



Public Document Pack

# DEVELOPMENT CONTROL AGENDA

**THURSDAY 7 JULY 2016 AT 7.00 PM  
COUNCIL CHAMBER - CIVIC CENTRE**

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 D Collins (Chairman)	Councillor Matthews
Councillor Guest (Vice-Chairman)	Councillor Riddick
Councillor Birnie	Councillor Ritchie
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Imarni	Councillor Fisher
Councillor Maddern	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

## **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 complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

#### **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 know by
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	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@dacorum.gov.uk)

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 Control 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.

## 5. INDEX FOR PLANNING APPLICATIONS

- (a) 4/01353/16/ROC - LAND ADJ HOLLY HOUSE, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DR (Pages 5 - 26)
- (b) 4/01101/16/FUL - HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER (Pages 27 - 37)
- (c) 4/00210/16/FHA - 36 MISWELL LANE, TRING, HP23 4DD (Pages 38 - 44)

- (d) 4/00974/16/FUL - 7 NUNFIELD, CHIPPERFIELD, KINGS LANGLEY, WD4 9EW (Pages 45 - 52)
- (e) 4/01173/16/FUL - BADGERDELL HOUSE, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LN (Pages 53 - 60)
- (f) 4/00708/16/FUL - 15 PHEASANT CLOSE, TRING, HP23 5EQ (Pages 61 - 67)
- (g) 4/00743/16/FUL - DOCTORS SURGERY, PARKWOOD DRIVE, HEMEL HEMPSTEAD, HP1 2LD (Pages 68 - 73)

**6. APPEALS**

Report to follow

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to:

## Item 5a

**4/01353/16/ROC - VARIATION OF CONDITIONS 3, 4, 7, 8 AND 11 RELATING TO PLANNING PERMISSION 4/03375/14/FUL (DEMOLITION OF TWO TIMBER GARAGES AND CONSTRUCTION OF ONE 4-BED DWELLING)**

**LAND ADJ HOLLY HOUSE, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DR**



1:1250 SITE LOCATION PLAN



**4/01353/16/ROC - VARIATION OF CONDITIONS 3, 4, 7, 8 AND 11 RELATING TO PLANNING PERMISSION 4/03375/14/FUL (DEMOLITION OF TWO TIMBER GARAGES AND CONSTRUCTION OF ONE 4-BED DWELLING).  
LAND ADJ HOLLY HOUSE, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DR.**

**APPLICANT: Mr and Mrs Gerry.**

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[Case Officer - Intan Keen]

## **Summary**

The application is recommended for approval. The proposed amended development for a single dwelling is acceptable in principle. The amendments from the previous application would not have an adverse impact on the appearance of the building or the street scenes, and would meet the objectives of conserving the Berkhamsted Conservation Area. The development would not have an adverse impact on the residential amenity of neighbouring properties. The car parking and access arrangements are sufficient.

The proposal is therefore in accordance with Policies CS12 and CS27 of the Core Strategy and saved Policy 120 of the Local Plan.

## **Site Description**

The application site is currently occupied by an infill dwelling currently under construction, located on the south-eastern side of Doctors Commons Road and in the Berkhamsted Conservation Area.

Works to trees to the south-western side boundary have been carried out, and one of the trees (in the space beyond the side wing of Darul Aman) has been felled.

## **Proposal**

Planning permission is sought for minor amendments to the approved development for a single dwelling under 4/03375/14/FUL, varying conditions 3 (landscape proposals), 4 (retention of trees), 7 (car parking spaces), 8 (vehicle crossovers) and 11 (approved plans).

E-mail confirmation was received on 22 June 2016 confirming the withdrawal of the variation of conditions 2 (materials) and 9 (side-facing windows).

As such, the approved timber cladding will remain and the ground floor side-facing (slit) windows shall be obscure-glazed.

Letter notification of the amended proposal description (withdrawing variation of conditions 2 and 9 from the original description) has been carried out on 23 June 2016.

This correspondence also confirmed proposed planting to the south-western side boundary.

The amendments sought under the current application therefore include:

- Omission of the brick wall to the front boundary, to be replaced with planting of a (Photenia "Red Robin") hedge (condition 3);
- Position of external steps to the south-western side of the dwelling has been amended instead of curving around the rear corner of the building they will follow the linear arrangement, rear patio has also been reconfigured to take into account this change (condition 3);
- The south-western side boundary hedge has been subject to lopping and one tree has been cut down (condition 4);
- Subsequent to the point above, replacement planting of one 2m high Leylandi has been proposed (condition 3);
- Three car parking spaces reconfigured to accommodate proposed front hedge (condition 7);
- Removal of condition 8 which requires the stopping up of two vehicle accesses to the corners of the application site;
- Reduction in building width by 0.35m (condition 11);
- Repositioning of building 0.12m closer to the south-western side boundary (condition 11);
- Increase in width of four ground floor rear windows by 0.1m each (condition 11);
- Removal of window to side of front door (condition 11);
- Omission of glass lantern and changes to roof lights (condition 11).

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

### **Planning History**

Application 4/03375/14/FUL for demolition of two timber garages and construction of four bedroom house was granted (the application seeks to vary conditions and remove one condition from this permission).

Previously, application 4/01721/14/FUL for demolition of two garages and construction of four bedroom house was granted.

Prior to this, application 4/02317/13/FUL for proposed new dwelling was refused and subsequently dismissed at appeal. The reasons for dismissal were that the proposal would materially detract from the character and appearance of the site and the Berkhamsted Conservation Area, the positive qualities of which would not be preserved by the proposal, and due to the topography of the area, the dwelling would appear overall as a large, stark and bulky addition to the area, that would also be prominent on the skyline. The second reason for dismissal related to the impact on living conditions of No. 29 Kings Road (adjoining property to the rear).

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance



### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS18 - Mix of Housing  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 57, 58, 63, 99, 100, 101  
Appendices 1, 3 and 5

### Supplementary Planning Guidance / Documents

Environmental Guidelines - Development in Residential Areas  
Conservation Area Character Appraisal for Berkhamsted  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Darul Aman

Background:

As you are aware, the original application was strongly objected to by 6 neighbours and Berkhamsted Town Council. It was then refused by Dacorum Borough Council Development Control Committee. This decision was appealed by the developer and his appeal was subsequently dismissed by the planning Inspectorate.

A revised application was submitted by the developer, taking into account some of the comments made by the Planning Inspectorate. This application was approved, only after conditions added by Dacorum Borough Council that directly related to key points made by the Planning Inspectorate.

We would like to strongly object to the variation of these conditions for the following reasons:

#### Variation of Condition 2.

The proposed slate cladding will neither enhance or preserve the conservation area. Western Red Cedar was approved in the original application to ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011. The developer states he wants to differentiate the house from other houses on the street, this is clearly contrary to the aims of the conservation area policies noted above.

#### Variation of Condition 3.

As clearly shown on drawing 13 399 PL20A. Replacing the proposed low brick wall with hedging will reduce the space available for off street parking. The entrance to the parking area has been narrowed (as stated by the developer in variation of condition 7). This will compromise access to the parking area. The addition of the planted area on the Holly House side further reduces space for parking. Also worth noting are the comments of conservation officer, Sally-Ann Hirst, in regard to the original approved plan, who expressed a preference for a solid brick wall as a boundary finish she would support in a conservation area, particularly to the roadside. (22/01/14). The proposed changes will restrict both the usage of the off street parking facility and the available space to park. It is therefore contrary to Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

#### Variation of Condition 4

Condition 4 clearly states that the existing Cyprus hedge is a retained tree and as such should not be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. The developer has chosen to breach this condition, cutting all the lower branches right back to the trunk. This has removed any screening between the new-build and Darul Aman.

In the appeal dismissal report, the Planning Inspectorate recommend that the hedge be protected by a planning condition to ensure privacy to Darul Aman. It is a condition that both Berkhamsted Town Council requested and Dacorum Borough Council imposed.

Condition 4 also states that If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. The developers arboriculturalist has already commented that these once healthy trees have 'now seen better days'. The trees were healthy prior to works beginning - see photo 1 -These trees have been compromised, and remedial action may need to be taken as stated in section b of Condition 4.

The developer has also breached condition 4C which requires The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are

brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

The developer has also clearly breached condition 5 which requires the trees shown for retention to be protected during the whole period of site excavation and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy. This was to ensure that damage does not occur to the trees during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

It is imperative this condition remains to ensure that the developer is held accountable for the damage done to the retained trees. The developer has chosen to breach clear planning conditions, and this is obviously not acceptable.

#### Variation of Condition 7

The proposed change to the boundary treatment will reduce the space available for parking, this is clearly shown on drawing 13 399 PL20A. Doctors Commons Road is heavily parked and is particularly busy with pedestrians and schoolchildren at key times during the day. Condition 7 of the original approved plans sought to ensure the adequate and satisfactory provision of off-street parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

Furthermore, this configuration formed part of the plan that was rejected at Development Control Committee and on appeal by the planning inspectorate. This is a clear attempt by the developer to change conditions to that of a scheme that has already been refused (4/02317/13/FUL drawing 13 399 PL01B). Reasons for refusal in the original planning document state 'The proposed development, by reason of its layout and associated vehicle crossover would result in substandard and unacceptable parking and access arrangements with limited manoeuvring space to the parking area. Due to the existing highway conditions in the area the proposal is likely to result in conditions prejudicial to pedestrian and highway safety contrary to Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011'.

The proposed changes are contrary to the above policies and will compromise both the usage of the parking facility and the actual available space to park.

#### Variation of Condition 8

The reason for this condition was to ensure pedestrian safety by providing a level surface and to assist highway efficiency by ensuring vehicles cannot use the crossovers in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

Doctors Commons Road gets extremely busy with school traffic and it is important to ensure the safety of pedestrians and school-children at all times.

This condition was also requested by the Highways Authority (29/01/14)

There is no reason why these curbs cannot be re-instated as requested in the condition. The curbs are not shared. The pavement and existing curb has been damaged during the construction of the property and should be re-instated as detailed in Condition 8.

#### Variation of Condition 9

This is another clear attempt by the developer to change conditions to that of a scheme that has already been refused. Condition 9 clearly states that windows facing both Darul Aman and Holly House should have obscured glazing. This is also recommended by the Planning Inspectorate in the appeal dismissal report. It is also included in the Planning Officers report relating to the approved plans. The windows directly overlook both Darul Aman and Holly House. The window facing Darul Aman looks directly onto our patio, living space, dining room, living room and bedroom. Darul Aman has large floor to ceiling windows on both floors facing the new-build and the opaque glazing was specifically requested by Berkhamsted Town Council and Dacorum Borough Council to mitigate this. The overlooking and loss of amenity has been exacerbated due to the house being built 200mm closer than detailed in the approved plans. This in itself is a breach of condition 2. It is crucial that this condition is retained, windows should also be non-opening and obscure glazed as stated in the original condition. The changes would be contrary to the original reason for the condition which was added in the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

#### Variation of Condition 11.

There is one point mentioned here that we would like to object to. The statement that the building has moved 120mm closer to Darul Aman. Our measurements show that the actual measurement between the two buildings is 2.5 metres, meaning that the building has actually moved 200mm closer to Darul Aman. This is a clear breach of condition 2 and goes some way to explaining why the trees have been damaged and why the steps had to be moved.

This discrepancy regarding this measurement is clearly mis-leading and calls into question whether other measurements detailed in the approved plans have been adhered to. Due diligence suggests other key measurements should be checked.

In summary, the conditions were imposed for sound clear-cut reasons. They satisfy the NPPF six tests for validity, that of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable. In the DETR Circular 10/97 it states that the Secretaries of State take the view that conditions should not be added unless they are both necessary and effective. This was the case when the conditions were stipulated, they tackle specific problems with the original plans, they were considered necessary and effective by Dacorum Borough Council at the time and nothing has changed to alter this situation.

Section 171A of the T&C Planning Act 1990 establishes that ...the failure to comply with any condition or limitation subject to which planning permission has been granted constitutes a breach of planning control.

The developer has already blatantly chosen to breach conditions 2, 4, 5 & 9. Conditions recommended by the Planning Inspectorate and requested by Berkhamsted Town Council and imposed by Dacorum Borough Council, in the interests of the amenity of adjoining residents, in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013). Our own amenity has been severely compromised by the destruction of the lower part of the cypress hedge (from ground level to the height of the new build) and both Holly House and Darul Aman are now faced with clear glazed windows looking directly into our bedrooms and living rooms when these windows should have obscured glazing. Note that the 1.7m in the original condition only relates to the windows being non-opening. We ask that this is increased by 200mm due to the new-build being 200mm closer stipulated in the approved plans.

The NPPF guidance on ensuring effective enforcement suggests that it would be more appropriate to serve a breach of condition notice (section 187A of the T&C Planning Act 1990), setting out the necessary remedial action to ensure compliance with the condition being breached.

To actually just remove the conditions that have already been breached makes a mockery of the whole planning system and completely undermines all the time and effort local residents, Berkhamsted Town Council, Dacorum Borough Council and the Planning Inspectorate spent getting the plans to a stage where they were approved.

The other proposed changes will compromise off street parking, pedestrian safety and the conservation area and are clearly contrary to Policies CS12, CS8 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120, 51 and 54 of the Dacorum Borough Local Plan 1991-2011 and will neither enhance or preserve the conservation area.

Through this application, the developer is trying to re-introduce parts of the original scheme refused by the planning inspectorate and parts of the subsequent scheme that were only approved after the addition of clear planning conditions requested by Berkhamsted Town Council and Dacorum Borough Council, conditions that were recommended by the Planning Inspectorate.

The developer didn't achieve what he wanted first time round and is now trying to bypass the original decision. A decision that was extensively debated at the time. This is contradictory to the principals of the planning process. Removal may make things easier for the developer by removing his accountability for conditions already breached, but that is not a valid reason for the conditions to be removed.

The NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system, and to maintain the integrity of the decision-making process. What confidence can we have in this system if these conditions are removed?

It is crucially important that the original conditions are retained. The request for removal shows contempt for neighbours, and the opinions of Berkhamsted Town Council, Dacorum Borough Council and the Planning Inspectorate.

They are there to tackle specific problems with the original scheme, pointed out by the planning inspectorate in the appeal refusal report, conditions requested by Berkhamsted Town Council and imposed by Dacorum Borough Council. We ask that

the application for variation of conditions is refused. The developer must be held accountable for conditions that he has already breached. Dacorum Borough Council must surely stand by the conditions the originally imposed on this development and must not concede to the demands of the developer.

### 29 Kings Road

This application is an illustration of the disdain of the developer for process and the decision making authority of the Council.

The builder (Frithsden Construction) is none other than the developer, His application for variation of conditions at this stage in the build process is premised on the logic that the Council will roll over rather than enforce previously debated and strongly stipulated build conditions which are of relevance and importance.

The architect who did the original drawings was referenced as both qualified as well as competent and yet basic errors such as these mentioned in this planning variation have occurred? This was a deliberate misleading of the appeals panel by Frithsden Construction in a drive to get this contentious building passed through the Dacorum Borough Council's process, despite both Berkhamsted Council's and the six adjoining neighbours strong contrary objections.

As directly affected neighbours, our objections to the specific variations of the Conditions are as follows:

#### Condition 2 – Slate Cladding

Slate cladding is inappropriate to the stated objective of DBC and the Berkhamsted residents as they relate to the protection of the Conservation area in the town. The Red Cedar cladding should be retained.

#### Condition 3 – Hedge vs. low wall

The matter of off street parking and safety for pedestrians was a hotly debated area of concern in the original planning process. The final approved design of this area was in mitigation of these concerns. The hedge (though cheaper and perhaps more pleasing to the eye) further compromises the off street parking and makes vehicle turning into the demarcated parking spaces impossible. Accordingly, this is not an acceptable variation.

#### Condition 4 – Step Positioning

This is something that should have been dealt with by the developer and architect ahead of the commencement of the construction and should also have been referred back to the affected neighbours. It is commonly known that once this type of Cyprus hedge is cut deeper that the surface leaves it does not grow back and the only solution is to replace it – something that was probably intended by the developer at the start of the project as he did not heed the carefully constructed warnings contained in Condition 4 and Condition 5.

#### Condition 7 – Car Park Spaces

See Discussion in Condition 3. I challenge the developer to park his vehicle in these tight spaces, especially when constrained by visibility around the proposed hedge.

#### Condition 8 – Vehicle Access

This condition was agreed to by the developer to mitigate the parking and highways access and safety issues. The condition must hold.

#### Condition 9 – E & W facing windows

A variation of this condition is inappropriate as this was deemed as necessary for purposes of privacy to the neighbours. Amendment will enable both overlooking and loss of amenity.

#### Condition 11 - Multiple

Bullet 2 of the applicant's letter is mischievous in intent – the only reason that the building is closer to Darul Anan is that the builder has attempted to claw back some footprint space (lost on the Holly House side).

Bullet 5 and the applicant's reference to the need to adapt the rear ground floor window sizes to allow for "emergency egress" to meet Building Regulations illustrates just how disingenuous an application this has been at every stage (see para 1). If the Council does accept the logic that the width of the windows must increase (which is in itself debatable) then it is only appropriate that the previously agreed screening on all of the ground floor rear facing windows be reinstated (refer to photo).

We would also like to draw the attention of the DBC to the fact that the screening on the very large glass window at the rear stairwell facing into our home has not yet been installed. This window creates a continuous light-source that we see from all north facing rooms in our home. It is possible for us to see straight through this window into several of the rooms within the new building and all of the way to the front door (please refer to the attached photograph as taken today and note the presence of the developer (Anthony Hayes) at the Doctors Commons entrance as seen through the rear ground floor window). The new residents will in turn look directly into our own property, hence our own amenity and privacy is compromised. It is appropriate that the developer and applicant be reminded that the screening is an absolute Condition which also cannot be removed post completion or by any future resident.

#### 31 Kings Road

Once again we are writing to object to the revised conditions recently submitted for Holly House.

We spent a considerable amount of time, last year, reaching an agreement for a proposal that was suitable for neighbours and for the Conservation Area so are somewhat disappointed that we are having to spend time objecting again.

We are objecting as follows:

Variation of Condition 2: the proposed cladding is not in keeping with any neighbouring properties or the aesthetics of Doctor Commons Road. It was agreed that Western Red

Cedar was the most suitable. This is the view from our back garden so as you can see the house is fairly imposing and to clad the outside in a rather austere grey slate is not suitable for this area (see photos attached)

Variation of Condition 4: there has been a breach to Dacorum Borough Council rules about pruning trees. The house is in the Conservation Area and an application for tree work should have been submitted. I had to wait six weeks for a small amount of lopping to trees that were affecting my satellite dish. Surely the rules are set for all?

Variation of Condition 9: this should be objected on condition of privacy for neighbours as this will ensure further overlooking.

Variation of Condition 11: the house has been built closer to Darul Aman which in turn affects us as the house overlooks our garden, restricting our privacy. The building has been incorrectly built in its original position.

### Wayside, Doctors Commons Road

Please find my responses to each variation request below:

#### Variation of Condition 2 - No objection

The current application indicates timber western red cedar either side of the front entrance in accordance with the rear elevation. The new proposals are for the cladding to be changed to Marley Eternit Vertigo "Slate" cladding, colour anthracite,

#### Variation of Condition 3 – No objection

The new proposal simplifies and softens the front boundary treatment by omitting the brick wall and piers and planting a hedge either side of the entrance.

#### Variation of Condition 4 – Objection – Please enforce condition 4 (b) from original approval

The size, density and position of the original Cyprus hedge meant that the proposed house could not be built without locally lopping back the lower branches of the trees. This was done for two reasons, to provide a scaffolding zone to enable the construction of the house and to ensure future access to the rear garden. Whilst we acknowledge that permission should have been sought to carry out the work, the extent of the lopping back has been kept to a minimum and at low level to ensure the privacy of the occupants of Darul Aman. As mentioned previously the external staircase has been moved to avoid the removal of the Cyprus trees completely. As per CONDITIONS APPLICABLE TO APPLICATION: 4/03375/14/FUL (28 January 2015)

4(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 99 of the Dacorum Borough Local



Plan 1991-2011.

Variation of Condition 7 – No objection

The current application indicates 3No. car parking spaces on the site. The new proposals still maintain 3 No. spaces on the site.

Variation of Condition 8 – Objection – Kerbs should be reinstated - original conditions are still valid

The existing two vehicle accesses to the northern and western corners of the site to Doctors Common Road are shared dropped kerbs with Darul Aman and Holly House respectively and as such cannot be reinstated. As such we would ask for this condition to be removed.

As per CONDITIONS APPLICABLE TO APPLICATION: 4/03375/14/FUL (28 January 2015)

The existing two vehicle accesses to the northern and western corners of the site to Doctors Commons Road must be closed off permanently and the footway on Doctors Commons Road shall be reinstated prior to the first occupation of the development hereby permitted.

Reason: To ensure pedestrian safety by providing a level surface and to assist highway efficiency by ensuring vehicles cannot use the crossovers in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

Variation of Condition 9 - not applicable to Wayside (but request is in direct opposition to original planning consent)

Variation of Condition 11 – see separate comments below:

- Building at lower ground floor kitchen area adjacent to Holly House reduced in width by 350mm to allow for piling construction zone – No Objection
- Building moved 120mm closer to Darul Aman to allow for piling construction zone adjacent to Darul Aman. – Objection

It is quite obvious from the two points above that this retrospective application is to account for the fact that the house has been built in an incorrect location – directly impacting the neighbouring property - Darul Aman.

- Side window of front door removed to allow privacy of hall – No Objection
- Glass lantern omitted and changes to roof lights – No Objection
- Rear ground floor windows increased in width to allow for emergency egress of Bedrooms in accordance with Building Regulation requirements. Windows are the smallest width to allow for a 450mm clear egress width – if required to meet Building Regulation requirements - No Objection

Berkhamsted Town Council

It was Resolved to suspend standing orders to allow members of the public to speak.

Mr D Willis of Doctors Common Road stated that he and many other residents

objected strongly to the application. A previous application had been dismissed following an appeal to the planning inspectorate. Permission was only granted by Dacorum Borough Council for a revised application after the addition of clear planning conditions. Mr Willis was of the view that the developer was now attempting to reintroduce features previously rejected for valid reasons which had satisfied tests set out in the National Planning Policy Framework. The current application to amend the conditions imposed made a mockery of the planning process and undermined its integrity. Mr Willis' own amenity had already been compromised by the removal of part of the cypress hedge. The proposal for larger, clear glazed windows in overlooking elevations would impact severely on that of other neighbours. Parking would also be compromised in the road and pedestrian safety jeopardised. He requested that measurements and positioning of the build to date also be checked against the plans. In conclusion he urged that the application be refused.

Mr C Wiggill, also of Doctors Common Road, supported Mr Willis' objections. He hoped the representations made by neighbours demonstrated the continuing strength of feeling regarding the development and the proposed variations. He similarly urged refusal.

Thanking members of the public for their contributions, the Chairman reinstated standing orders.

Objection. The original conditions were imposed for clear and valid reasons and all conditions currently in place must be adhered to and not varied. Furthermore, the Committee asks that the planning officer, together with an enforcement officer, visit the site at the earliest opportunity. This would enable them to appreciate thoroughly the detrimental impact on neighbours and monitor the accuracy of construction to date against the approved plans.

Contrary to CS 11, CS12 and saved Local Plan Policy 120.

#### Conservation and Design

I went out to look at this one earlier. Regarding the change of material to the front elevation, the use of timber cladding (as approved) would be preferred in this Conservation Area location.

However due to the relatively limited amount of slate cladding to the single storey front elevation – panels either side of the front door and below the rendered cornice, the slate will not be a highly visible element and is fairly limited in amount. It would be useful to know how the slate will be applied to the walls, ie will it overlap or will the slate cladding be applied flat to the wall?

On balance the use of slate is not considered to have a detrimental impact upon the character or appearance of the Berkhamsted Conservation Area.

#### Trees and Woodlands

It is possible to plant another Leylandii tree to replace the one that has been removed but establishment would be difficult and cannot be guaranteed. But it is worth trying. I agree with you that a condition requiring replacing this tree if it dies within 5 years, is reasonable and appropriate.

## Hertfordshire Highways

### Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Decision Hertfordshire County Council has no objection to the ROC application (conditions 3, 7 and 8) of planning consent 4/00293/14/FUL at land adjacent to Holly House, Doctor's Common Road, Berkhamsted

Description The above application is for the variation of the above conditions and removal of condition 8. The above approved application is for the demolition of two timber garages and construction of one 4 bedroom dwelling, C3, with off street parking.

### Analysis

Condition three is to replace the boundary wall with brick piers to a hedge. As there are no plans submitted, it is important that the hedge does not reduce any agreed vehicular visibility splay when exiting onto the highway network. Conditions 7 and 8 are concerned with off street parking and the existing second existing vehicle crossover. The proposed variation to Condition 7 is acceptable along with the removal of condition 8 that affects the adjacent property. It would appear to the highway authority that all of the above variations would have little impact on the highway network are being proposed.

Conclusion The assessment does not indicate any significant issues with the request to change the above mentioned conditions The highway authority would not wish to restrict the grant of permission

### Building Control

Regarding the proposed development, I confirm that I have no issues or further comments and proposal is satisfactory.

### **Considerations**

#### Policy and principle

The principle of the development of the site with a single dwelling has been established in previous application referenced above. The proposal would be acceptable in principle under Policies CS1 and CS4 of the Core Strategy.

The main considerations in the determination of this application are the impact on the street scene and Conservation Area, the impact on neighbouring properties, and the impact on car parking.

#### Impact on site layout and appearance of building

The proposed alterations to the siting and form of development would be acceptable.

The repositioning of the building 0.12m closer to the south-western side boundary leaving a separation of 2.58m would be allow sufficient space around the dwelling.

The reduction in width of the building by 0.35m would not raise any concerns. The increase in window width to the rear elevation is also considered acceptable noting appropriate wall to window proportions would be achieved.

The removal of the window to the side of the front door, removal of the roof lantern and repositioning of roof lights would not raise any objections.

Car parking provision would remain to the front of the dwelling as appropriate.

The proposed amendments particularly the reconfiguration of the steps would not significantly affect the functionality of the rear private open space to the dwelling.

The proposal is therefore in accordance with Policies CS12 and CS27 of the Core Strategy and saved Policy 120 of the Local Plan.

#### Impact on appearance of street scene and Conservation Area

The reduction in width of the building and the siting of the dwelling slightly to the south-west would not raise any concerns with respect to the impact on the street scene (when viewed from Doctors Commons Road or Kings Road). Adequate separation between buildings would still be achieved with a gap of 2.58m between the dwelling and Darul Aman.

The replacement of the approved front brick wall is considered satisfactory. Comments previously received from Conservation and Design (in relation to previous application 4/02317/13/FUL) discouraged a close boarded timber fence to the street frontage. The proposed front hedge would soften the appearance of the development from Doctors Commons Road and also provide sufficient screening to the forecourt parking. As such, this element of the proposal is acceptable.

The proposed amendments would not be contrary to the objectives of Policies CS12 and CS27 of the Core Strategy or saved Policy 120 of the Local Plan.

#### Impact on trees and landscaping

Planting of one Leylandi tree at 2m high is proposed to offset the loss of one of the trees within the south-western boundary hedge originally conditioned for retention. Comments from Trees and Woodlands have not been received in relation to the proposed planting. It is considered reasonable to request additional planting to replace the loss of vegetation along this boundary to assist with softening the appearance of the building including from neighbouring properties. As such, if planning permission is granted, a condition would be attached requiring details of planting to this boundary. As such, the proposal would be in accordance with Policy CS12 of the Core Strategy.

#### Impact on neighbouring properties

The application site has five directly adjoining properties, including the dwellings either side at Holly House and Darul Aman, and three dwellings to the rear at Nos. 27, 29

and 31 Kings Road.

With respect to the impact on No. 29 Kings Road, the Inspector noted in the previous appeal decision that

*12. ...in practise, I consider that the extensive amount of full height glazing that is proposed would give rise to an undue amount of overlooking and consequent loss of privacy in the lower property. The top of the new house would be well below a 25 degree line of sight from the ground floor of no. 29, but the prominence and width of the new building in outlook from the house would no doubt add to the perceived negative effect on its occupiers.*

The scheme considered at appeal incorporated a significant amount of glazing in relation to wall space on the rear elevation at upper-floor level, which together with the building width (and its position on higher ground relative to No. 29 Kings Road) would have an adverse impact on the outlook of this neighbour.

The enlargement of the upper floor (ground floor level) windows by 0.1m each, would give these openings a width of 0.5m. This represents a cumulative increase of 0.4m additional window space, when spread out over four windows (excluding the unchanged central window partly concealed by a 'hit-and-miss' timber screen) across the rear of the upper floor at 14.5m wide. This is not considered to result in a harmful level of visual intrusion or overlooking between the application site and neighbours on Kings Road, particularly No. 29.

As follows, the proposal would also not result in adverse levels of visual intrusion or overlooking to neighbours at Nos. 27 and 31 Kings Road.

The proposed building would be brought 0.12m closer to the shared side boundary with Darul Aman. The proposed resiting would not infringe upon the 45° line taken from the nearest habitable room window of this neighbouring property (on plan view) and therefore would not be harmful in terms of loss of light. This test is also a good indication as to whether the proposal would result in a significant level of visual intrusion from the neighbouring property. It is considered that as the resiting of the development closer to Darul Aman would satisfy the 45° test, together with proposed planting adjacent to the common boundary, the proposal would not have an adverse impact with respect to visual intrusion from the perspective of this neighbour.

(As noted above, the side-facing ground floor windows of the development shall be obscure-glazed and condition 9 of planning permission 4/03375/14/FUL shall be attached if planning permission is granted.)

The proposed dwelling would be sited slightly further from Holly House (due to repositioning on the site and reduction in building width). Therefore, the proposed amendments would not give rise to any concerns relating to visual intrusion, loss of light or overlooking from the perspective of Holly House.

The proposal would not have an adverse impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy,

Impact on car parking

No concerns have been raised from the highway authority with respect to the proposed amendments. Specifically, the altered parking configuration has not raised any objections. The following extract from the previous appeal decision is relevant to this matter:

*15. The proposed layout shows that up to 3 cars could be accommodated on the site. I am not persuaded to differ from the views of highways officers that the provision would be adequate for the size of house in this location. The replacement of two existing access points by one would also give rise to some increase in the availability of kerbside parking. I consider that the amount of parking would be adequate.*

*16. The full use of onsite parking spaces would require some reversing manoeuvres from or onto the highway. Concerns have been raised that this would pose risks for pedestrians and vehicle safety, especially when parking peaks in association with the school further along the road. However I noted that most of the domestic vehicular accesses along Doctors Commons Road (garages or driveways) would similarly involve reversing manoeuvres. I have been presented with no evidence that there is a significant risk to highway users from these many existing accesses. Consequently I am not persuaded that the appeal proposal would materially worsen the situation.*

*17. I conclude that the proposal would not have a harmful effect on parking and highway safety on Doctors Commons Road. There would be no conflict in this respect with Core Strategy Policies CS8 & CS12, or with Policies 51 & 54 in the local plan. These policies seek to ensure the provision of adequate parking and safe means of access.*

Based on the above, it is not considered that the altered parking layout within the forecourt would give rise to any highway safety concerns.

Additionally, the highway authority have raised no objections with respect to the removal of condition 8 requiring the two vehicle accesses to be closed and the kerb reinstated.

As such, the proposal would not conflict with the objectives of Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Community Infrastructure Levy (CIL)

Contributions were sought under the previous application (4/03375/14/FUL) under a completed Section 106 agreement. The current proposal represents a decrease in floor area and as such no contributions are required.

**RECOMMENDATION** - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 4/03375/14/FUL.**

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

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and e-mail dated 22 June 2016.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 3 All hard and soft landscape works including the planting of a 2m high leylandi tree on the south-western side boundary shall be carried out in accordance with the approved details (including e-mail from TW-2 Architects dated 22 June 2016). The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 4 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 6 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. 13 399 PL20B.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 7 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 8 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 13 399 PL20B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 9 **The windows at ground floor level in the north-eastern and south-western side elevation of the dwelling hereby permitted, shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy 2013.



- 10 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**13 399 PL20B (site location plan, proposed block plan, floor plans and roof plan);**

**13 399 PL21A (proposed elevations);**

**13 399 PL22A (proposed rear elevation and site section);**

**Sustainability Statement contained in Design and Access Statement approved under 4/03375/14/FUL; and**

**E-mail from TW-2 Architects dated 22 June 2016.**

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

#### Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### HERTFORDSHIRE HIGHWAYS INFORMATIVE

The highway authority require the construction of the vehicle crossover to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further information. This may mean the developer will have to enter into a Section 278 agreement.

All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas shall not interfere with the use of the public highway.

#### THAMES WATER INFORMATIVE

##### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water

discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

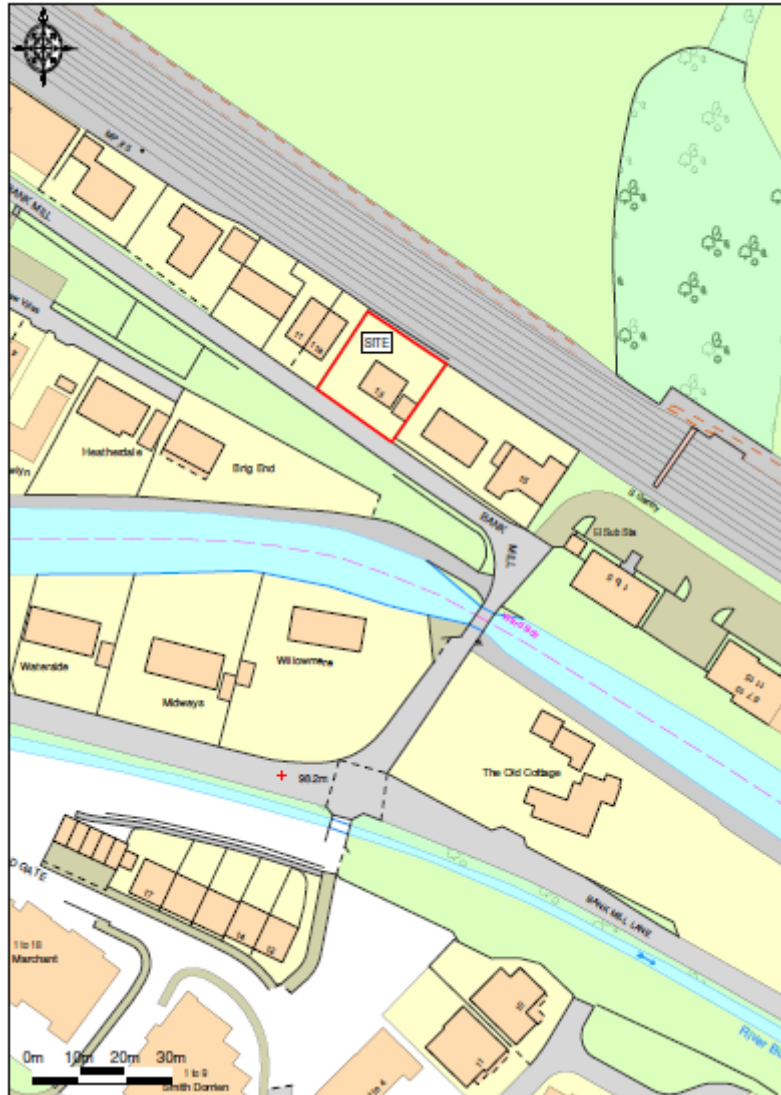
#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## Item 5b

### 4/01101/16/FUL - DEMOLITION OF SINGLE DWELLING AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS WITH PARKING

HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER

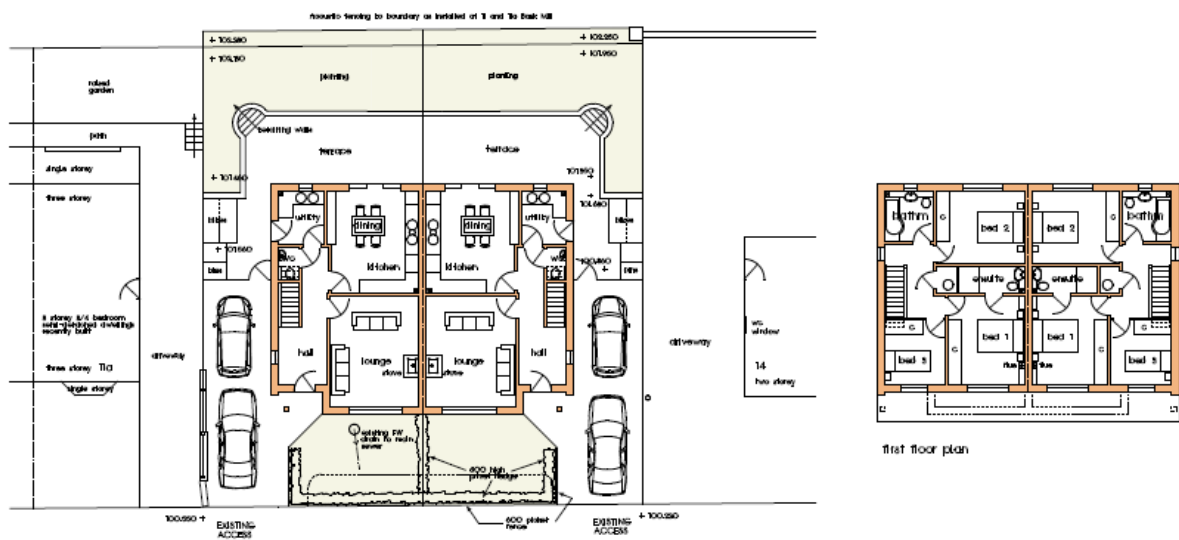
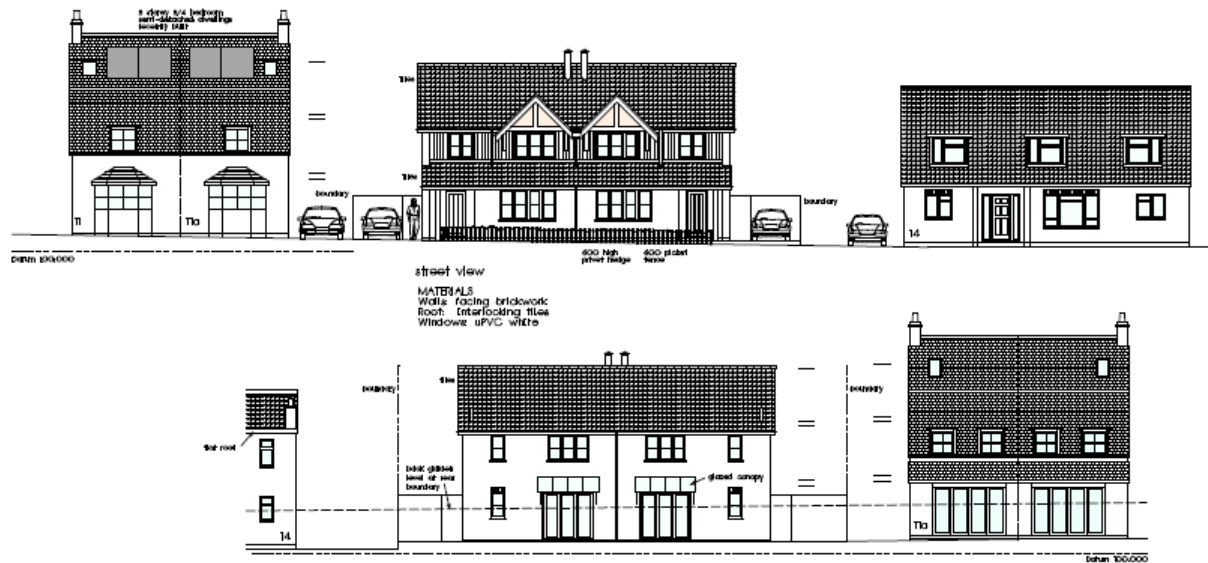


1:1250 Site Location Plan

Item 5b

4/01101/16/FUL - DEMOLITION OF SINGLE DWELLING AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS WITH PARKING

HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER



**4/01101/16/FUL - DEMOLITION OF SINGLE DWELLING AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS WITH PARKING.**

**HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER.**

**APPLICANT: Jevon Homes (Burston) Ltd.**

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[Case Officer - Jason Seed]

### **Summary**

The application site falls within the urban area of Berkhamsted wherein the general principle of residential development/redevelopment is supported. It is considered the proposed development can be satisfactorily accommodated on the site without detriment to the character of the area and without significantly impacting on the amenities of surrounding properties.

The application is recommended for approval as it is considered that the proposal complies with Policies CS4, CS12 and CS29 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan.

### **Site Description**

The application site comprises an existing bungalow (containing habitable roof space) and associated garage which is situated on the northern side of Bank Mill, Berkhamsted. The immediate surrounding area is almost entirely residential in terms of use and character and the wider area comprises a variety of uses and features including the train line to the immediate north and the River Bulbourne to the south.

The site is subject to the following relevant designations: Railway (100m Buffer), Grand Union (North Bank) 25m Buffer. The proposal site is situated within close proximity to the boundary of the Berkhamsted Conservation Area.

### **Proposal**

The application seeks planning permission for the demolition of single dwelling and construction of two 3-bedroom semi-detached two storey dwellings with off-street parking.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

### **Relevant Planning History**

4/03246/15/FU DEMOLITION OF SINGLE DWELLING. CONSTRUCTION OF  
L THREE TERRACED TWO-STOREY DWELLINGS AND  
FORMATION OF NEW VEHICULAR CROSSOVER  
Withdrawn  
04/02/2016

### **Summary of Representations Received**

### Network Rail

No objection – Recommended conditions.

### Thames Water

No objection.

### Berkhamsted Parish Council

Object on the grounds of overdevelopment of the site, lack of space to front and rear of properties resulting in a lack of amenity space, additional congestion.

### 14 Bank Mill

Objects on the grounds of the line of the rear of the property, demolition impacts, lack of fencing detail and positioning of bike and bin storage.

### Highway Authority

No objection, subject to conditions and informatives.

## **Considerations**

### Policy and Principle

Policy CS4 of the Core Strategy states that within the towns, development will be guided to the appropriate areas within settlements and in residential areas, residential development will be encouraged. It is therefore considered that the principle of the development is acceptable, subject to the acceptability of other planning considerations.

### Impact on Street Scene and Character of the Area

The existing Bank Mill street scene provides a contrast between the open and landscaped area to the south and the residential elements to the north which is comprised of buildings of a variety of styles and sizes and include bungalows, chalet bungalows and two storey dwellinghouses. A combination of detached and semi-detached properties are evident within the immediate area. In respect of materials, a wide variety are present and include traditional brick, interlocking roof tiles, render and uPVC windows.

The site is situated within the Bank Mill Character Area (BCA3) for which the Council have prepared an appraisal document. The document states that *‘with regards to front gardens, these generally accommodate car parking. The informal dwelling layout provides a variety of garden shapes and sizes, some of which are side-on to the dwelling’*.

With regards to layout, the document states that an informal approach is acceptable, with no special requirements, except that a wide spacing (5 m - 10 m) should be maintained, and the separation distances of this proposal fall within this range and as such, has been achieved by the proposal.

It is considered that due to its limited scale in comparison with adjacent properties, the proposal will not adversely impact upon the street scene. The proposed use of materials is considered to be in keeping with those within the immediate locality and the overall design of the proposal is considered to be sympathetic to the Bank Mill area. The proposed parking arrangement is not entirely dissimilar to that which exists and the visual impact of this arrangement will be mitigated by the introduction of a 600mm high privet fence which is to be positioned along the site's front boundary.

It is therefore considered that the proposal does not adversely impact upon the street scene and therefore complies with Policy CS12 of the Core Strategy.

#### Impact on Trees and Landscaping

It is noted that a number of tree and other landscaping will be removed as a result of the proposal, none of which benefit from any protection or restrictive designations. The proposal makes provision for planting to the rear of the site and moderate landscaping in the form of a privet hedge at the front of the property.

It is considered that further details in respect of landscaping can and should be secured by planning condition. Future planting proposals will help the development assimilate into the local area and will enable the new units to integrate with the streetscape character.

As such, the proposal is considered to comply with Policy CS12 of the Core Strategy.

#### Occupier Amenity

Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development is houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m although a reduced rear garden depth may be acceptable for small starter homes.

The proposed dwellings have a total garden depth (including planting area) of approx. 7.5m which falls short of the expected minimum garden depth. Berkhamsted Town Council (BTC) have objected to the proposal on the grounds that they consider it to be an overdevelopment of the site, forcing two dwellings where they consider that there is only reasonable space for one, bearing in mind the lack of space to the rear and front of the properties. BTC consider that this will result in virtually no amenity space.

Whilst the lack of amenity area is acknowledged, it should be noted that the existing garden, and few if any of those within the surrounding area, meet the 11.5m depth requirement. Appendix 3 states that for infill developments, garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. It is considered that the proposed garden areas are comparable to those of adjacent properties and as such, comply with the requirements and specifications of Appendix 3.

The proposed dwellings and gardens are considered to be of acceptable size/proportions to ensure that an adequate quality living environment can be achieved.

A railway line is located to the immediate north of the site. The application proposes the installation of an acoustic fence along the northern boundary of the site to ameliorate the noise impact which could be audible from within the new properties. The new properties will also contain double glazed windows and taking these considerations as a whole, it is considered that the proposed properties will benefit from a substantial noise reduction in comparison with the existing arrangement.

Overall, the proposal is considered to comply with Saved Appendix 3 of the Dacorum Borough Local Plan.

#### Impact on Highway Safety and Parking

BTC have objected to the proposal on highways grounds, stating that they consider that the proposals will add further congestion to an already over-congested and over-developed area.

The Highway Authority has been consulted on the application and has stated that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to conditions and informatives in respect of parking space sizing and materials, road deposits and storage of materials. It is noted that the current property has two vehicle crossovers and the proposal will provide the same.

The application site is situated within Zone 4 as defined by the Council's 'Accessibility Zones for the Application of Parking Standards SPG' document. Saved Appendix 5 of the Dacorum Borough Local Plan states that for residential development within Zone 4, the maximum car parking standards for 3 bedroom properties is 2.25 spaces. The proposal provides 2 parking spaces for each dwelling. It is therefore considered that the proposal complies with Saved Appendix 5.

It is therefore considered that the proposed development will not result in an unacceptable impact in respect of highways impacts and / or parking and as such, complies with Core Strategy CS12, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

#### Impact on Neighbours and Neighbour Comments

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. The proposed development follows a similar build line to the existing dwelling and although the proposed dwellings will be higher overall than the existing, they will not result in any visual intrusion as they are of a scale which respects the adjacent properties with regards to mass, siting and rearward protection. The proposal will not result in the loss of sunlight / daylight to the primary windows or any habitable rooms of any adjoining properties and will not result in any other disturbance.

With regards to privacy, it is noted that the windows which are proposed within both the north-west and south-east facing elevations are to be obscured glassed which will protect the amenity of both occupiers of the proposed dwellings and those adjacent.

Representations have been received from No. 14 Bank Mill expressing concerns over the proposed build line at the rear of the property impacting upon their property. Other



issues raised by this party include concerns regarding the demolition of the boundary at No. 14, no indication of closed board fences and the positioning of the bike / bin storage.

With regards to the rear build line, it is considered that proposed build line only extends a short distance beyond that of the existing property. The proposed dwellings do not breach the 45 degree line from No. 14 and the proposal is not considered to materially impact upon the amenity of this property.

It is considered that with regards to the close-board fence, it should be noted that a 2 metre high close-board fence is provided within the application drawings (2141-P11) although it is unclear to which boundary this fence relates. Further details regarding all means of enclosure can be secured by planning condition and assessed further at this point.

The positioning of the bike / bin storage is considered acceptable. The view of both provisions will not be visible from the street scene as they will be hidden from view by fencing / gates. Furthermore, it is likely that the closed board fencing provided by the proposal (and to be further assessed through planning conditions) will be positioned in such a way as to visually enclose these areas from adjacent properties. The proposed cycle / bin storage is considered to be situated close enough to the main dwellings and access to be user-friendly.

Matters pertaining to demolition are considered to fall within the remit of the Building Control department.

Overall, it is considered that the proposal will not adversely impact upon neighbouring properties and therefore complies with Policy CS12 of the Core Strategy.

### Sustainability

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. A CS29 checklist has been provided by the applicant which details the measures that are to be undertaken during and after construction which are considered to be acceptable. As such, the proposal complies with Policy CS29 of the Core Strategy.

### Community Infrastructure Levy (CIL)

The site is situated within CIL Charging Zone 1. No self-build exemption has been applied for and as such, the development will be CIL liable at a rate £250 per square metre in accordance with the Council's Charging Schedule (adopted February 2015).

### Network Rail

Given the location of the application site in relation to the train line to the immediate north, Network Rail have been consulted on the application and have raised no objection. A number of conditions were recommended but it is considered that these are either covered by the existing conditions which are recommended to be imposed by the Case Officer, unnecessary, or excessive given the scale of the proposal. However, an informative is recommended be placed on the decision notice which

provides details of the agreements that would be required between the applicant and Network Rail should the proposed acoustic fence exceed 1.8 metres in height.

### Flood Risk

The site is not situated within an area of identified flood risk and as such, is acceptable in this respect.

### **Conclusions**

The proposed development will create two new 3-storey dwellinghouses of reasonable proportions which will result in providing the Borough with a net increase of one residential property in an existing residential area. The proposal provides adequate access and parking arrangements and will benefit from a satisfactory living environment in all other respects. The proposal respects the existing surrounding area and the street scene and will not adversely impact upon neighbouring properties and as such, it is considered to comply with Policies CS4, CS12 and CS29 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan and is therefore recommended for approval.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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:**

P10  
P11

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

- 3 **No development shall take place (excluding demolition) until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting

species, plant sizes and proposed numbers/densities where appropriate;

- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m minimum and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway in accordance with Policy CS12 of the Core Strategy, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 5 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 6 **The windows at first floor level in the north-west and south-east elevations of the dwellings hereby permitted shall be non opening below 1.7 metres and shall be permanently fitted with obscured glass for the lifetime of the development.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, B, C, 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 property and to ensure adequate provision of garden and separation from the railway and to accord with Core Strategy policy CS12.

- 8 **Prior to first occupation of the development hereby permitted, details of the acoustic fencing shall be provided to and approved by the Local Planning Authority. Following approval, the fence will be retained, maintained and provided for the lifetime of the development.**

Reason: To ensure that a satisfactory level of occupier amenity is achieved in accordance with Policy CS23 of the Core Strategy.

## **INFORMATIVES**

### Highways

1. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

2. Storage of Materials. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

### Thames Water

#### **Waste Comments**

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your

property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

### **Surface Water Drainage**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### **Water Comments**

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

### Network Rail

Should the applicant place any acoustic close boarded fencing adjacent to the operational railway then the fencing and its foundations must be constructed and maintained wholly within their land ownership footprint. Any acoustic fencing over 1.8m high will be subject to agreement with Network Rail and the applicant will need to provide details of foundation details and wind loading calculations. Please contact [TownPlanningLNW@networkrail.co.uk](mailto:TownPlanningLNW@networkrail.co.uk) for further information.

### ARTICLE 35 STATEMENT

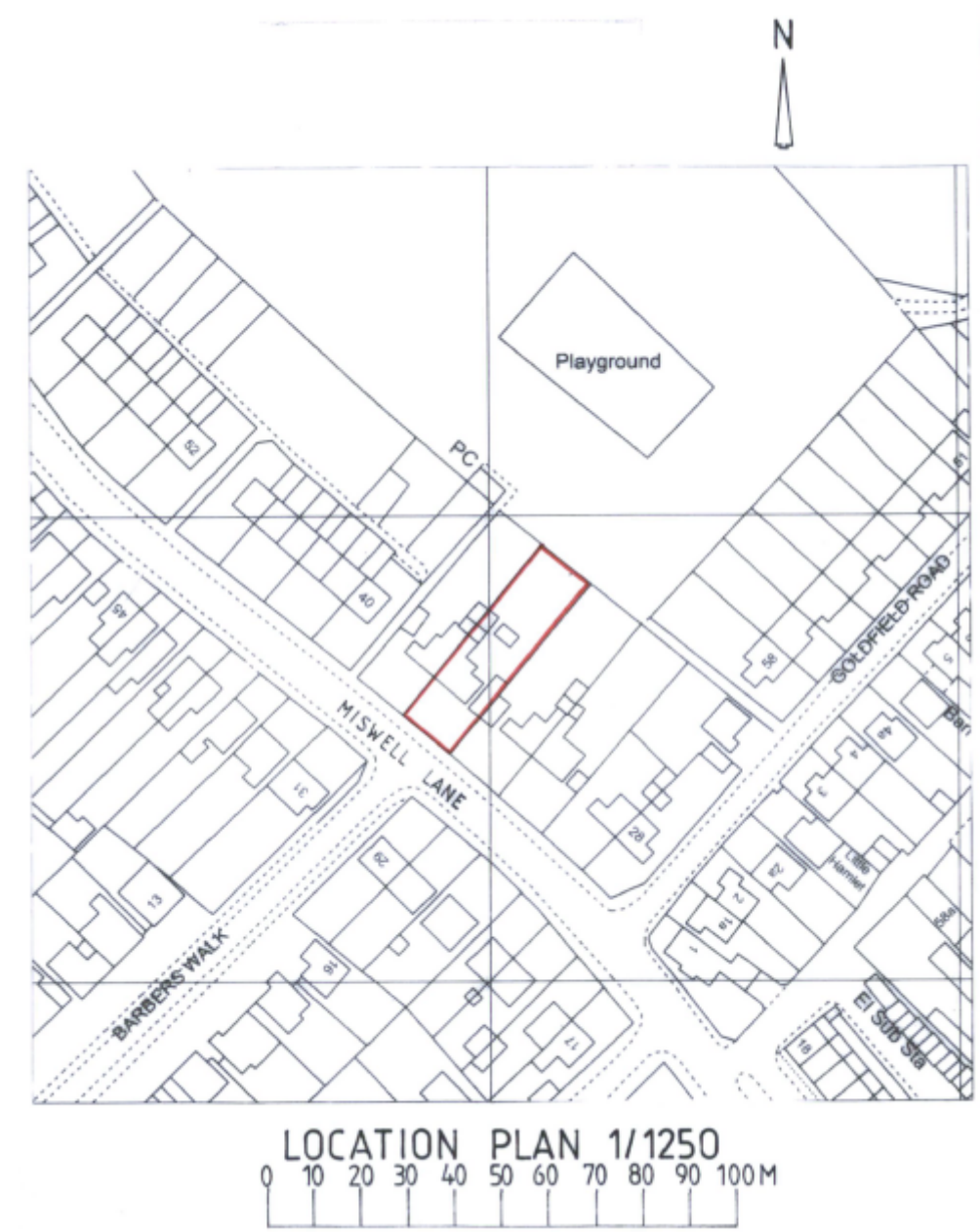
Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

# Agenda Item 5c

Item 5c

4/00210/16/FHA - RETENTION OF PATIO

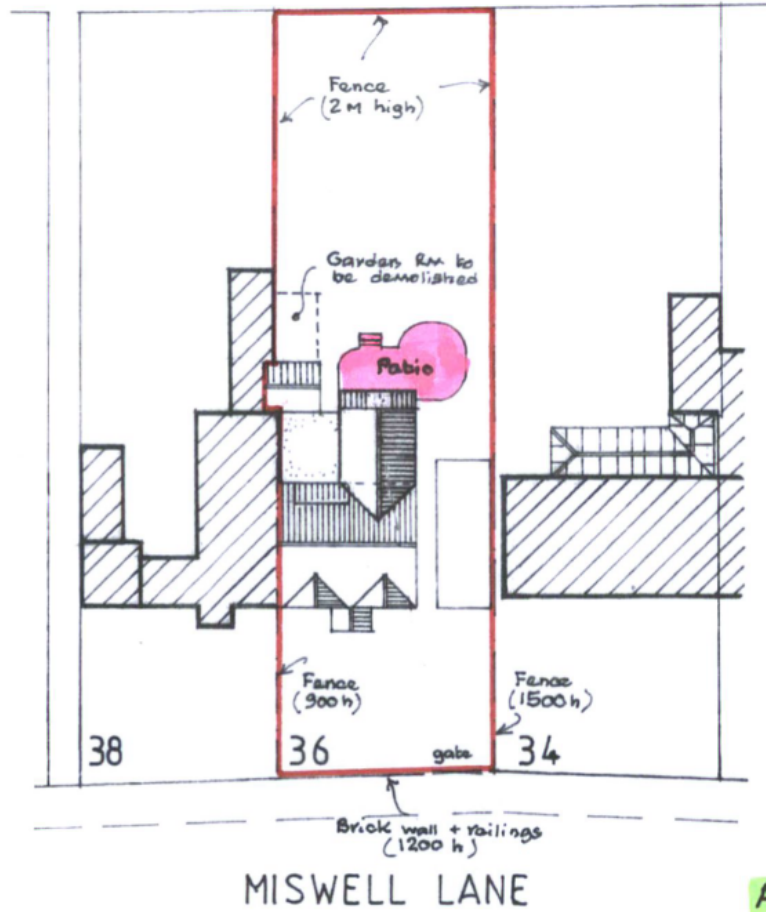
36 MISWELL LANE, TRING, HP23 4DD



Item 5c

4/00210/16/FHA - RETENTION OF PATIO

36 MISWELL LANE, TRING, HP23 4DD



**4/00210/16/FHA - RETENTION OF PATIO.  
36 MISWELL LANE, TRING, HP23 4DD.  
APPLICANT: MR & MRS C MURPHY.**

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[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The proposed patio would not compromise the appearance of the original building or the street scene. Negative impacts on neighbouring properties can be mitigated through appropriate screening and landscaping. The proposal would not have any parking implications.

The development would accord with the objectives of Policy CS12 of the Core Strategy.

### **Site Description**

The application site is currently occupied by a two-storey semi-detached dwelling located on the eastern side of Miswell Lane. Levels fall in a southerly direction such that the neighbour at No. 34 is located on lower ground.

### **Proposal**

Planning permission is sought for a rear patio extending a maximum of 4.3m from the rear of the dwelling and 3.2m to the side, wrapping around the dwelling's south-eastern corner. The patio would be no higher than 1.2m from ground level.

The patio has been substantially constructed, and if planning permission is granted the existing level of the patio would need to be lowered in accordance with the approved plans.

The southern side boundary would have a 1.8m high timber fence with 0.6m planting above.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

### **Planning History**

None on site.

The adjacent property at No. 34 Miswell Lane has recently constructed an extension to their rear conservatory, for which no planning records are available.

### **Policies**

National Policy Guidance



National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policy 58  
Appendices 5 and 7

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area TCA2 - Miswell Lane

**Summary of Representations**

34 Miswell Lane

I am writing to register my objection to the planning application (4/00210/16/FHA) for the retention of the unauthorised raised patio at 36 Miswell Lane, Tring.

The platform's raised elevation gives it views into my garden and other gardens, invading the normal privacy of gardens on Miswell Lane. It has the effect of circumventing restrictions that were placed on the current construction of an extension to 36 Miswell Lane, the first plans for which had also proposed second floor windows with views into my garden and other gardens on Miswell Lane. The loss of privacy detracts from the enjoyment of my property and from its value.

34 Miswell Lane - amended plans

As owner of the immediately adjacent property, 34 Miswell Lane, I have examined the amended application for the proposed retention of the patio built without planning permission by the owners of 36 Miswell Lane, Tring, Herts HP23 4 DD.

I object strongly to the amended proposed retention of the unauthorised patio as the proposed reduction of 190 mm (7.5 inches) in the level of the raised patio on the side nearest the boundary with my property at 34 Miswell Lane is so inadequate that it can only be described as merely a token amendment. It fails completely to address the privacy intrusions of the raised patio that I identified in my objection to this unauthorised construction.

The platform's raised elevation gives it views into my garden, invading the normal privacy of my garden. It has the effect of circumventing restrictions that were placed on the previous construction of an extension to 36 Miswell Lane, the first plans for which had proposed second floor windows with views into my garden and other

gardens on Miswell Lane. The loss of privacy detracts significantly from the enjoyment of my property and from its value.

The level of the patio should be reduced to bring it much closer to ground level. Specifically, the level of the existing unauthorised patio floor on the side nearest the boundary with my property should be reduced by at least 800mm (31.5 inches) and the wall surrounding the patio should be reduced by a similar amount.

#### Tring Town Council

The Council recommend refusal of this application because of overlooking/loss of privacy. On level ground the siting of the patio would not be a problem with the fencing, but the ground slopes away towards the neighbouring property, giving an unrestricted view across its garden.

#### Tring Town Council - amended plans

The Council recommended refusal of this application because the lowering of the patio did not mitigate the overlooking of the neighbouring property (that arose because of the relative levels of the properties)

### **Considerations**

#### Impact on appearance of building and street scene

The proposed patio sited to the rear of the dwelling would appear as a subservient feature. External brickwork surrounding the patio would complement the existing building. It would be substantially concealed from the principal street frontage to Miswell Lane and would not have any adverse impacts in terms of appearance.

The proposal is satisfactory under Policy CS12 of the Core Strategy.

#### Impact on neighbouring properties

The application site has two directly adjoining properties at Nos. 34 and 38 Miswell Lane. However, due to the siting and shape of the proposed patio, it is nearest to the neighbour at No. 34 Miswell Lane. This neighbouring property is located on lower ground a drop of approximately 0.5m between the rear garden levels of the application site and No. 34. The proposed patio would be set in approximately 1.3m from the shared side boundary, which would have a 1.8m high close board timber fence with 0.6m high planting above.

It is acknowledged that the application site is on higher ground relative to No. 34 and the patio is further elevated (stepping down 0.19m from levels of the host dwelling). The existing fence and hedge on the shared boundary provides sufficient screening so that views of No. 34 Miswell Lane from the closest part of the patio are restricted to the upper floor of the dwelling and the roof of the neighbour's conservatory.

There is a limited area at the south-eastern corner of the patio where through a gap in the boundary hedge allows angled views of the rear elevation of the extended conservatory (at a minimum distance of 8m). The orientation of the conservatory is such that direct views into the dwelling cannot be readily obtained. The siting of No. 34

on lower ground ensures that any views towards the neighbour would be over the rear conservatory and rear garden. The main outlook of the patio would be towards the rear garden of the application site. Based on these factors, the proposal is not considered to result in an adverse level of overlooking to No. 34.

It would be essential that boundary treatment is maintained and that the hedge shall be retained by condition to ensure the privacy of the neighbour.

It follows the proposal is in accordance with Policy CS12 of the Core Strategy.

#### Impact on car parking

The development would not create demand for additional parking spaces or alter existing parking arrangements. The proposal is therefore in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

**RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the**

**written consent of the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the residential amenity of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

**4658 / P Revision A (proposed block plan and elevation).**

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

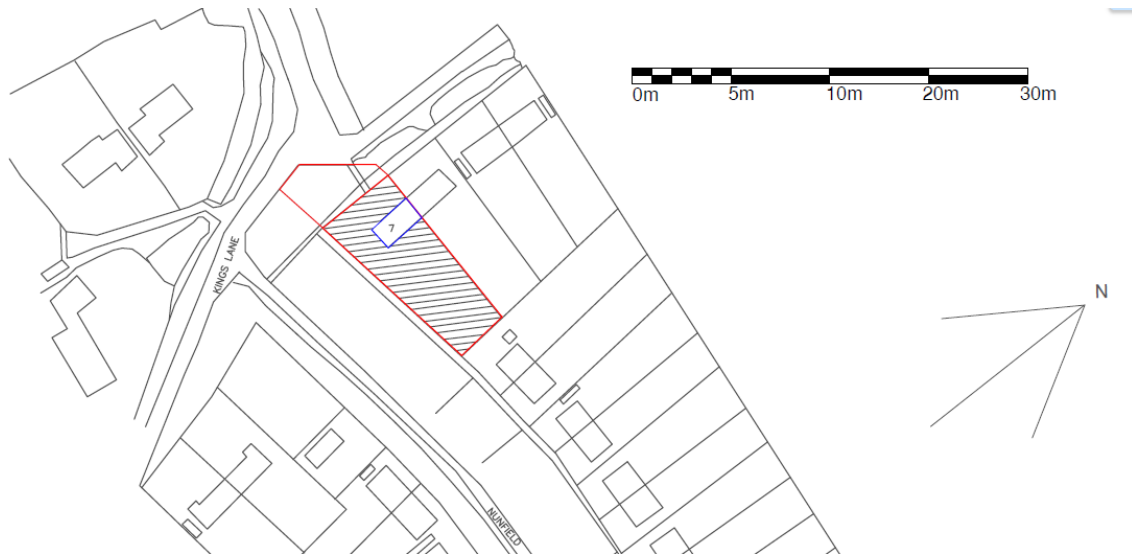
Article 35 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant which led to improvements to the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## Item 5d

**4/00974/16/FUL - PERMEABLE VEHICLE ACCESS AND HARD STANDING.  
REMOVE HEDGE AND EXCAVATE GROUND**

**7 NUNFIELD, CHIPPERFIELD, KINGS LANGLEY, WD4 9EW**



**1:500 Site Location Plan**





**4/00974/16/FUL - PERMEABLE VEHICLE ACCESS AND HARD STANDING.  
REMOVE HEDGE AND EXCAVATE GROUND..  
7 NUNFIELD, CHIPPERFIELD, KINGS LANGLEY, WD4 9EW.  
APPLICANT: .**

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[Case Officer - Jason Seed]

### **Summary**

The application is recommended for approval as it is considered the proposal complies with Policies CS5, CS12 and CS29 of the Core Strategy, Saved Policies 99, 51 and Appendix 5 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

### **Site Description**

The application site comprises a small area of land which is situated within the residential curtilage of 7 Nunfield, Chipperfield and also an area of land outside of it which is currently being used for the purposes of informal parking. The surrounding area comprises mainly residential uses with fields present within the wider area. A footpath (No. Chipperfield 009) is situated to the immediate north of the site.

The site is subject to the following relevant designations: Small Village, Green Belt.

### **Proposal**

The application seeks planning permission for the creation of two areas of permeable hard standing to facilitate disabled access for one of the occupants who is a Blue Badge holder. The proposal area is accessible by an existing drop kerb immediately adjacent.

### **Referral to Committee**

The application is referred to the Development Control Committee as the land is owned by Dacorum Borough Council (Certificate B application).

### **Planning History**

4/04089/15/FH VEHICLE CROSSOVER AND HARDSTANDING

A

Withdrawn

### **Representations**

Highway Authority

No objection (subject to conditions)

Chipperfield Parish Council

Supports this application

### **Considerations**

## Policy and Principle

With regards to the proposed permeable hard surfacing within the curtilage of 7 Nunfield, it is considered that this could be constructed without planning permission by virtue of the provisions provided by Class F of the General Permitted Development Order (2015). The removal of the hedges which forms part of the proposal also falls outside of the control of the Planning Department. As such, the focus of this assessment is largely on the aspects of the proposal which falls outside of the residential curtilage.

Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Whilst not directly related to this proposal, Policy CS6 states that within Chipperfield, house extensions are permitted which indicates that small-scale development within this area is considered acceptable.

Paragraph 89 of the National Planning Policy Framework (NPPF) states that certain forms of development are not inappropriate development within the Green Belt, one of which being engineering operations which the formation of hard standing is considered to be.

It is unclear how long the grassed area has been used for parking although aerial imagery from 2010 shows no evidence that the parking was in use at that time. The Council have seen no evidence that this area has been used for parking for a period of 10 years or more (at which point it would have become lawful) so it is considered that the application constitutes a change of use from amenity land to parking area. The NPPF nor any of the Core Strategy / Dacorum Local Plan Policies consider parking to be an acceptable form of development in the Green Belt and as such, very special circumstances are required to justify a departure from Green Belt policy.

## Impact on Green Belt and Very Special Circumstances

Given that there are to be no buildings created as a result of the proposal, it is considered that the impact on the Green Belt needs to be considered with regards to the openness / character of the proposal and the use of the land.

With regards to the former, it is considered that the hard standing will not adversely impact on the open character of the Green Belt to any noticeable extent and would be sympathetic to the site's surrounds and adjoining countryside. The area outside of the curtilage is currently in informal parking use, so the regularisation of this use, for the parking of one vehicle, is not considered to adversely impact upon either the openness of the Green Belt nor conflict with the purposes for including land within it to any greater degree than at present.

It is considered that there are very special circumstances to justify the departure from Green Belt policy in this instance. The nature of the proposal (to facilitate disabled access) is considered to lend substantial weight in favour of the application, as is the improvement to the overall aesthetics and street scene and the reduction in damage to the highway (as acknowledged by the Highway Authority later in this report). Taking these matters into consideration, in combination with the very limited impact that the proposal would have on the Green Belt, it is considered that there is sufficient



justification for a departure of Green Belt policy in this instance. As such, there are very demonstrable very special circumstances in this case and as such, the proposal is considered to comply with the NPPF and Policy CS5 of the Core Strategy.

#### Impact on Street Scene

It is considered that the proposal would result in an overall benefit to the street scene. At present, the informal parking arrangement is causing the existing grassed area to become heavily disturbed which has resulted in both a loss of grass and the spread of mud and other debris into the wider area.

The formalising of the parking area by laying a small area permeable hard standing, adjacent to two existing hard standing footpaths, will minimise further occurrences in the future and will result in an overall aesthetic enhancement at the site. It is therefore considered that the proposal will not harm the existing streetscape character and as such, complies with Policy CS12 of the Core Strategy in this respect.

#### Impact on Trees and Landscaping

The proposal plans illustrate that the hedge which is situated at the front of 7 Nunfield will be removed to ensure that sufficient driver visibility is provided. As previously stated, the removal of the hedge falls outside of planning control.

There is a tree present within the curtilage of the dwellinghouse and this is to be protected and retained during construction. No protection measures have been provided with the application and it is considered that the retention of the tree can be secured by condition.

It is therefore considered that the proposal will comply with the requirements of Policy CS12 of the Core Strategy Saved Policy 99 of the Dacorum Local Plan.

#### Impact on Highway Safety

The Highway Authority has been consulted on the application and have raised no objection to the proposal. A condition has been recommended in respect of the positioning of the proposal which would be secured through the standard imposition of an 'approved plans' condition.

A number of advisory notes have also been provided in respect of construction standards, the storage of materials during construction and the need for a post-planning Section 278 Agreement due to the works falling within the highway boundary.

The Highway Authority have also commented that the access to Number 7 Nunfield is via an existing crossover. The crossover is on the outside of a bend yet it affords adequate visibility. The parking which is already occurring is causing damage to the grass verge. The grass verge between the road and the property boundary is considered to be highway land, therefore the damage could be subject to enforcement action, and therefore the crossover is seen as a general benefit to the Highway Authority.

The proposal therefore complies with Policy CS12 of the Core Strategy and Saved Appendix 5 (which provides general support for facilitating disabled driver access) and

Saved Policy 51 of the Dacorum Borough Local Plan.

### Right of Way

Right of Way Chipperfield 009 is situated to the immediate north of the proposal. The Rights of Way Officer has been consulted on the application and has stated as the plan shows that the proposal is just missing (but abutting) the public footpath, there should only be minimal effect on the path. It is therefore considered that the proposal complies with Policy CS12 of the Core Strategy.

### Impact on Neighbours

The proposal is of a scale which will not adversely impact upon neighbouring properties. The current parking area which is being used informally is currently causing damage to the land which is resulting in displaced debris and is considered unneighbourly. The proposal will ensure that these matters are remedied and will enhance the street scene which is considered to provide a benefit to neighbouring properties and their occupants. The proposal is therefore considered to accord with the requirements of Policy CS12 of the Core Strategy.

### Sustainability

The proposal provides a permeable surface which fully accords with the requirements of Policy CS29 of the Core Strategy

### **Conclusions**

It is considered that the proposal constitutes an inappropriate form of development within the Green Belt by virtue of its use. However, it is further considered that there are very special circumstances which justify a departure from Green Belt policy in this instance. The proposal would facilitate disabled access to the subject property and would result in a positive enhancement of the street scene and the highway through the regularisation of the parking space using permeable materials. As such, the proposal is considered to comply with Policies CS5, CS12 and CS29 of the Core Strategy, Saved Policies 99, 51 and Appendix 5 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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 begun 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.

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

**NUN01**  
**NUN02**

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

- 4 **The tree which is illustrated within Drawing Numbers NUN01 and NUN02 hereby approved shall be protected for the duration or the construction period and retained hereafter.**

Reason: To ensure that the tree is adequately protected in accordance with Saved Policy 99 of the Dacorum Local Plan.

- 5 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and application form.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 and CS29 of the Core Strategy.

## **INFORMATIVES**

S278 Agreement: Any works within the highway boundary will need to be secured and approved via a s278 Agreement. The grass verge between the road and the property boundary is considered to be public highway. Work on this land will be subject to a s278 Agreement. It should be pointed out that, at this stage, HCC is NOT approving the materials / construction details. This will be included within the s278 Agreement. It is possible that the materials which HCC requires in the highway will be different from those within the property. In determining the materials, HCC will consider the long term maintenance costs.

Advisory Note 1: Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advisory Note 2: Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### ARTICLE 35 STATEMENT

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## Item 5e

**4/01173/16/FUL - RETENTION OF EXISTING CRICKET TRAINING PITCH FACILITY AND ASSOCIATED NETS AND HARDSTANDING (RETROSPECTIVE), CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL/LEISURE**

**BADGERDELL HOUSE, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LN**





**Item 5e**

**4/01173/16/FUL - RETENTION OF EXISTING CRICKET TRAINING PITCH FACILITY AND ASSOCIATED NETS AND HARDSTANDING (RETROSPECTIVE),  
CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL/LEISURE**

**BADGERDELL HOUSE, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LN**



**4/01173/16/FUL - RETENTION OF EXISTING CRICKET TRAINING PITCH FACILITY AND ASSOCIATED NETS AND HARDSTANDING (RETROSPECTIVE), CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL/LEISURE. BADGERDELL HOUSE, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LN.**

**APPLICANT: GRAHAM ROADNIGHT.**

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[Case Officer - Martin Stickley]

## **Summary**

The application is recommended for approval.

It is not felt that the proposal harms the openness or the visual amenities of the Green Belt. The existing landscape features have be retained. Furthermore, it is not felt that the proposal harms the amenities of the neighbouring residents. Therefore, the proposal is considered acceptable in accordance with the aims of the National Planning Policy Framework (NPPF) (2012); Policies NP1, CS5 and CS12 of the Core Strategy (2013).

## **Site and surroundings**

The application site is currently occupied by a two-storey detached dwelling with a residential curtilage of 0.32ha. The rest of the site comprises approximately 1.84ha of agricultural land. The site lies on the north-eastern side of Tower Hill. Access to the site from the private drive is via a crossover in the site's southern corner. The existing dwelling is substantially set back from this entrance behind a large open parking forecourt. Tall and dense hedging exists to the site's frontage to the private drive.

## **Proposal**

The application seeks retrospective planning permission for an ancillary cricket training pitch facility.

## **Referral to committee**

The application is referred to the Development Control Committee following objections from Chipperfield Parish Council.

## **Recent planning history**

4/00824/16/FU CONSTRUCTION OF EQUESTRIAN BUILDING TO INCLUDE  
L FOUR STABLES, HAY STORE, AND TACK/SADDLE ROOM;  
HARD-STANDING FOR VEHICLE TURNING, HORSE BOX AND  
WASH DOWN AREA  
Awaiting Decision

## **Relevant policy**

National Planning Policy Guidance

National Planning Policy Framework

## Dacorum Core Strategy 2006-2031

NP1 – Supporting Development

CS5 – Green Belt

CS12 – Quality of Site Design

### **Summary of Representations**

#### Regulatory Services - Contamination

The site is located within the vicinity of potentially contaminative former land uses (infilled ponds). However, due to the nature of the application, I have no comments to make in respect of contamination.

#### Strategic Planning and Regeneration

##### (i) Impacts on Green Belt

The NPPF (para. 81) states that: *“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*

Paragraph 89 of the NPPF does allow for appropriate facilities for outdoor sports and recreation, but this is understood to relate to built facilities. Therefore, this exception does not apply to the application, as no buildings are proposed.

Core Strategy Policy CS5: Green Belt applies which states that *“The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. ... Within the Green Belt, small-scale development will be permitted ... 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.”*

In theory this proposal is inappropriate development in the Green Belt and requires very special circumstances to be proven. The planning application is not supported by enough evidence to prove this currently. For example, we would have expected to see further supporting documents from a well-respected county cricket board confirming the talent of the applicant's son to play cricket at a higher level.

#### Conclusion:

Taking a pragmatic view over this proposal it is very small in scale and is for private use only, it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not result in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. Therefore, we do not raise any objections in policy terms to the proposal.

The design and colour of the facility is of considerable importance to ensure that the proposal is sympathetic to its surroundings. Can the facility be conditioned to ensure it



remains low key and restricted in use?

*Further comment*

Due to the drafting of the NPPF, the development would not be able to be considered as appropriate development in the Green Belt, so the application needs to demonstrate very special circumstances. We acknowledge that the applicant does not believe that the proposal requires very special circumstances to be justified as they believe that it is appropriate development in the Green Belt. Some of the policies referred to by the applicant have not been saved and others are not relevant to this proposals location.

We acknowledge that this is inappropriate development and therefore VSC needs to be established. We were trying to be pragmatic to the proposal, as we feel that the proposal has very limited impacts on the Green Belt. The proposal is located in a rural location and is surrounded by existing hedging on two sides. This proposal is very small in scale, open in character and is for private use only. Given these points it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not results in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. We feel on balance therefore that these points are sufficient to justify VSC. We would be concerned if such a proposal were larger in scale and would result in a more intense use of the site, greater amounts of hard standing, additional vehicle trips or lighting. However it would be prudent to consider whether the activity can be controlled by way of condition to prevent its expansion.

Additional information would be helpful but we want to take a proportionate approach to the evidence given the small scale of the proposal.

Obviously you will need to satisfy yourself that a case for VSC has been made.

Hertfordshire County Council - Highways Department

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Decision: Hertfordshire County Council, as Highway Authority has no objection to the proposed retention of existing cricket training pitch facility and associated nets and hardstanding (retrospective)

Badgerdell House: Is accessed from Tenements Farm Lane which is an un-adopted driveway / track, over which is a public Right of Way

Impact on the Highway Network: The proposed development is not thought to impact the highway network.

Chipperfield Parish Council

Object - inappropriate in the Green Belt, the structure is large with a concrete base.

Blanrye, Tower Hill, Chipperfield, WD4 9LN

- 1) The nets have been “fully completed” and for clarification purposes, two concessions were agreed between myself and Mr Roadnight. Firstly, he suggested the stanchion could be painted and secondly the entry bay was to be reduced in height along with some planted screening. I agreed that these were acceptable to me. However it should also be noted at the time of these discussions I advised Mr Roadnight that I had reported the construction of the nets to the Dacorum Planning Enforcement team.
- 2) The applicant suggests that this installation is “de minimis”. I strongly suggest that any inference to a trifling development within the green belt is minimal shows some lack of sensitivity on behalf of the applicant. Under Policy 4 section (c) of the Dacorum Borough local plan it suggests essential facilities for outdoor sports... would be acceptable. I firmly believe that the nets are not an essential facility to be built within the green belt.
- 3) In the Core Strategy, it is clearly stated (policy CS6, selected small villages in the green belt) the types of development which are acceptable, and interestingly, it does not mention sports facilities rather it mentions “open air recreation, which cannot be reasonably accommodated elsewhere”
- 4) Further to point 3 above and “accommodation elsewhere”. The applicant suggests that the training facilities are only available at his local clubs for 4 months of the year. However there are clearly winter net facilities available at, Berkhamsted Schools Knox Johnston Sports Hall, Dacorum Councils Longdean and Hemel Hempstead Sports Halls. I am sure there are others available which would accommodate the applicant’s requirements for times outside of the 4 months stated.
- 5) I would suggest that the main issue here is whether the Planning Department feel that this clear infringement of the Green Belt is acceptable or not, based on the Core Strategy and plans that have been agreed and are in place. I believe this is a clear infringement of the Green Belt.
- 6) Finally I raise the issue of precedent. If this development is granted what is to stop other such developments being allowable in green belt areas? Surely this must be a serious concern for the Planning Department and hence I urge them to reject this retrospective application.

Tenements Farm, Tower Hill, Chipperfield, WD4 9LN

As it stands these cricket nets do not impact on our amenities. However they are clearly visible from our neighbour’s garden and he has raised an objection. As well as the interference to his amenities, he points out that permitting development within the Green Belt sets an important precedent. We concur with this.

If his objections to this development are successful, this could result in a proposal to re-site the nets. In that event we would suggest the new site is somewhere close to the proposed site for his stable block, so all development is located within his residential planning unit. Were there to be a proposal to re-locate the nets on our boundary, we would strongly object along the lines of our objections to planning application 4/03605/15/FUL, which, we note, has still to be determined.

### **Considerations**

Policy and principle - cricket training facility

The NPPF (para. 81) states that: “*Once Green Belts have been defined, local planning*

*authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.” Core Strategy Policy CS5: Green Belt applies which states that “The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements...within the Green Belt, small-scale development will be permitted...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.”*

The proposed cricket training facility is considered a small-scale facility that would support outdoor sport and recreation. It is not felt that the proposal has resulted in any significant impact to the character and appearance of the countryside and openness of the Green Belt in accordance with Core Strategy Policy CS5 and the National Planning Policy Framework. Therefore, no objections are raised with regards to the retention of the cricket training facility. However, the proposed change of use from agriculture to residential/leisure must also be considered (see below).

#### Policy and principle - change of use

The NPPF would not regard the proposed change of use as appropriate development in the Green Belt and therefore very special circumstances are required to support this application. The very special circumstances that support this application are as follows: The applicant has stated "my son has ability and is being coached by a number of professional coaches but for him to develop his full potential he needs to practice every day". The design and access statement also comments that "they can only use the nets at Chipperfield and Chorleywood for 4 months of the year". An email has been submitted from the cricket coach to support these claims. It is felt that considering this information and the small-scale nature of the proposal, the application should be supported.

#### Impact on residential amenities

Two neighbours have commented on the application. The first (Blantyre, Tower Hill) discusses a number of Dacorum's policies and how the proposal conflicts with these policies. The neighbour discusses Policy 4 of the Dacorum Borough Local Plan, which has been superseded by Policy CS5 (discussed above) and Policy CS6, which does not relate to this application (as the site falls outside of the Chipperfield Village Envelope). This neighbour also indicates that there are other cricket training facilities at various schools within the Borough and states "I am sure there are others available which could accommodate the applicant's requirements for times outside of the four months stated." The second (Tenements Farm, Tower Hill) state that the cricket nets do not impact their amenities, but are clearly visible from their neighbours (Blantyre) garden. There is a considerable distance between the properties and the applicant has done several things to mitigate the visual appearance from this property, i.e. reduced the height of the entry bay, painted the stanchions green and provided some screening. Overall, the impacts on the amenity of neighbouring residents are extremely minimal in accordance with Policy CS12 of Dacorum's adopted Core Strategy.

#### **Conclusion**

The proposal is located in a rural location and is surrounded by existing hedging on two sides. This proposal is very small in scale, open in character and is for private use only. Given these points it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not result in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. It is felt that this, along with the very special circumstances supporting the application are sufficient to support the application. Concerns would be raised if such a proposal were larger in scale and would result in a more intense use of the site, greater amounts of hard standing, additional vehicle trips or lighting. The agent has suggested that a three year temporary condition can be added to act as a safeguard. However, it is not felt that this is necessary. In conclusion it is considered that the proposal complies with the NPPF, Core Strategy Policies CS5 and CS12 of the Core Strategy. As such, the application is recommended for approval.

**RECOMMENDATION** - That planning permission be **GRANTED** subject to receipt of satisfactory plans showing the structure to be retained and subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan:**

**Total-play specifications (final design - version 3), dated 30th October 2015**

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

#### **Article 35 Statement**

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

## Item 5f

### 4/00708/16/FHA - PART TWO-STOREY PART SINGLE-STOREY REAR EXTENSION

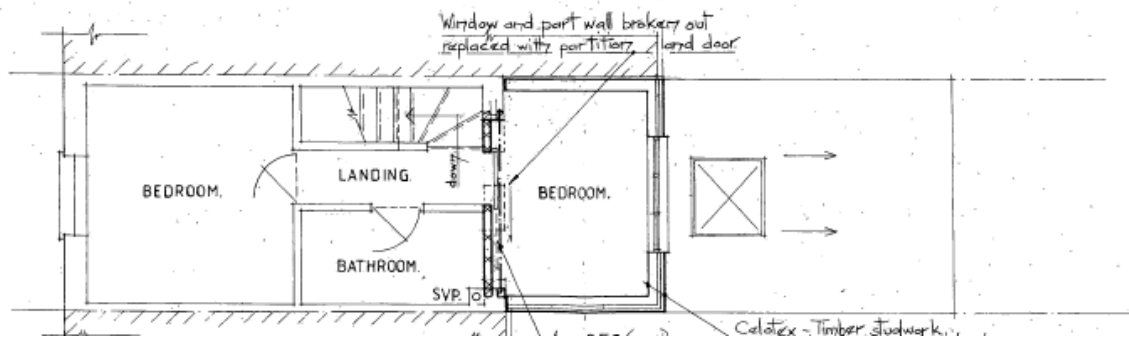
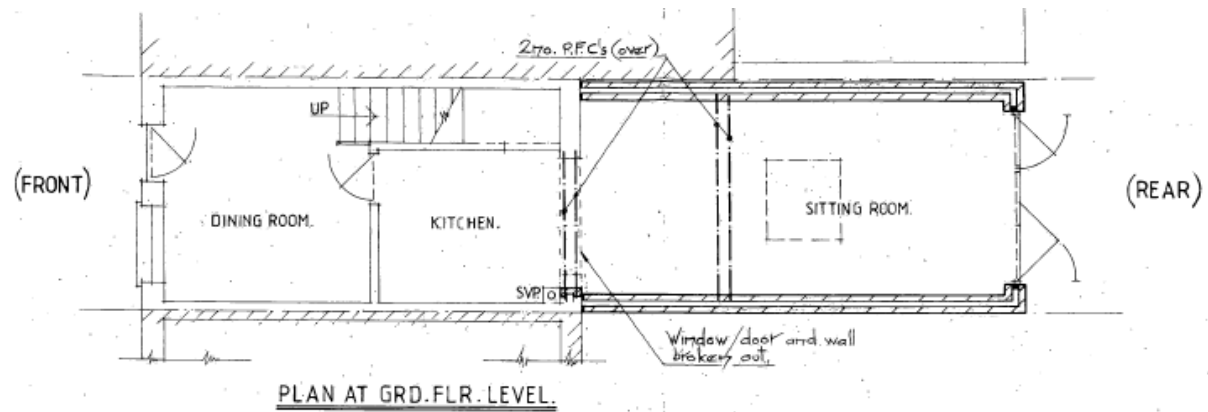
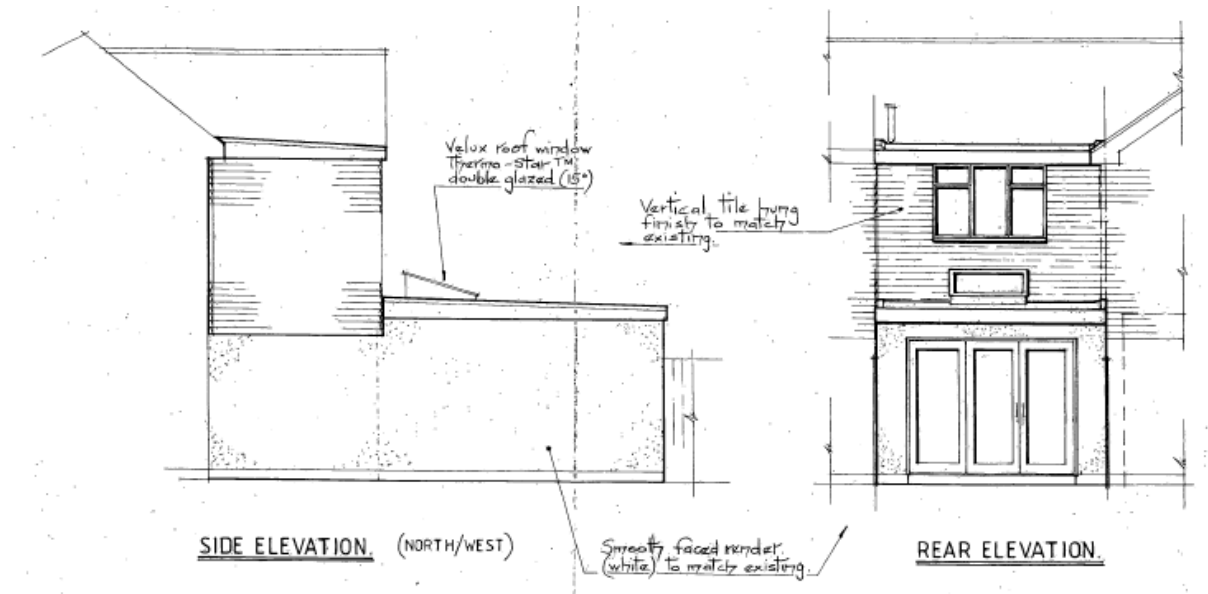
15 PHEASANT CLOSE, TRING, HP23 5EQ



Item 5f

4/00708/16/FHA - PART TWO-STOREY PART SINGLE-STOREY REAR EXTENSION

15 PHEASANT CLOSE, TRING, HP23 5EQ



**4/00708/16/FHA - PART TWO-STOREY PART SINGLE-STOREY REAR EXTENSION.  
15 PHEASANT CLOSE, TRING, HP23 5EQ.  
APPLICANT: MR A MORGAN.**

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[Case Officer - Martin Stickley]

## **Summary**

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a town and residential area. It is not felt that the proposed works would have an adverse impact on the appearance of the dwelling and would not significantly detract from the streetscene. Furthermore, the development would not have a detrimental impact on the amenity of neighbouring properties. Access and car parking is acceptable. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy; and saved Policy 58 and saved Appendices 5 and 7 of the DBLP.

## **Site and Surroundings**

The application site comprises a two-storey mid-terrace dwelling located on the northern side of Pheasant Close, within the urban area of Tring. The surrounding area is primarily characterised by rows of terraced and semi-detached properties. The property has a front drive and a stretched rear garden, enclosed by close-boarded fencing.

## **Proposal**

The application seeks planning permission for a part single-storey, part two-storey rear extension.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

## **Planning History**

4/02682/03/FUL CONSTRUCTION OF TERRACED HOUSE  
Granted  
06/02/2004

## **Relevant Policy**

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development  
CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

#### Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

#### Supplementary Planning Guidance

Character Area Appraisals  
TCA12 - New Mill East

### **Summary of Representations**

#### Local Residents

3 Ash Road, Tring, HP23 4JB

The property is very narrow and the proposed extension will block light to the kitchen and upstairs hallway. It will impact the garden by creating additional shade to the garden. The property will be overlooked with a loss of privacy to the garden. At present the upstairs consists of a hallway and bathroom, which has a frosted window. The proposal is for a bedroom with two windows with clear glass, clearly affecting the privacy of the garden. Additionally we are concerned the garden will look more like a backyard than a garden. Finally, we believe this is overall changing the original purpose of the terrace from 1 bed affordable housing. One additional two-bed house has already been added to the terrace and that has created parking issues with indeed the loss of our allocated parking space.

#### Tring Town Council

Tring Town Council recommend refusal of this application on the grounds that it was over development of the plot and would cause loss of privacy in the adjoining property.

### **Considerations**

Core Strategy Policy CS4 encourages appropriate residential development in towns. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy Policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved Appendix 7 of the DBLP - Small Scale House Extensions.

#### Impact on Visual Amenity

An assessment of the impact of the proposed works has considered the impact on the appearance of the building. Under the development guidelines of the Residential



Character Area TCA12 (New Mill East), extensions should be subordinate in scale and height to the parent building. This is reinforced by saved Appendix 7 of the Local Plan (DBLP), which states that in terms of scale, development should not dominate the existing house. Saved Appendix 7 also suggests that extensions should be lowered to remain subservient to the parent dwelling. In this case, the agent has lowered proposed extension to remain a subordinate addition to the dwelling. Policies CS11 and CS12 of the Core Strategy are primarily concerned with the quality of design but do emphasise the need for development to integrate with the streetscape character and respect the general character of the area. Guidance set out by Policy CS12 states that development should respect adjoining properties in terms of layout, scale and materials (amongst other things). The adjoining neighbour (15a Pheasant Close) has an existing single-storey and two-storey projection. The proposed extensions would mimic this neighbour in terms of the depth (at both ground and first floors). The single-storey part would project approximately seven metres from the rear wall. It should be noted that the applicant could apply for a six metre single-storey rear extension under the governments permitted development householder prior approval scheme.

In terms of design and materials, the proposed extension would harmonise with the parent building in accordance with Policies CS11 and CS12 of the Core Strategy and saved Appendix 7 of the Local Plan. The proposed extensions are set back from the front elevation and views from the public realm are obscured. Given the location of works, it is considered that the proposal will not have a detrimental impact on the street scene.

Therefore, it is not considered that the proposal would detract from the character of the street scene in accordance with Policy CS11 and CS12 of the Core Strategy. In conclusion, it is not felt that the proposal would have a detrimental impact on the building appearance or streetscene in accordance with Policies CS11 and CS12 of the Core Strategy, and saved Appendix 7 of the Local Plan.

#### Impact on Residential Amenity

Consideration has been given to the impact that the proposed extension would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. The application site currently has two directly adjoining properties, 13 and 15a Pheasant Close, neither of which have objected to the proposal. As mentioned previously, the neighbour at 15a Pheasant Close already has a two-storey rear projection, which the proposal would match in depth. The architect was approached regarding potential loss of light to the other neighbour. He confirmed that the two windows on the rear elevation of this neighbour serve a kitchen (ground floor) and a bathroom (first-floor). An additional plan was submitted representing the 45 degree line towards the neighbours groundfloor window. As the two-storey extension would not conflict with this guidance (saved Appendix 7 of the DBLP), it is not felt that the proposal could be refused on grounds of loss of light. One objection letter was received from 3 Ash Road concerned with loss of privacy and loss of garden space. Although this property is located over 800m away, the comments must still be considered. With regards to loss of privacy, it is not felt that the relationship with the neighbours would not be worsened as a result of this proposal in accordance with Policy CS12 and saved Appendix 7. In terms of loss of garden space, the proposal would reduce the amount of garden, however, considering what could be applied for under permitted development (six metres extension), it is not felt that the additional depth would warrant a refusal.

The applicant as recently brought an additional piece of the land to the rear, increasing the garden depth to an acceptable degree. The garden currently has a minimum depth of approximately 17 metres, which would be reduced to approximately 10 metres as a result of the proposal. The end of the garden has a triangular point, adding a further 3.75m (approx.) to these figures (to represent maximum garden depths).

### Access and Parking

The need for and ability to provide additional off-street parking should be taken into account when considering proposals for extra bedroom accommodation (saved Appendix 5 of the DBLP). The application site currently provides one off-street parking space, leaving a shortfall of 0.25 for the existing one-bedroom dwelling. There are no parking restrictions on the road. The proposal would involve the creation of one additional bedroom, transforming the existing one-bedroom dwelling to a dwelling with two bedrooms. A dwelling of this size would generate a maximum requirement of 1.5 on site car parking spaces; 0.25 above the existing requirement for the existing one-bedroom dwelling on the application site. However, the site is located proximate (walking distance) to the local centre within Tring. Therefore, it is not considered that the shortfall of 0.25 car parking space would place undue stress on the surrounding road network. It follows that the parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 and saved Appendix 5 of the Local Plan.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

- 1 **The development hereby permitted shall be begun 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

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

**APT/0316/104**  
**APT/0316/105**  
**APT/0316/106**

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

### **Article 35 Statement**

Planning permission has been granted for this proposal. Discussion with the

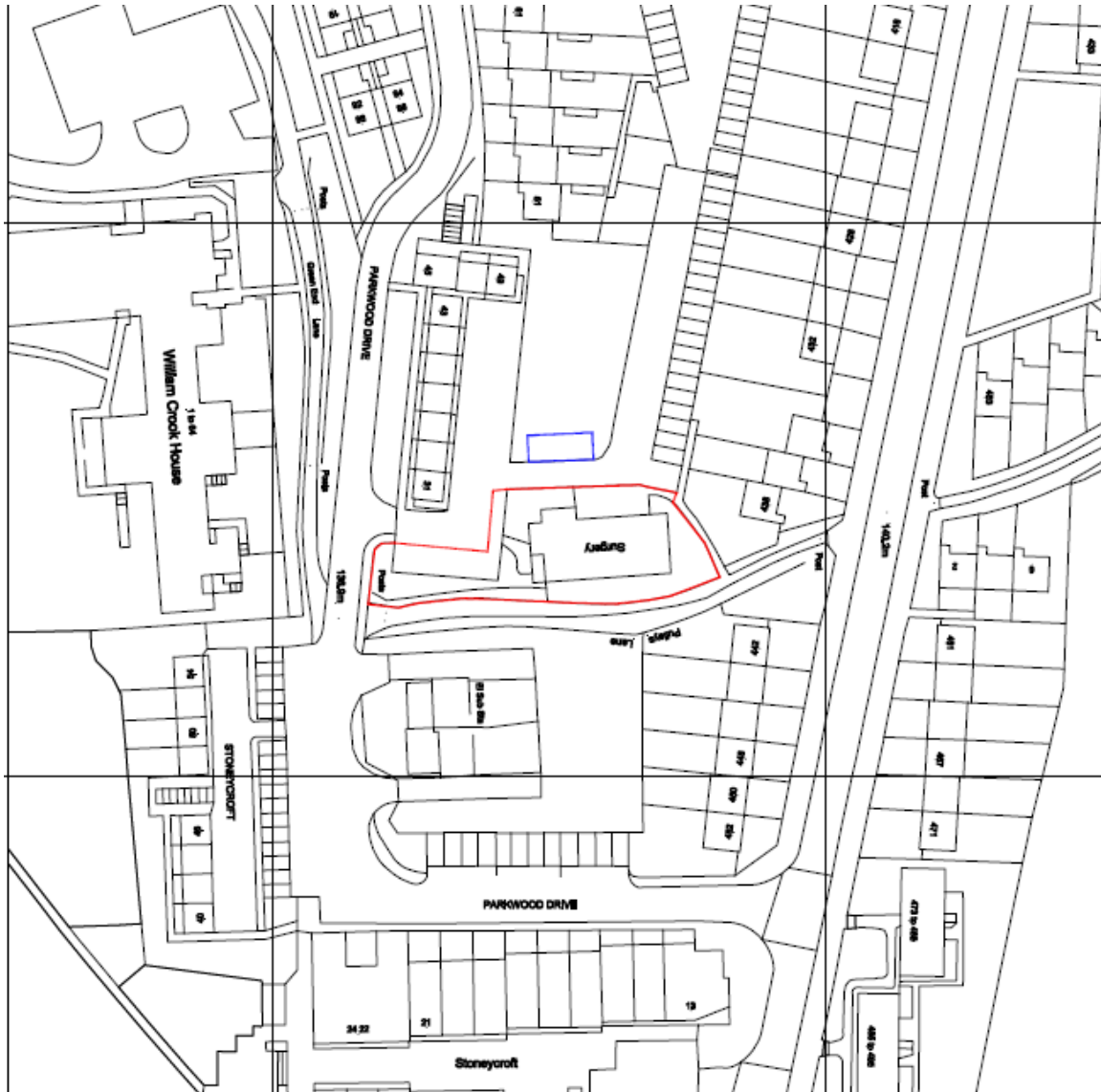
applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

# Agenda Item 5g

Item 5g

4/00743/16/FUL - SIDE AND REAR EXTENSION

DOCTORS SURGERY, PARKWOOD DRIVE, HEMEL HEMPSTEAD, HP1 2LD



**4/00743/16/FUL - SIDE AND REAR EXTENSION.  
DOCTORS SURGERY, PARKWOOD DRIVE, HEMEL HEMPSTEAD, HP1 2LD.  
APPLICANT: Gleeds building Surveying Ltd.**

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[Case Officer - Tass Amlak]

## **Summary**

The application is recommended for approval. The proposal is for a two storey side and rear extension to the existing surgery. Overall it is considered that the proposed development will have no significant impact on the character and appearance of application property and the wider street scene. In addition to this the proposal is not considered to result in significant harm to the residential amenities of the neighbouring properties.

## **Site Description**

The application site comprises the surgery situated off Parkwood Drive to the rear of the Stoneycroft Local Centre.

## **Proposal**

The application seeks permission for a first floor side and rear extension.

## **Planning History**

4/00315/00 - Single storey extension - Granted

4/01338/00 Two storey extension - Granted

## **Referral to Committee**

The application is referred to the Development Control Committee due to the development being located on Council owned land.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS23 - Social Infrastructure  
CS29 - Sustainable Design and Construction  
CS33 - Hemel Hempstead Urban Design Principles

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12 and 13  
Appendices 5

#### **Constraints**

Former Land Use  
CIL3

#### **Representations**

#### **Highways**

The proposal is for side and rear extension to the existing doctors surgery at Parkwood Drive. This is an classified local access road, a loop road serving few properties and number of lock up garages.

The development is unlikely have any material impact on the local road network and the highway authority does not wish to restrict the grant of consent.

#### **Contamination Land Officer**

No comment.

#### **Environmental Health**

Environment Health does not wish to restrict the grant of planning permission.

#### **Considerations**

##### Policy and Principle

The application site relates to an existing doctors surgery located with Hemel Hempstead and the proposal seeks permission to improve the facilities of the existing surgery. This provision of social/community facilities is supported by Policy CS4 which encourages community facilities within town and local centres. The proposal will retain the doctors surgery and will improve the existing facilities and is therefore in accordance with Policy CS23.

Therefore the main issues relate to design, impact on amenity and parking.

##### Effect on appearance of building

The proposed alterations extension will be built in matching materials and roof of the

extension will link into the existing roof. Therefore this is considered to be in keeping with the character and appearance of the existing property.

#### Effect on Street Scene

The proposed alterations will be to the side of the property and will be visible from the street scene, however, given that the extension will be a proportionate addition to the property, the proposal is considered to be in keeping with the character and appearance of the street scene.

#### Effect on Amenity of Neighbours

The proposed two storey side extension will result in an increase in bulk and massing of the building; as perceived from the front of the row of terraced properties Nos. 31-43 Parkwood Drive. However, due to the orientation of the building the only property which will partially face the surgery is No. 31 and this property is sited more than 15 metres away from the proposed extension. Therefore it is considered that given the distance and the orientation of the proposed first floor side extension from the neighbouring properties Nos 31-43; the proposal is unlikely to result in significant harm to residential amenities of the neighbouring properties.

Therefore the proposal is in accordance with policy CS12 of the Core Strategy.

#### Parking

The proposed ground floor extension will result in the loss of three existing parking spaces, however, given that the number of employees will remain the same and the Local Centre location of the surgery, close to public parking, the proposal is on the balance considered to be acceptable. It is considered the loss of the 3 spaces would not result in a severe impact on highway safety. Therefore it is considered that the reduction in parking spaces is justified by the improvements to the existing surgery.

The Highways Authority have raised no objections to the proposals.

#### **Conclusions**

The proposed development is acceptable and would not have an adverse impact on the appearance of the street scene and there would be no significant adverse impacts on neighbouring properties. In addition, the proposal would not have an impact on highway and pedestrian safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS4, CS12, CS23 of the Core Strategy and Policy 10 of the saved DBLP 1991-2011.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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 **All new or altered external surfaces shall be finished or made good to match those of the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Cre Strategy.

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

**Drawing No. NTBS2436/01**

**Drawing No. NTBS2436/02**

**Drawing No. NTBS2436/03**

**Drawing No. NTBS2436/04**

**Drawing No. NTBS2436/05**

**Drawing No. NTBS2436/06**

**Drawing No. NTBS2436/08**

**Drawing No. NTBS2436/09**

**Drawing No. NTBS243610/010**

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

#### NOTE 1: ARTICLE 35 STATEMENT

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### Highways

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.



AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a construction management plan for LPA's approval in consultation with the highway authority.