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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 1 FEBRUARY 2024 AT 7.00 PM**

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

## Membership

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

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

## AGENDA

### 1. MINUTES

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

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) 23/02639/FUL - Conversion of Two Residential Units to form 4 dwellings - Land to the rear of 76-78 Belswains Lane, Hemel Hempstead (Pages 6 - 25)
- (b) 23/02781/ROC - Removal of Conditions 4 and 5 attached to planning permission 21/03742/FHA (Single Storey Rear and Side Extension and Loft Conversion) - 17 Vicarage Lane, Kings Langley, Hertfordshire (Pages 26 - 30)

**6. APPEALS UPDATE** (Pages 31 - 35)

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No. Page No.</b>	<b>Description and Address</b>
<b>5a.</b>	23/02639/FUL	Increasing the existing development from 2 properties to 4, with only internal alterations to existing dwelling and no change to the built environment. Land R/O 76-78, Belswains Lane, Hemel Hempstead, Hertfordshire
<b>5b.</b>	23/02781/ROC	Removal of Condition 4 (side window obscure / non opening) and Condition 5 (Dormer windows) attached to planning permission 21/03742/FHA (Single storey rear and side extension and loft conversion)  17 Vicarage Lane, Kings Langley, Hertfordshire, WD4 9HS

# Agenda Item 5a

ITEM NUMBER: 5a

23/02639/FUL	Conversion of Two Residential Units to form 4 dwellings	
Site Address:	Land to the rear of 76-78 Belswains Lane, Hemel Hempstead	
Applicant/Agent	Mr Wingrove	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Apsley and Corner Hall
Referral to Committee:	The application is referred to the Development Management Committee at the request of Councillor Deacon. Councillor Deacon is concerned with regards to the impact of the development on matters of highways safety and given a shortage of parking at the site.	

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) to secure mitigation under the Chilterns Beechwoods Mitigation Strategy.

## 2. SUMMARY

2.1 The proposed residential use of the site is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. The resulting dwellings are considered to be satisfactory in terms of their design, bulk, scale, site coverage and height and would not result in any significant harm to the character and appearance of the area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. Adequate arrangements for off-street parking are available within the curtilage of each property in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

## 3. BACKGROUND / SITE HISTORY

3.1 Planning permission was granted for the construction of two three-bedroom dwellings under planning permission 4/00726/17FUL by the Development Management Committee at the meeting of the 17<sup>th</sup> August 2017.

3.2 A proposal to vary this planning permission (4/02726/18/ROC) was refused by the Development Management Committee on the 10<sup>th</sup> January 2019 contrary to the officer recommendation. This application was refused for the following reason:

“The proposed two units by reason of their bulk and mass would result in overdevelopment, eroding the spacious character of the area. This would also result in the proposal failing to achieve sufficient separation distances to neighbouring residents. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area and fail to secure good standards of amenity for existing and future occupiers of land and buildings. The development is, therefore, contrary to Saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2018)”

A subsequent planning appeal (APP/A1910/W/19/3221620) was allowed on the 11<sup>th</sup> June 2019.

3.3 The applicants commenced construction of development in May 2021 in breach of conditions 3 (Contamination) and 5 (Landscaping) attached to appeal decision

APP/A1910/W/19/3221620. These dwellings under construction were also not being constructed in accordance with the approved plans for either 4/00726/17/FUL or 4/02726/18/ROC.

- 3.4 The site has been subject to enforcement investigations (E/21/00181/BOC and E/21/00343/NAP).
- 3.5 Conditions 3 and 5 (iv), (v), (vi) and (vii) only were approved under application 21/02321/DRC in August 2021. This approval did not extend to landscaping details reserved by condition 5, points (i), (ii), (iii) and (viii) identifying root protection areas of retained trees on or adjacent to the site, areas for protective fencing and type, and finished levels and contours will need to be fully shown on any future landscape plan.
- 3.6 At the meeting of the Development Management Committee of the 10<sup>th</sup> February 2022, members subsequently approved application 21/04265/ROC for a variation to the approved plans for these properties. This plan incorporated two storey side extensions to both of the previous dwellings approved under 4/00726/17/FUL. Not all of the conditions attached to planning permission 21/04265/ROC have been discharged, however the scheme is considered to have been lawfully implemented in accordance with the permission. The remaining conditions relate to the full implementation of landscaping works at the site and the verification of any remediation works undertaken at the site including confirmation that any imported topsoil for landscaping is free from contaminants.
- 3.7 It was subsequently identified that these plans were not an accurate representation of the dwellings as constructed at the site. It appeared that the dwelling closest to Belswains Cottages was approximately 1m closer to the boundary of the site than was previously identified. This was rectified by the submission of application 22/01583/NMA; which was approved at the Development Management Committee meeting of the 23<sup>rd</sup> June 2022
- 3.8 Planning permission was also granted for the retention of a storage building at the site under 22/00603/FUL at this committee meeting.
- 3.9 An application for a variation of condition 2 (approved plans) to planning permission 4/00726/17/FUL was submitted in October 2023 but could not be determined as it would have resulted in a change in the description of development contrary to Section 73 of the Town and Country Planning Act 1990 (As Amended) and the judgement in *Finney v Welsh Ministers* [2019] EWCA Civ 1868 [2020] P&TR 455.

#### **4. PROPOSALS**

- 4.1 The current application seeks permission for the conversion of two 4-bedroom dwellings to four 2-bedroom dwellings. Each of the proposed dwellings would be provided with two parking spaces.
- 4.2 Tandem parking bays would be provided to the front of units 1A and 1B and to the side of unit 2A resulting in the loss of soft landscaping at the front and side of these dwellings. The parking spaces allocated with plot 2B would result in two spaces being sited near to the boundary of the site with 74 Belswains Lane
- 4.3 The application would result in changes to fenestration in both the front and rear elevation of the proposed dwellings on both plots. Two entrance doors have been provided to the front elevation of each building whilst existing windows to the front elevation have been amended to provide shallow bay windows. Wider windows have been provided at first floor level to the rear elevation whilst the patio door to each unit has been replaced with two

windows. New French doors have been provided to the rear elevation to both properties on each of the proposed buildings.

- 4.3 The proposed buildings however would be identical in scale, height and siting to the previous approved plans for development on this site

## **5. CONSTRAINTS**

CIL Zone: CIL3

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

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

Residential Character Area: HCA18

Parking Standards: New Zone 3

## **6 REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced at Appendix A.

### Neighbour Responses

- 6.2 These are reproduced at Appendix B

## **7. PLANNING POLICIES**

National Planning Policy Framework (Dec 2023)

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

CS17 – New Housing

CS29 – Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

CS35 – Developer Contributions

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

Policy 10 – Optimising the Use of Urban Land

Policy 13 - Planning Conditions and Planning Obligations

Policy 18 – The Size of New Dwellings

Policy 21 – Density of Residential Development

Policy 51 – Development and Transport Impacts

Policy 54 – Highway Design

Policy 99 - Preservation of Trees, Hedgerows and Woodlands

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)



## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1 The application site is located within a residential area of Hemel Hempstead wherein the principle of providing new dwellings would be acceptable in accordance with Policies CS1, CS2 and CS4 of the Core Strategy. Planning permission has already been granted for the construction of 2 x 4 bedroom properties at the application site. These new dwellings would support the delivery of new homes to address the housing requirements identified in Policy CS17 of the Core Strategy.

### Layout and Design

- 8.2 The proposed layout of the site is considered to be acceptable in accordance with the principles set out in Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The main differences in layout between the approved schemes and that under consideration are those relating to the subdivision of rear gardens and the alterations to the car parking layout to be provided in respect of those units.
- 8.3 The proposals would result in the subdivision of properties with a new fence line dividing the associated gardens. Both the internal and external amenity spaces for the proposed dwellings are generous and would exceed the minimum standards for internal and external amenity space as expressed in the National Minimum Space Standards for new dwellings and Saved Appendix 3 of the Local Plan 1991-2011. The use of the site for four x two bed residential units in this location is considered to be acceptable and should not result in any significant harm to the overall character and appearance of the area in which they are located.
- 8.4 The physical extent of built form on the application site would not change as a result of development and as such it is difficult to conclude that the resulting development would be a cramped form of development on the application site. Although, it is appreciated that there would be a depreciation in soft landscaping thereto as a result of the provision of car parking; this is unlikely to be perceived from outside the site and as a consequence one could not consider the proposals to be harmful to the wider character and appearance of the site as seen from the surrounding public realm. On this basis the proposals are considered to be acceptable under Policies CS10, CS11, CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

### Impact on Neighbouring Properties

- 8.5 There are no physical changes to the extent of built development on the application site and as such there would be no grounds for objection to the proposals on the basis of the impact of development on daylight, sunlight or visual intrusion to neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.6 Amendments to the fenestration are likewise considered to be minor in nature and would not lead to any material increase in the overlooking of neighbouring properties to the detriment of their amenity. There would be no new windows located closer to the curtilages of neighbouring units nor within the flank elevations thereto. I find that a refusal of planning

permission on the basis of amenity would not be justified under Policy CS12 of the Core Strategy and Appendix 3 of the Local Plan 1991-2011.

#### Impact on Trees

- 8.7 Although there are a number of trees around the perimeter of the site and to neighbouring land, none of these appear to be subject to a Tree Preservation Order and as such their protection under planning legislation is limited. The proposed parking areas for plots 1A, 1B and 2B would extend closer to trees around the perimeter of the site than previously approved and thus it would be prudent to examine the impact of the proposed parking bays on the amenity value of these trees. Spaces to plots 1A and 1B would appear to be located outside any root protection area (RPA) of trees adjacent to the footpath on the eastern boundary of the site.
- 8.8 A nominal incursion into the RPA of trees on the western boundary of the site meanwhile as a result of alterations to the siting of parking spaces for unit 2B does not appear to be significantly detrimental to the health of these trees particularly if subject to limited excavation or undertaken by hand. It is suggested that a condition is required regarding the construction of these spaces.

#### Access and Parking

- 8.9 The main concerns with the development appear to be those relating to matters of highways safety and parking. The proposals seek to utilise an approved access onto Belswains Lane; the intensification of which would be marginally increased as a result of the proposed development.
- 8.10 The access drive and exit onto Belswains Lane is subject to a planning condition requiring visibility splays to be maintained in an easterly directions as set out in previous Decision Notices for development at the site and one would expect such conditions to be reapplied in the event of planning permission being granted. Despite the neighbour's assertion that visibility splays are required to the west of the entrance, such requirements were not imposed by the highway authority in the case of the grant of planning permission under reference 4/00726/17/FUL nor would they be applicable in this case despite the intensification in the use of the site.
- 8.11 The proposed access is considered to provide a satisfactory means of access to the site as set out within the response of the highway authority and as such there should be no objections to its use and the residential development under Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 54 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020)
- 8.12 A two bedroom dwelling within Accessibility Zone 3 should be provided with 1.5 allocated off-street parking spaces in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020). The level of off-street parking provided for each dwelling (2 spaces) would accord with the requirements under the Car Parking Standards SPD (2020).
- 8.13 I note the concerns with respect to the provision of a bin store area and the potential obstruction that this may pose to visibility at the entrance to the site and safety of pedestrians. The applicants have provided a plan indicating that bins could be stored on the driveway and outside of the visibility splay for collection or alternatively refuse vehicles could enter the site and turn (or reverse into the drive from Belswains Lane) I do not consider that it is necessary to provide a permanent bin store in these circumstances.

### Developer Contributions and Infrastructure

- 8.14 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The properties constructed at the site are liable for the payment of the Community Infrastructure Levy (CIL) in accordance with the adopted Charging Schedule and the indication is that the subdivision of the dwellings is necessary to enable the developer to pay the required charges.
- 8.15 It is noted that no separate charge would be levied against the subdivision of a single residential unit into two smaller units under the CIL Regulations 2010 (As Amended), however it is evident that the initial levy (approximately £50,000) will still need to be paid as a result of the historical breaches of planning permission and expiry of any previous exemptions to these charges.
- 8.16 Furthermore the development would be considered to comprise a new project for the consideration of the Habitat Regulations and as such I consider that the development should be required to enter into contributions in accordance with the Chilterns Beechwoods Mitigation Strategy to address the impact that recreational pressure may be having to this habitat in accordance with the Habitat Regulations and Policy CS26 of the Core Strategy.
- 8.17 Four new dwellings would result from the implementation of this scheme and each dwelling will be required to pay for Strategic Access Management and Maintenance (SAMM) and Suitable Alternative Natural Green Space (SANG) in accordance with the charges therein.
- 8.18 Total charges of £3,655.52 and £17,006.84 should be provided for SAMM and SANG respectively.

### Other Material Planning Considerations

#### *Contamination*

- 8.19 The applicants have failed to discharge planning conditions relating to the remediation of the site from contamination and contaminative materials and as such there is a need to re-apply a condition requiring the submission of a remediation strategy and verification report to ensure that the development plots are suitable for habitation as set out in the response of the contaminated land officer.

#### *Drainage*

- 8.20 The proposed development is minor in nature and is located outside of an area of identified flood risk. As such there is no requirement for the applicants to provide details of their drainage strategy for the site nor is it considered necessary for this to be provided by a planning condition.

#### *Sustainability*

- 8.21 No details have been provided in respect of the use of any sustainable construction measures or proposals as required under Policy CS29 of the Core Strategy. It is assumed that the proposed buildings have been constructed to a high standard of thermal efficiency under the Building Regulations, however there are other measures that could be introduced, even at this late stage, to provide a more sustainable form of development at

the site. It is recommended that further details are provided by condition and that these should include details of any SuDs, rainwater recycling measures and new landscaping.

#### Neighbours Comments

- 8.22 Some of the comments raised by neighbouring properties have been noted and require further information to be provided by planning condition; notably the provision and retention of visibility splays.
- 8.23 Other concerns have been addressed within the main body of the report with the exception of the concerns with regards to further development and the use of permitted development rights.
- 8.24 The use of conditions on the grant of planning permission needs careful consideration to ensure that any conditions applied to the development meet the six tests set out within the NPPF. These tests indicate that conditions need to be; necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.
- 8.25 It is noted that the previous grant of planning permission resulted in the committee removing permitted development rights to construct extensions to the dwellings under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) Members were of the view that such extensions or alterations to the dwelling could result in harm to the amenities of neighbouring properties in the scheme, a cramped appearance to the development and harm to trees within and adjacent to the site and that this would be contrary to Policies CS11, CS12 and CS26 of the Core Strategy. This condition has been reapplied for consistency with the original permission and given that the subdivision of dwellings will result in smaller private amenity areas.

#### Conditions

- 8.26 In addition to the removal of permitted development rights for the reason stated above, there is a need to apply conditions to ensure that the development provides visibility splays at the entrance to the application site to ensure highways safety whilst a condition is also necessary to address the concerns of the Contaminated Land Officer and to ensure the safety of future occupants of the development.
- 8.27 It is also considered that further details are required in respect of landscaping, contamination and sustainability to ensure that the development would comply with the requirements of Policies CS12, CS26 and CS29 of the Core Strategy, Saved Appendix 3 of the Local Plan 1991-2011 and a number of supplementary planning documents/guidance notes/documents.

### **9. RECOMMENDATION.**

- 9.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) and subject to the following planning 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. The development hereby permitted shall not be occupied until a Remediation Method Statement report has been submitted to and approved 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.

- 3. The development hereby permitted shall not be occupied until:**

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 2 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.

- 4. The development hereby permitted shall not be occupied until a visibility splay measuring some 2.4m x 43m has been provided to the east of the access within which there shall be no obstruction between 0.6m and 2m above the carriageway level.**

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

- 5. The development hereby permitted shall not be occupied until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **Details of the size, species and density of any soft landscaping to be provided on the site including the planting of a single new tree per residential unit,**
- **Details of hard surfacing materials**
- **Details of any means of enclosure and**
- **Details of any minor artefacts or structures including exterior lighting columns.**

**The approved landscaping works shall be implemented in full within a single planting season post occupation of the development and shall thereafter be maintained for a period of five years.**

**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).

6. **Prior to the first occupation of the development hereby permitted details outlining a no dig construction method for the parking bays shall have been submitted to and approved in written by the Local Planning Authority. The parking bays shall thereafter be provided in accordance with the approved details prior to occupation.**

Reason: To ensure parking provision does not detriment the root protection areas of adjacent trees; in accordance with Policy CS26 of the Core Strategy and Saved Policies 99 and 100 of the Local Plan (2004).

7. **The development hereby permitted shall not be occupied until details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details prior to occupation.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy.

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

**Schedule 2 Part 1 Class A**

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

**INFORMATIVE**

Article 35

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

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Waste Management Informative

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

Invasive and Injurious Weeds - Informative

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

**APPENDIX A: CONSULTATION RESPONSES**

Consultee	Comments
Hertfordshire County Council – Growth and Infrastructure Team	<p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.</p>
Hertfordshire Highways	<p>The proposal is for the increasing the existing development from 2 properties to 4, with only internal alterations to existing dwelling and no change to the built environment.</p> <p>The changes are to the amount of the proposed dwellings. The change</p>

	<p>of size does not greatly impact the highways consideration for the site. Therefore, I would like to draw your attention to our separate response (ref: 21/04265/ROC) in relation to the site as a whole. The change of the hardstanding space is not considered to greatly alter the turning ability of vehicles.</p> <p>HCC Highways would not wish to restrict a grant of permission</p>
<p>Conservation and Design Team</p>	<p>No comment</p>
<p>Contaminated Land Officer</p>	<p>Having reviewed the planning application submissions and the records held by the Environmental and Community Protection Team I am able to confirm that there is no objection to the proposed development. However, 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 that it will be remediated.</p> <p>This is consistent with the advice provided in response to the consultation on the 21/04265/ROC application and the land contamination conditions included on the subsequent permission.</p> <p>For this permission it is advised that the following land contamination condition is included if permission is granted.</p> <p>Contaminated Land Condition:</p> <p>Condition 1:</p> <p>(a) 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 has been submitted to and approved by the Local Planning Authority.</p> <p>(b) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) 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.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</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: The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a> and <a href="https://www.dacorum.gov.uk/docs/default-">https://www.dacorum.gov.uk/docs/default-</a></p>



	<a href="source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a>
Environmental Health	<p>With reference to the above planning application, whilst it is noted that the building works are already underway, 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, and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p><b>Working Hours Informative</b> Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><b>Construction Dust Informative</b></p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p><b>Waste Management Informative</b> Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p><b>Invasive and Injurious Weeds - Informative</b> Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure</p>

	livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a>
Waste Services	<p>Each property should have space to store 3 x wheeled bins and 1 x curbside caddie and space to present 2 x wheeled bins and a curbside caddie outside the boundary on collection day.</p> <p>The collection vehicle is a 26t rigid freighter which will require an adequate turning space</p>

## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
2 Belswains Cottages	<p>The site was originally part of the back gardens of 76 and 78 Belswains Lane. The developer has owned the land for over 20 years.</p> <p>In 2017, a proposal for two 3 bedroom houses with garages was rightly rejected for four reasons. 1. The size of the development would result in unacceptable bulk, and would appear cramped. 2. The development would severely detriment the outlook, privacy and daylight of the neighbours. 3. The development would damage the trees on the site. 4. The lack of visibility at the site entrance would be prejudicial to highway safety. Nothing has changed at the site that would affect the reasons given for rejection, except for the trees already being damaged by the developer.</p> <p>The current development was originally approved as two small houses. The developer then proceeded to build much larger houses. Neighbours complained about the size of the houses, but rather than enforcing the approved plans, the council allowed the developer to continue with the larger houses. The current application is to split each house into two separate properties and to provide eight parking spaces. This will result in 76 and 78 Belswains Lane both having two houses and four parking spaces in half of what was previously their back garden.</p> <p>This is obviously a ridiculous proposal that will damage the trees on the site, affect the privacy of neighbours and result in excessive traffic in and out of the site. There have been several serious accidents on the section of Belswains Lane outside the site, including at least one fatality. Who is going to take responsibility when someone is killed on Belswains Lane because of this development?</p>
73 Belswains Lane	I am concerned that with four properties and, likely, eight vehicles, there is not sufficient safe space for traffic to enter, turn and exit the

	<p>proposed development.</p> <p>On bin collection days, there will be insufficient room for a potential eight bins or more to be safely left, either blocking the access road, or being left across neighbours driveways. They will also significantly block the footpath creating hazards to buggy users, mobility scooter users, and the visibly impaired.</p> <p>Also on bin collection days, council workers will be put at even greater risk by having to cross Belswains Lane twice as often. This will also mean their vehicle will be blocking this busy road for twice as long, further inconveniencing local road users</p>
74 Belswains Lane	<p>As with previous planning applications (18 in total since 1989) our main concern is highways safety. Many planning applications have been refused by the planning department and the Development Management Committee due to highway safety concerns and inadequate vehicle site access and two appeals to the Planning Inspectorate have also concluded the same.</p> <p>We have seen the result of 9 serious crashes including one fatality. Bizarrely however any crash history beyond 3 years is ignored by Hertfordshire Highways in their capacity as highway authority. There was a serious crash in July 2022 (see <a href="http://crashmap.co.uk">crashmap.co.uk</a>) where there was one casualty and three parked vehicles damaged.</p> <p>The main cause of crashed is the bend in the highway close to the site access, which restricts visibility. The Highway Authority completed a speed survey in October 2015 opposite the site access that confirmed that the "85% speeds are 30.6mph southeast bound and 32.7mph northwest bound" Some vehicles were in excess of 40mph. There have been assumptions on previous applications that there is no link between these crashed and the site access, but clearly any further traffic emerging between Nos.70-80 Belswains Lane will only lead to additional crashes unless a proper visibility sightline at the entrance to the site is conditioned in both east and west directions.</p> <p>The original application for 2 x 3 bed dwellings (4/00726/17/FUL) had a site plan including 2.4m x 43m sightlines to the east and this is required by condition 2. A subsequent appeal (APP/A1910/W/19/3221620) reiterated the condition, yet this is missing from the site plan listed in the current application.</p> <p>Furthermore earlier planning applications included a 2.4m x 43m sightline to the west that was conditioned. Given that the current application will double the vehicle movements to/from the site, the sightline should also be conditioned in the interest of highways safety. The visibility splay should not be relaxed in either direction.</p> <p>There are many developments across Dacorum where a 2.4m x 43m sightline has been conditioned or a vehicle access has been refused due to Highway Safety concerns. Most notably are:</p> <p>20/00098/FUL (143 Belswains Lane) - this development has 8 parking spaces and an access to Belswains Lane on a straight section of</p>

highway, despite the good visibility a sightline of 2.4m x 43m is Conditioned in both directions with no obstruction between a height of 0.6m and 2m;

4/02560/17/FUL (34 Belswains Lane) - an application to drop the kerb and provide 2 parking spaces was refused on a straight section of Belswains Lane next to other dropped kerbs (there is clear visibility in both directions for at least 55m), which was considered contrary to Policies CS8 and CS12 (Highway Safety);

4/02329/12/FUL (145 Belswains Lane) - this development has 7 parking spaces and access to Belswains Lane on a straight section of highway, despite the good visibility a sightline of 2.0m x 43m is Conditioned in both directions with no obstruction between a height of 0.6m and 2m; and

4/02583/18/FUL (245 Belswains Lane) - this development only has 4 parking spaces and access to Bunkers Lane on a straight section of highway, despite the good visibility a sightline of 2.4m x 43m is Conditioned in both directions with no obstruction between a height of 0.6m and 2m.

The access in all of the above examples are on a straight section of highway, despite this a proper sightline is Conditioned to allow oncoming vehicles and emerging vehicles to see each other. The access to the Applicant's site (R/O 76/78 Belswains Lane) is on a bend and unless a proper sightline is Conditioned it will prejudice Highway Safety far more than the highlighted examples above.

The Design and Access statement and Site Plan has no details regarding Highways Safety so please will Dacorum Planning refuse/reject the current Planning Application (23/02639/FUL) on the grounds a sightline of 2.4m x 43m is not provided in both directions?

#### GNAWING AWAY AT THE PLANNING PROCESS:

There have been 18 Planning Applications to develop the rear of 76/78 Belswains Lane and 3 Appeals. By gnawing away at the planning process we now have the prospect of 4 dwellings. But that is not the end game; the next stage will be dormer windows to allow each dwelling to become 3 bedroom units (presumably the delay is to avoid additional CIL fees that are based on square metres)

#### PLANNING APPLICATION FORM:

The Planning Application Form contains a number of serious errors/omissions:

1, "Is the site currently vacant?" - yes it is, especially as most Conditions have not been discharged;

2, "Land which is known to be contaminated" - yes it is contaminated by asbestos as already identified in Desktop Study and Preliminary Risk Assessment Report referenced as YE3676, and therefore Condition 4 of 21/04265/ROC to carry a remediation scheme/works is

invoked which has not yet been discharged (FYI - So far no explanation has been provided by Dacorum regarding the risk to residents and site workers to the asbestos located in the onsite soil. I would have thought the contamination should have been dealt with prior to any works to avoid causing the already identified asbestos to become airborne during construction causing a health hazard.);

3, "Does the proposed development require any materials to be used externally?" - clearly there are external changes and so the answer is yes;

4, "Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?" - yes the proposal adds 4 additional vehicle parking spaces over that already approved, also the motor/cycle space has been removed;

5, "Are there trees or hedges on the proposed development site?" - yes there are;

6, "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?" – yes there are next to proposed the parking spaces for plot 2b;

7, "How will surface water be disposed of?" - Applicant states surface water will be disposed of by main sewer, which we understand is not recommended/allowed;

8, "Protected and priority species" - bats regularly fly around the site (observed at dusk) and badgers have been seen in the area and previously on the Applicants land, the erection of fences and properties has affected these protected species (we note that other developments near the site have been required to take conservation steps for bats); and

9, "Are you proposing to connect to the existing drainage system?" - Applicant has answered yes so where is the "details of the existing system on the application drawings" as required by the Planning Application Form?

**REFUSE COLLECTION:**

Where are the wheelie bins going to be located on refuse collection day? Up to 8 wheelie bins and 4 food caddies will be placed in the site access road on refuse collection day, which will mean vehicles entering and exiting the site can't pass each other (risk of reversing into Belswains Lane).

Also the wheelie bins may block the sightline that should be clear between 0.6m and 2m above the carriageway.

**ROOT PROTECTION AREA:**

Previously the Trees and Woodland Officer stipulated a root protection area to protect the spruce in our garden. Parking spaces for Plot 2b are now closer to our blue spruce tree (marked as a pine on the Site

	<p>Plan) and are within the root protection area specified by the Officer.</p> <p><b>PERMITTED DEVELOPMENT RIGHTS:</b></p> <p>The Decision Notice for Planning Application 21/04265/ROC removed Permitted Development Rights relating to Schedule 2 Part 1 Class A (understood to cover "the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors" - please note that some of the doors and windows are not built as per the approved plan because the Applicant has from the outset built 4 dwellings, including double block central dividing walls, 4 utility connections gas/water/electricity, etc - please confirm on site the extent of deviation?).</p> <p>It is also clear from the roof construction that the Applicant plans to add 3rd bedrooms in the loft space (double rafters have been installed to allow for roof lights and ridges are reinforced with a steel beams to allow for dormer windows). Consequently the following Permitted Development Rights must also be removed by Condition to avoid further uncontrolled development: Class B (understood to be "additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows") and Class C (understood to be "other alterations to roofs such as re-roofing or the installation of roof lights/windows").</p> <p>Furthermore the site is already over developed and so the following Permitted Development Rights should also be removed Class D (understood to be "the provision of buildings and other development within the curtilage of the house") and Class F (understood to restrict "the provision of hard surfaces within the curtilage of the house such as driveways" - I assume this includes patios and paths, which would further reduce the green space).</p> <p><b>CONCLUSION:</b></p> <p>We hope that the facts presented here will again help you and your department reach the correct decision when determining Planning Application 23/02639/FUL.</p> <p>We appreciate the Applicant may Appeal if the current Planning Application (23/02639/FUL) is refused and that Dacorum must minimise the likelihood of a successful Appeal, however the Planning Inspectorate has in all cases (past 3 Appeals) upheld the need for a proper 2.4m x 43m sightline. So I think it is likely the Planning Inspectorate would reject any Appeal that does not embrace Highway Safety and indeed may as in the past consider the site overdeveloped (cramped and lacking in green space).</p> <p>Therefore the decision as far as we are concerned must be REFUSAL based on the above and similar concerns raised by other residents</p>
78 Belswains Lane	<p>This development has always been 4 houses right from the start. From when the first bricks where being laid, the plan was in place to split these houses. Why else would you build a brick wall in the attic to split the roof space with no means of access from side to side before the roof was built? The walls are in place on the first floor and actually</p>

	<p>divide one of the windows at the front of the house. The houses have been built to be split. This would never have been designed in unless this was a preconceived plan to split the dwellings.</p> <p>The applicants have shown a complete disregard to the planning process from the start. Building an outbuilding with no planning permission and laying foundations for an extension at the very start of the build. They are playing the system.</p> <p>4 houses on this plot is an over development of the available space. There is no room for the cars to manoeuvre about for the number of car park spaces shown. They are blocking each other in and they then have to pull out onto Belswains lane with a very restricted view. The plan also shows that there is a splay turning at the point of meeting Belswains lane. This is not true as this is my land and there is a fence in place so cars would have to pull across onto both lanes of traffic to exit or enter. The drive is at 90 degrees to the road.</p> <p>The plans also do not show where the refuse bins will be situated. This can only be on the hard stand where the plan is showing a turning circle for the vehicles. This will drastically reduce this space and make manoeuvring a vehicle out extremely difficult. The drive is not big enough for the bin lorry to turn into so bins will have to be at kerb side for collection. The drive will be too narrow for them to be placed there, so they will have to go in front of neighbouring properties, hampering them getting in and out of their drives.</p> <p>Permission for more than 2 dwellings on this site has been refused on numerous occasions, and there is no reason why this shouldn't be the case again. Trying to play loopholes shouldn't be allowed and cheats shouldn't prosper.</p>
205 Ebberns Road	<p>The question that needs to be answered in deciding this application should be, "would planning permission be granted by the Council were the applicant applying now to build four 4 x 2 bedroom houses of this size on this plot?" If the answer is No then permission must be refused.</p> <p>This is overdevelopment of a back garden plot and out of keeping with the character of the area. The financial situation of the applicant should not be a material consideration.</p> <p>The impact of two extra homes :-</p> <ol style="list-style-type: none"> <li>1. Up to 8 vehicles could be turning onto and off Belswains Lane greatly increasing the potential for an accident.</li> <li>2. There is inadequate parking on the site for visitors meaning that vehicles will park in Ebberns Roa, which is already very busy or in other local residential roads, limiting the available parking for existing residents.</li> <li>3. Inevitably potential for more noise and more households to overlook neighbouring properties. The rear of 205 and 207 Ebberns Road are now directly overlooked with no trees to protect any privacy.</li> </ol>

	<p>4.The external appearance of the properties will change, with two entrances instead of one at the front of each property and additional kitchen windows at the rear</p>
<p>209 Ebberns Road</p>	<p>Whilst we have been informed that Dacorum Planning Department cannot speculate on future use, we are now looking at the scenario predicted by neighbours back in November 2021:</p> <p>"The proposed inclusion of additional rooms and space means that the properties could easily be subdivided to create more households." (REF: 21/04265/ROC - Variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL (Two x three bed detached dwellings).</p> <p>The Wingrove family's Design Statement blames neighbour objections and DBC for delaying this project, resulting in increased costs that impact the project's finances. Of course those costs have also increased significantly since the original plans to build two smaller dwellings due</p> <p>1/ Double the footprint of the properties (and then seek retrospective permission) 21/04265/ROC as above, November 2021, granted February 2022)</p> <p>2/ Build a double garage / storage outbuilding (retrospective permission). Ref. No: 22/00603/FUL Feb 2022, granted June 2023</p> <p>Both these applications to significantly increase development of the site were made after Brexit and the outbreak of COVID. Hopefully the reported decline in construction material costs seen in the last three months (<a href="https://www.homebuilding.co.uk/news/construction-materials-shortage">https://www.homebuilding.co.uk/news/construction-materials-shortage</a>) will now allow the approved two dwellings to be completed.</p> <p>Vehicular access in and out of the site has been a concern since the earliest applications to develop this site and it has been a regular point of objection. Provision of parking spaces for 8 cars (2 per dwelling) - and not including use of the outbuilding as a double garage (speculation) – will result in a doubling of potential traffic at what is an accident prone bend in Belswains Lane. Having lived with lorry noise on site for some time now we are also concerned about noise from cars parked between Plots 2A and 2B, where the elevated position combined with engine revs to get up the steep slope out of the site and negotiate tight spaces will affect rears of 209 and 211 Ebberns Road.</p> <p>As has been raised in previous objections the high pitched roofs of these properties lend themselves to loft conversions, bringing further privacy issues for houses on all sides. Further speculation, but two families anticipating life in a 4 bed detached executive home, changing to a 2 bed semi-detached will be looking for additional space and the roof space will be the obvious option.</p> <p>Parking in the turning head of Ebberns Road (by residents, Sainsburys shoppers and commuters) is already an issue causing accidents and damage. We are concerned that visitors to the</p>



	<p>proposed four dwellings on this site looking to park nearby and using the western end of Ebbens Road will exacerbate this situation.</p>
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	<p>The Site Plan shows a tree at the corner of plot 2A and 209 Ebbens Road rear garden. There is no tree here, and there is therefore no natural screening between properties as implied on plan.</p>
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# Agenda Item 5b

ITEM NUMBER: 5b

23/02781/ROC	Removal of Conditions 4 and 5 attached to planning permission 21/03742/FHA (Single Storey Rear and Side Extension and Loft Conversion)	
Site Address:	17 Vicarage Lane, Kings Langley, Hertfordshire	
Applicant/Agent	Mr Smith/Mr Amankwah	
Case Officer:	Robert Freeman	
Parish/Ward:	Kings Langley	Kings Langley
Referral to Committee:	The application is referred to the Development Management Committee given that the recommendation would be contrary to the view of the Parish Council	

1. **RECOMMENDATION** – That conditions 4 and 5 are removed.

## 2. SUMMARY

2.1 The conditions applied to this permission are neither reasonable nor necessary to ensure the adequate protection of the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011 and accordingly should be removed.

## 3. BACKGROUND

3.1 Planning permission was granted for the construction of a single storey side/rear extension and the conversion of the loft including the construction of two dormer windows under planning permission 21/03742/FHA by the Development Management Committee at the meeting of the 16<sup>th</sup> December 2023. Condition 5 was added by Members in addition to those suggested by the case officer.

3.2 This permission was subsequently implemented without the inclusion of obscure glazing contrary to conditions 4 and 5 attached thereto resulting in enforcement cases E/22/00190/NAP and E/23/00190/NAP

## 4. PROPOSALS

4.1 An application has been submitted to remove Conditions 4 and 5 thus resolve outstanding enforcement matters in respect of the site.

4.2 Condition 4 states

“The high level window at ground floor level in the southern elevation of the rear extension hereby permitted shall be non-opening and permanently fitted with obscured glass.

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

4.3 Condition 5 states:

“The two dormer rear facing windows at roof level hereby approved shall be permanently fitted with obscured glass.

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

## **5. REPRESENTATIONS**

### Consultation responses

5.1 These are reproduced at Appendix A.

### Neighbour Responses

5.2 These are reproduced at Appendix B

## **6. CONSIDERATIONS**

### Policy and Principle

6.1 The use of planning conditions on the grant of planning permission needs careful consideration to ensure that any conditions applied to the development meet the six tests set out within the NPPF. These tests indicate that conditions need to be; necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.

### Condition 4

6.2 This condition requires a high level window within the flank elevation of the side/rear extension to be non-opening and fitted with obscure glazing in the interests of the privacy of the neighbouring property and for the sake of clarification does not extend to the provision of obscure glazing within the roof glazing thereto.

6.3 The cill height of the window would be some 1.95m (6.4ft) above finished floor level within the extension and by its nature does not allow views out onto neighbouring land. Furthermore it is evident that changes in floor level of the extension would not be desirable and are extremely unlikely to occur given the internal finishes thereto. Officers would strongly contend that obscure glazing is not necessary nor reasonable above this height to ensure that the amenities of neighbouring properties are retained in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011. For these reasons the condition would not meet the tests within the NPPF and accordingly should not have been applied to the grant of planning permission.

### Condition 5

6.4 This condition requires the dormer windows installed in the rear elevation of the property to be obscure glazed in the interests of the privacy of neighbouring properties.

6.5 This condition is not considered to be reasonable or necessary in this instance for the following reasons:

- The application property benefits from permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) Under Schedule 2 Part 1 Class B, the dwelling could add up to 40m<sup>3</sup> to the roof space without planning permission and without any requirement to obscure glaze rear facing windows.

- It can be clearly demonstrated that the view from the dormer windows provides no material change in overlooking of the neighbouring properties to that provided from first floor windows within the rear elevation of the property
- There are a number of neighbouring properties with clear glazed dormer windows at roof level within Vicarage Lane.
- The windows do not provide views into properties at Common Lane, including Old Wicks, which is located a substantial distance to the north of the application property and in excess of the 23m back to back distance within Saved Appendices 3 and 7 of the Dacorum Borough Local Plan 1991-2011.
- The gardens of neighbouring properties would be equally overlooked from other properties in Vicarage Lane.

6.6 The dormer windows do not, in my opinion, result in any material loss in privacy to the neighbouring properties and as such would not be harmful to the amenities of these properties. There would be no conflict with the requirements of Policy CS12 of the Core Strategy nor Saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

#### Other Concerns and Issues

6.7 The neighbouring property at No.19 has raised concerns that the use of glass in the roof of the single storey extension allows views from the kitchen/dining area up towards their bedroom windows. The current planning conditions do not extend to the provision of obscure glass or any other material being used in the roof of the extension permitted and I do not consider the use of clear glass to the roof to be a breach of any planning condition. Furthermore, I do not consider that the nature of the roof material results in any loss of privacy to the neighbouring property.

6.8 As the development has been completed there is no need to re-impose Condition 1 (commence within 3 years) or Condition 3 (materials). However, Condition 2 (approved plans) needs to be added for clarity as to what would be granted planning permission.

### **7. RECOMMENDATION.**

7.1 That permission is **GRANTED** for the removal of conditions 4 and 5 attached to planning permission 21/03742/FHA.

7.2 That permission is **GRANTED** subject to the following condition:

**Condition 1: The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- **192\_PP-001-3\_P1 Site Location Plan**
- **192\_PP-002-3\_P1 Proposed Block Plan**
- **192\_PP-110-3\_P2 Proposed Ground and First Floor Plans**
- **192\_PP-111-3\_P3 Proposed Loft Floor and Roof Plans**
- **192\_PP-211-3\_P3 Proposed North and South (side) Elevations**
- **192\_PP-210-3\_P3 Proposed Rear Elevation**

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

## APPENDIX A: CONSULTATION RESPONSES

Consultee	Comments
Kings Langley Parish Council	Objection due to potential overlooking/lack of privacy

## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
15 Vicarage Lane	<p>With regard to the extension in the roof, making it a dormer window, which on the original plan was going to be a bathroom, hence the need for obscure glass in the dormer windows. But, as we know during building work this was changed to a bedroom and the bathroom is in the roof on the front of the house! So no matter what I or anyone says I'm sure this will not be changed! But we have absolutely no privacy in our back garden at all.as our neighbour tells us he can see us in our garden!</p> <p>With regard to the windows in the roof of the single extension, these should be obscure as our neighbour at number 19, can see into their kitchen /diner, likewise they can look up into her bedroom! So no privacy at all for either neighbour.</p>
19 Vicarage Lane	<p>I live at the adjoining the property in question. The one story side extension at no. 17 Vicarage Lane has a glass roof as well as side windows and has been built just a few feet below my bedroom window. As such, there is a clear line of sight from within the extension up into my bedroom and vice versa. I have marked up pictures which clearly demonstrate this fact which I would be keen to share with you/other decision makers within the planning department. I would also be happy/keen to accommodate a visit to further illustrate the issue. Suffice to say, this has had a significant detrimental impact on my privacy and therefore my comfort in my own home (of 16 years). As such, any remedial action that can be undertaken to address this impact on my privacy should be enforced.</p>
Old Wicks, Common Lane	<p>The dormer windows overlook our garden and house. This is particularly emphasised due to the gradient of the land and is more evident in the winter when the leaves drop. We didn't object originally to the proposals because our privacy was to be protected by the obscured glass. We knew the planning permission had not been</p>

	adhered to because we were able to see the inhabitants in the loft room of the house from our house. The lack of obscured glass has considerably impacted on our privacy and we feel the glass should be obscured as per the approved plans.
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## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 January 2024 and 22 January 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01222/ROC	D/24/3336853	15 Home Farm, Park Road, Tring	Householder
2	23/02475/ROC	W/24/3337121	Shootersway, Berkhamsted	Written Representations
3	23/01217/FUL	W/24/3337305	112 New Park Drive, Hemel Hempstead	Written Representations

### 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 January 2024 and 22 January 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03691/FHA	D/23/3319249	5 The Shrubbery, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		05/01/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319249">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319249</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is first floor link extension, infill front extension and front and rear first floor dormers.</p> <p>The appeal property appears to be the only property within this part of the estate, including along The Shrubbery and The Glades that has dormer windows visible within the street scene. Therefore, dormers are not typical features of the immediate surrounding area.</p> <p>Due to the large scale, the flat roof design and that the dormers are not set in from the side elevations and eaves of the roof, they would appear as dominant and bulky additions to the roof of the projecting wing. Also, the flat roof design of the proposed dormers would not be in keeping with the pitched roof design and character of the existing dwelling, nor that of surrounding dwellings. Furthermore, due to the location of the host dwelling, combined with the scale, design and position of the proposed dormers, the dormers would appear as overly dominant and incongruous features within the street scene, including when viewed from the private driveway that wraps around to the side and rear of the appeal dwelling.</p> <p>The proposed rear dormer would over-dominate the rear roof slope, leaving</p>			

	<p>little of the sloping, tiled area of the roof of the wing visible, which would thereby appear at odds with the design of the host dwelling. In view of the above, the proposed dormers would be harmful to the character and appearance of the host dwelling and the surrounding area.</p> <p>The proposed dormer would extend the wall of the wing up to a higher, two-storey level and create a much taller vertical wall facing directly opposite the front of No 7 The Shrubbery. Therefore, due to its design, scale, and close proximity to this neighbouring property, it would form a visually prominent and overbearing feature, in terms of the outlook from No 7.</p> <p>Despite the negative impact in terms of outlook, there would be no undue overlooking or loss of light caused to the occupiers of neighbouring dwellings. This is because the proposed openings to the rear would be obscure glazed and, that there would be sufficient distance separation between the proposed openings and neighbouring properties, so as not to cause harm to the living conditions of neighbours in relation to such matters.</p> <p>In view of the above, the proposed rear dormer would be harmful to the living conditions of neighbouring occupiers.</p>
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### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 01 January 2024 and 22 January 2024.

None.

### **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 01 January 2024 and 22 January 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00902/FUL	W/23/3333636	Land Adjacent Row Beech Cottages, Watling Street, Kensworth	Written Representations
	<b>Date of Decision:</b>		17/01/2024	
	<b>Link to full decision:</b>			
	n/a			
	<b>Inspector's Key conclusions:</b>			
	The appeal was turned away by the Planning Inspectorate as the appeal was submitted too late.			

### **6.5 ENFORCEMENT NOTICE APPEALS LODGED**



Enforcement Notice appeals lodged between 01 January 2024 and 22 January 2024.

**None.**

### **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 01 January 2024 and 22 January 2024.

**None.**

### **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 01 January 2024 and 22 January 2024.

**None.**

### **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 01 January 2024 and 22 January 2024.

**None.**

**6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 22 January 2024).**

<b>APPEALS LODGED IN 2024</b>	
PLANNING APPEALS LODGED	3
ENFORCEMENT APPEALS LODGED	0
TOTAL APPEALS LODGED	3

<b>APPEALS DECIDED IN 2024</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	1	100
APPEALS DISMISSED	1	100
APPEALS ALLOWED	0	0
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	0	0

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2024</b>		
Total	1	100
Non-determination	0	0
Delegated	1	100
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	0	0

<b>APPEALS ALLOWED IN 2024</b>	<b>TOTAL</b>	<b>%</b>
Total	0	0
Non-determination	0	0
Delegated	0	0
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	0	0

## **6.10 UPCOMING HEARINGS**

None.

## **6.11 UPCOMING INQUIRIES**

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Date</b>
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom Flaunden	tbc
2	22/01836/MFA	W/23/3333545	Rectory farm, Kings Langley	09-12/04/2024

## **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 01 January 2024 and 22 January 2024.

None.

## **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 01 January 2024 and 22 January 2024.

None.