDING	1	1.4
CONDITIONS	2	2.8
TELECOMMUNICATIONS	2	2.8
LAWFUL DEVELOPMENT CERTIFICATE	2	2.8
PRIOR APPROVAL	2	2.8
LEGAL AGREEMENT	0	0
ENFORCEMENT	14	19.4
TOTAL APPEALS LODGED	72	100

APPEALS DECIDED IN 2023 (excl. invalid appeals)	TOTAL	%
HOUSEHOLDER	22	43.1
MINOR	16	31.4
MAJOR	1	1.9
LISTED BUILDING	1	1.9
CONDITIONS	3	5.9
TELECOMMUNICATIONS	2	3.9
LAWFUL DEVELOPMENT CERTIFICATE	1	1.9
PRIOR APPROVAL	1	1.9
LEGAL AGREEMENT	1	1.9
PERMISSION IN PRINCIPLE	1	1.9
ENFORCEMENT	2	3.9
TOTAL APPEALS DECIDED	51	100