



Public Document Pack

# DEVELOPMENT CONTROL AGENDA

**THURSDAY 20 OCTOBER 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 Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	Councillor Imarni

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.

- (a) 4/02048/16/MOA 89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA (Pages 5 - 47)
- (b) 4/01919/16/FUL THE RETREAT, NEWGROUND ROAD, ALDBURY, TRING, HP23 5SF (Pages 48 - 86)
- (c) 4/02093/16/FUL 1 FOX CLOSE, WIGGINTON, TRING, HP23 6ED (Pages 87 - 112)

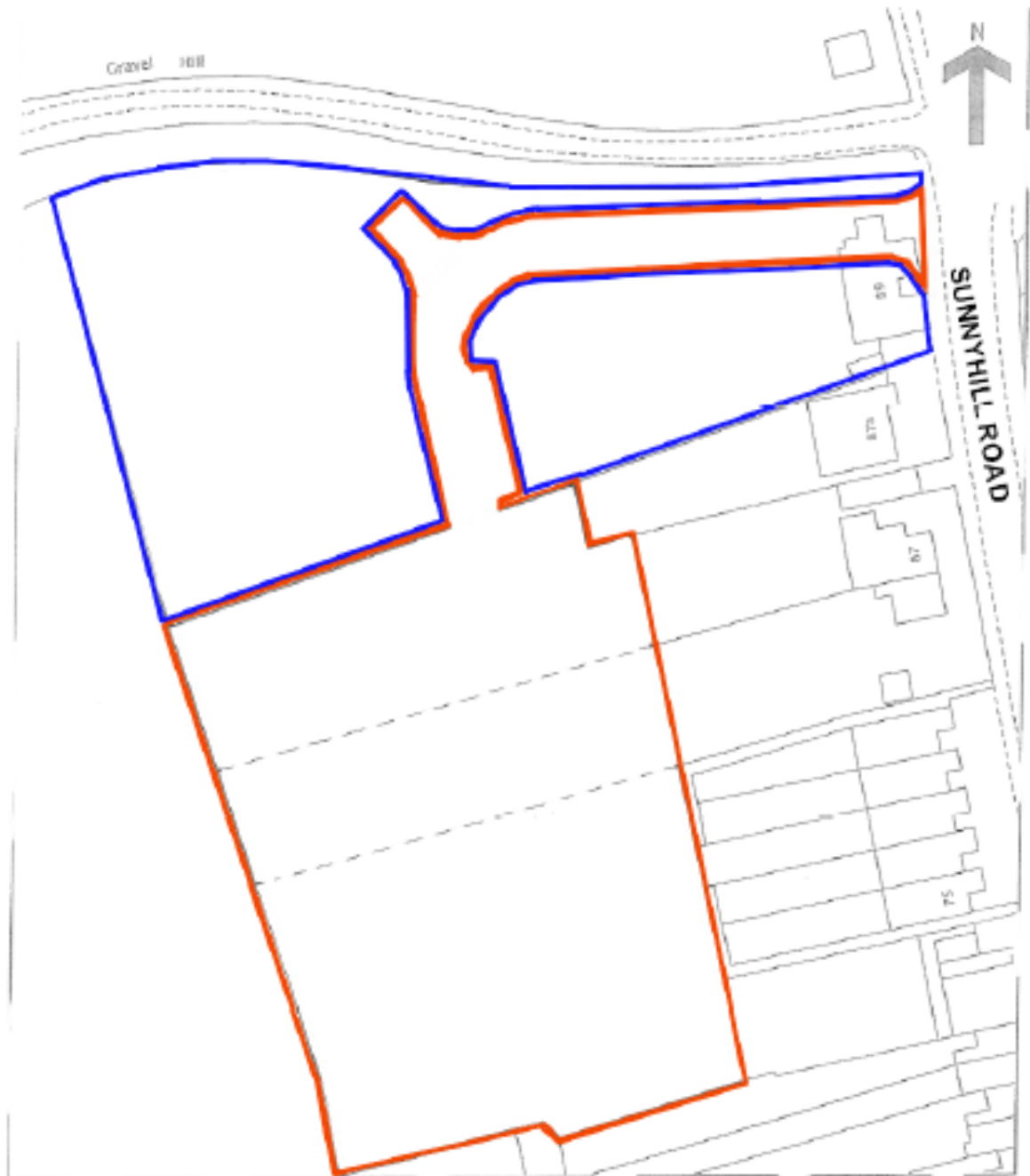
- (d) 4/01221/16/FUL LAND ADJACENT TO KILVE, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JW (Pages 113 - 120)
- (e) 4/01763/16/FHA 18 TWEED CLOSE, BERKHAMSTED, HP4 1SY (Pages 121 - 128)
- (f) 4/01679/16/FUL PAMPARD HOUSE, BRADDEN LANE, GADDESSEN ROW, HEMEL HEMPSTEAD, HP2 6JB (Pages 129 - 146)
- (g) 4/01851/16/FHA CAPRI, 3 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY (Pages 147 - 153)
- (h) 4/02201/16/FUL AMENITY LAND ADJ 28, NORTHEND, HEMEL HEMPSTEAD, HP3 8TL (Pages 154 - 162)
- (i) 4/02153/16/FUL 26A BENNETTS GATE, HEMEL HEMPSTEAD, HP3 8EW (Pages 163 - 170)
- (j) 4/01866/16/FUL GOLDCROFT, HEMEL HEMPSTEAD (Pages 171 - 178)

**6. APPEALS** (Pages 179 - 183)

Item 5a

4/02048/16/MOA - PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED  
HOUSES AND REUSE OF APPROVED ACCESS ROAD

89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA



**Item 5a**

**4/02048/16/MOA - PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED  
HOUSES AND REUSE OF APPROVED ACCESS ROAD**

**89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA**



**4/02048/16/MOA - PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED HOUSES AND REUSE OF APPROVED ACCESS ROAD.  
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA.  
APPLICANT: E. J. WATERHOUSE AND SONS.**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. The application proposes the construction of 12 semi-detached houses to the rear of 71 to 87A Sunnyhill Road with access and layout for determination. The development will utilise the existing access that was allowed on appeal in 2012 to serve a development of 13 dwellings behind 89 Sunnyhill Road. All of the on and off-site safety improvements, including the under-carriageway heating and back-up generators / management company, that were part of that scheme will be incorporated into the current proposal.

The application follows a dismissed appeal earlier this year for the comprehensive development of the site for 25 dwellings. Noting that the Inspector on the 2013 appeal found no harm in respect of the capacity of the new junction or vehicular and pedestrian safety, she did not raise any concerns regarding the capacity or safety of this junction to accommodate the traffic from 25 dwellings. However, the Inspector agreed with the Council that the proposal would have been an overdevelopment of the site. She also found that the proposal would cause the potential for overspill parking, and that the increased traffic would be likely to result in increased congestion during peak times in Sunnyhill Road at times when there is only one running lane. They supported her overall concerns about overdevelopment but she noted were not sufficient in themselves to warrant dismissal in the absence of the other concerns on overdevelopment.

The current proposal relates to the southern part of the 25 dwelling appeal site. Compared with the equivalent area from that scheme, it has been redesigned with a reduced number of dwellings, a lower density, greater separation from the trees on the western boundary and deeper front gardens, thereby allowing more scope for soft landscaping, retention of trees and space in the development. In addition, there is now an oversupply of parking to serve the development when assessed against maximum parking standards in Appendix 5, thereby limiting the potential for overspill parking in Sunnyhill Road. With regards to traffic generation, based on parking standards, there is an indicated 25% reduction in traffic generation overall on the combined (current and extant) scheme compared with the appeal proposal. Whilst the overall density of the combined scheme will remain the same as the appeal proposal, given the flats that form part of the extant scheme, the reduction in size of dwellings overall, and the reduced floorspace and dwelling numbers on the application site, a comparison in purely numerical terms is misleading.

The Highway Authority raises no objections to the proposal. The proposal is considered acceptable in layout and access terms and will accord with parking standards. The potential harm to boundary trees / vegetation has been reduced. There would be no material harm to adjoining residential occupiers. The revised layout is considered to fully address the Inspector's concerns regarding overdevelopment. Subject to further details, the proposal would meet the sustainability principles of the Core Strategy. The proposal provides satisfactory evidence that there will be no harm to European Protected Species and the applicants are willing to complete a s106

unilateral undertaking securing contributions to affordable housing, Highway maintenance, fire hydrants and, subject to further confirmation, sustainable transport.

## **Site Description**

The site is rectangular in shape and extends to 0.43 hectares, with a pan-handle of land providing access from Sunnyhill Road via the approved access serving 13 dwellings allowed on appeal in 2012 (4/00552/12/MOA). The majority of the site lies behind Nos. 71 to 87A. It is sited approximately 0.5 km to the west of the town centre on the western side of Sunnyhill Road, close to a sharp bend with Melsted Road, in the Hammerfield North area of the town.

The site is located adjacent to open space known as Gravelhill Spring that consists of a densely wooded area to the north, allotments to the west and an element of recreational space. A public right of way runs along the northern boundary of the proposed access road between Sunnyhill Road and Warners End within the aforementioned wooded area, which is also a designated nature reserve.

The part of the site occupied by the proposed access road comprises a large 1930s detached, two-storey, property fronting Sunnyhill Road. It is served by a very large residential curtilage to the rear with significant trees to its northern and western boundaries. These trees are subject to a Tree Preservation Order. Land levels across this part of the site drop approximately 10 metres between the Sunnyhill Road frontage and the rear (western) boundary with the allotments. The majority of the site to be developed for housing comprises garden land to the rear of Nos. 71 to 87A Sunnyhill Road, the western boundaries of which are defined by mature hedges and trees. This is the flatter part of the site contained within the valley floor where levels vary by approximately 3 to 4 metres.

## **Proposal**

Outline permission is sought for the demolition of No. 89 Sunnyhill Road and the erection of 12 semi-detached residential units (6 x 2 bed and 6 x 3 bed) together with associated gardens, landscaping, car parking, garages and access road from Sunnyhill Road. All matters are reserved apart from access and layout.

The details submitted in respect of access which relate to that part of the site comprising No. 89 Sunnyhill Road are identical to those submitted under the allowed appeal 4/00522/12/MOA and include proposals for under carriageway heating and back up generators.

Following the recent dismissed appeal 4/01679/15/MOA in June 2016, the details of layout relating to that part of the site behind Nos. 71 to 87A Sunnyhill Road have been amended to take into account the Inspector's concerns. The proposals now incorporate longer rear gardens, more parking provision, more generous landscaping and fewer dwellings than before.

In addition to a location plan, site survey, layout plan and section drawings, the application is supported by a Design & Access Statement, a Tree Survey and Arboricultural Impact Plan, a Bat Survey, an Extended Phase 1 Ecological Habitat Survey Report, an Affordable Housing Viability Report, a Health and Safety Review, a Development Access Design Report, a Road Performance in Wet Conditions



Assessment Report, an email from Abington Consulting Engineers concerning a specification for skid resistance, a report from Strada regarding the under carriageway heating, and a Development Access plan (12002/101 Rev D).

### Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Janice Marshall.

### Planning History

- 4/01679/15/MOA PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 25 HOUSES (4 X 4 BED 10 X 3 BED AND 11 X 2 BED) WITH GARAGING, PARKING AND NEW ESTATE ROAD - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT LAYOUT AND ACCESS.  
Refused  
22/12/2015  
Appeal dismissed June 2016
- 4/00529/16/RES SUBMISSION OF RESERVED MATTERS, CONDITION 6 (APPROVAL OF THE DETAILS OF THE HARD AND SOFT LANDSCAPING, MEANS OF ENCLOSURE, LEVELS, CYCLE STORAGE, BACK-UP GENERATOR, HANDRAIL, REFUSE LIGHTING AND SIGNS, SERVICES AND BIODIVERSITY) TO OUTLINE PLANNING PERMISSION 4/00552/12/MOA - (CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME))  
Granted  
29/04/2016
- 4/00611/14/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO THREE- BED DWELLINGS  
Withdrawn  
16/05/2014
- 4/00552/12/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)  
Refused  
27/11/2012  
Appeal allowed March 2013
- 4/00542/11/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)  
Refused  
14/09/2011
- 4/00561/10/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD  
Refused  
30/06/2010
- 4/00403/07/PRE RESIDENTIAL DEVELOPMENT  
Unknown  
25/04/2013
- 4/00984/92/4 TWO DETACHED DWELLINGS

Refused  
11/03/1993

4/00827/91/4 TWO DETACHED DWELLINGS AND ACCESS DRIVE (OUTLINE)  
Refused  
09/08/1991

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005  
Manual for Streets

### Hertfordshire Highway Authority

Roads in Hertfordshire, A Guide for New developments, June 2011

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
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  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 129  
Appendices 1 (*to be updated through the Sustainability Development Advice Note*), 3, 5 and 6

### Supplementary Planning Guidance/Documents

Environmental Guidelines  
Residential Character Area HCA9: Hammerfield North  
Accessibility Zones for the Application of Car Parking Standards July 2002  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Planning Obligations SPD April 2011  
Affordable Housing SPD 2013

#### Advice Notes

Sustainable Development Advice Note (March 2011) Note: *This is in the process of being updated to reflect changes in Government Policy*

Refuse Storage Guidance Note February 2015

#### **Summary of Representations**

##### Strategic Planning and Regeneration

No comment

##### Strategic Housing

##### *Response to the viability report:*

Any comments received will be reported at the meeting.

##### *Initial comments (in summary)*

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

##### Conservation and Design

The layout and design for these look OK although the 2 semi-detached houses on the east side are positioned somewhat awkwardly and are likely to present bland side elevations to houses on the other side of the road.

##### Hertfordshire Highways (in summary)

Raises no objection subject to conditions covering:

1 i) Roads, footways, and on-site water drainage, ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev D, iii) Parking provision in accordance with adopted standard and iv) Turning areas.

2) Visibility splays.

3) Stage 2 Road Safety Audit for the proposed highway improvements and access junction.

- 4) Street Lighting scheme.
- 5) Construction Management Plan
- 6) Scheme for the parking of bicycles.

Informatives covering:

Storage of materials within the site, construction standards for works within the highway, road deposits and mud.

S106 agreement to secure financial contributions towards sustainable transport initiatives, bus stop upgrades and traffic regulation order.

S278 Agreement to secure works within the highway boundary.

Based on the proposed scale of the development, the level of assessment is considered to be appropriate and is consistent with Roads in Hertfordshire and the National Planning Policy Framework (NPPF).

Access: Sunnyhill Road has a gradient of approximately 1 in 50 in the vicinity of the site frontage and Melsted Road is approximately 1 in 7.

The proposed access road is designed to adoptable standards with a turning head at the end of the cul-de-sac. It is not intended that the access road will be adopted.

HCC raised issues associated with the severe longitudinal gradient of the proposed access road during previous applications for the site. The Planning Inspectorate Appeal Decision (APP/A1910/A/11/2160924) accepted that under-carriageway heating provides an adequate solution for both vehicle and pedestrian access. As stated in our response to the previous application (4/00552/12/MOA), HCC accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road.

Visibility: splay of 2.4 x 43 m are required. This is considered appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site.

The applicant will need to provide a visibility splay drawing illustrating the existing highway boundary (including any existing fences and structures) to demonstrate that the proposed visibility is achievable. This should be secured via a condition.

Highway Improvements: As part of providing the proposed access junction, the following improvements to the local highway are proposed by the applicant: • High friction surfacing on Melsted Road; • Additional gullies along the steep section of Melsted Road; • Additional gullies on Sunnyhill Road between the proposed access and Melsted Road; • Improvements to the existing allotment access with increased turning radii and deflection from the main carriageway; • Additional pedestrian space and guardrails to the north of the existing allotment access; • Bollards to the north of the proposed access to deflect vehicles; • Tactile pavers and drop kerbs across the proposed access and the existing allotment access; and • Improved road markings along Sunnyhill Road and Melsted Road including double yellow lines. These will need to be secured through a s278 agreement.

Impact on Highway Network: The number of vehicle trips generated by the whole site (including approved scheme) is unlikely to have a significant impact on the local highway network. As a result, a full analysis of the impact of trips generated by the proposed development is not required.

Road Safety Collision data held by HCC indicate there have been no recorded collisions on Sunnyhill Road or Melsted Road within the last 5 years.

Road Safety Audit: An independent Road Safety Audit (RSA) was carried out by TMS Consultancy on behalf of the applicant in February 2012. The initial detailed design for the new access junction was submitted to TMS Consultancy along with the Planning Inspector's appeal decision. The RSA noted the following problems / issues:

Item 2.1 – Melsted Road/ Sunnyhill Road - Potential loss of control type vehicle conflicts. High friction anti-skid surfacing will be provided on the bend of Melsted Road and Sunnyhill Road and this will be continued up to the crest of Melsted Road opposite number 36. High friction anti-skid surfacing will also be provided along the proposed development access to provide additional skid resistance during wet weather conditions.

Item 2.2 - Development Access Junction onto Sunnyhill Road - Potential hazard for vehicles. The proposed ramp near the junction of the access road with Sunnyhill Road has been omitted from the design so that it does not provide an additional obstacle for vehicles on the steep up-hill access road.

Item 2.3 – Development Access (Footway) - Potential hazard to pedestrians. The proposed footway on the south side of the development access road will also feature a gradient of 1:7, which may be inaccessible to pedestrians with visual and mobility impairments. Handrails will be provided along the footways within the development. The footway on the northern side of the access will terminate at the pedestrian crossing point.

Item 2.4 – Development Junction and Allotment Access - Potential hazard to pedestrians. Pedestrian crossing points at the development access and across the allotment access are designed to ensure gradients of the tactile paving do not exceed 1 in 12 and are laid flush where they meet the kerb line.

Item 2.5 – Development Junction and Allotment Access - Potential hazard to vehicles. Skid resistant lids to service chambers will be provided within the bellmouth entrances of both the proposed development access and the allotment access.

Item 2.6 – Development Access Road - Potential hazard to pedestrians / drivers. The proposed generator of the under carriageway heating will be located outside of the footway and any visibility splay. The generator should also be located where a maintenance vehicle can park without causing an obstruction to passing vehicles.

Item 2.7 (number not used)

Item 2.8 – Development Junction onto Sunnyhill Road - Darkness related hazards to all road users. A detailed street lighting scheme will be provided to ensure the junction is correctly illuminated.

All the recommendations of the RSA have been accepted and included within the improved detailed design.

Interim Safety Audit: In 2012, HCC Safety Audit Team carried out an Interim Safety Audit (ISA). This is not a formal RSA but a review of the applicant's proposed design and the RSA carried out by TMS.

The ISA noted the following responses to the problems/ issues raised in the RSA: • Item 2.1 - The problems identified are an existing problem with the current local highway network. The proposed high-friction surfacing is welcomed but may become a maintenance issue due to the unusually severe road geometry. • Item 2.2 - Agree with RSA comments. • Item 2.3 - Agree with RSA comments. Surface texture is required to provide additional grip for pedestrians on the steep footway. • Item 2.4 - Agree with RSA comments. Pedestrian crossings should be installed in accordance with DfT Guidance. • Item 2.5 - Agree with RSA comments. • Item 2.6 - Agree with RSA comments. • Item 2.8 - Agree with RSA comments.

The following additional problems / issues were identified in the ISA:

Item 3.1 - Junction of Access Road with Sunnyhill Road - Potential Vehicle conflicts. The ISA noted that the introduction of a new side road junction at this location would aggravate traffic movements on the existing poor road geometry on Sunnyhill Road/ Melsted Road. The ISA noted that there are limited mitigating measures that could be incorporated into the new road layout to reduce the risk of collisions as a result of the additional turning movements to and from the new development access.

The ISA recommended that double yellow lines are provided on the access road junction, and on Sunnyhill Road and Melsted Road to improve visibility and reduce potential conflicts. Double yellow lines have been incorporated into the submitted plan (12002/101 Rev C). The double yellow lines will require a Traffic Regulation Order (TRO) and should be included within the s106 agreement.

Item 3.2 - Junction of Allotment Access Road with Sunnyhill Road - Safety Fence. The ISA recommended the use of bollards rather than a pedestrian safety fence. This has been incorporated into the submitted plans (12002/101).

The problems/ issues identified in the RSA and the ISA have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, a Stage 2 RSA should be secured as a condition.

Parking: The application form states there will be 26 parking spaces for the 12 semi-detached houses. This is a ratio just over two car parking spaces per unit. This is consistent with the maximum parking standards for residential developments required by DBC. The revised plan shows 27 parking spaces (including 2 unassigned visitor spaces).

The proposal does not outline any cycle parking that will be provided within the site. A scheme for cycle parking within the site should be secured via a condition.

Accessibility: The site is approximately 1600m from the centre of Hemel Hempstead

(Marlowes), but the topography of the adjacent area may discourage some residents from walking and cycling. The DAS states that residents of this development will be reliant on private vehicle transport to get to and from shops and services. There are also several schools in the vicinity and the footpath link through to Warners End Road reduces the walking distance.

The nearest bus stops are located approximately 120m away on Warners End Road and are accessible via a footpath link where at the Sunnyhill Road/ Melsted Road junction. The eastbound bus stop is a half layby design while the westbound bus stop consists of a flagpole but no bus cage road markings. Neither of the stops have easy access kerbs or shelters.

The proposed development will generate additional trips via public transport. The applicant acknowledges that there is limited scope for improvement to the walking and cycling network. However measures to encourage the use of sustainable transport options are required to ensure the development is sustainable. As a result, the eastbound and westbound stops on Warners End Road should be upgraded with easy access kerbs. £8,000 was requested on the appeal proposal for 25 dwellings. A pro-rata contribution of £3,840 would be appropriate for these works. The extant approval (4/00552/12/MOA) for 13 dwellings secures circa £13,000 for sustainable transport under the toolkit, some of which could be targeted at the bus stops.

Travel Plan: Based on the proposed number of residential dwellings, a Travel Plan is not required.

Construction: The submitted documents do not provide any details about the construction of the proposed residential units. Due to noted issues with the gradient of the proposed access road, and the substandard geometry of the local highway, a Construction Management Plan (CMP) is required to identify the most appropriate route for construction vehicles, ensure construction vehicles parked on-street do not obstruct the visibility of motorists, or damage the highway during construction.

Summary: Hertfordshire County Council (HCC), as Highways authority, has no objection to the principle of the development, subject to the conditions / contributions detailed within the response.

#### HCC Property Services (in summary)

Does not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions.

#### Trees and Woodlands

I have not identified any amendments that could affect trees or landscaping on this site. Please see my previous comments. I have no further comments.

#### Previous comments

Of those trees it is intended to remove the vast majority are cat C and U. It's not sensible to try to retain trees of this poor quality. Four cat B trees are due for removal due to their position. The only cat. A trees are to be retained.

Minor cutting back of tree growth to facilitate development is acceptable.

The use of 'no-dig' techniques within the RPAs of trees 7, 8 and 9 is welcomed, as is the siting of the services trench away from established vegetation.

The shorter-term retention of tree 58, a Chestnut, to provide established canopy cover within the site is acceptable, with subsequent pruning or removal agreed due to condition as necessary.

Tree planting location proposals are acceptable. Detail of species, planting size and specification, and maintenance should be submitted for assessment.

#### Public Rights of Way Officer

The site, as shown on the definitive map, appears to include Public Footpath Hemel Hempstead 24 along its northern boundary. Having consulted with Hertfordshire County Council's Rights of Way section we are advised that there is some doubt as to the location of the path as shown on the definitive map and that it may, legally speaking, be partially located within the development site. If this is the case it will be necessary to 'divert' the path, presumably to the line we recognise as the public footpath. The development would require a footpath diversion to be completed before works commence.

The impact of 13 dwellings replacing number 89 Sunnyhill Road is likely to be detrimental to users of Gravelhill Spring and the allotment site, i.e. noise, additional traffic, visual. Currently the site is relatively peaceful, particularly considering its location (residential properties, Warners End Road etc.).

A barrier, in keeping with the location, with no private access from the estate would be desirable from the point of view of helping to prevent erosion of the hedgebank in Gravelhill Spring, waste being dumped (particularly garden waste) in the wood/on the footpath.

#### Hertfordshire Ecology

Two previously approved applications affect this site; the potential for bats in relation to the demolition of the property at 89 have been considered previously. The recommendations outlined within that 2011 report and our previous comments are still pertinent to the implementation of the development itself.

2. A new ecological survey (2015) has been undertaken of the garden areas affected by the proposals. The house was also inspected again for bats given this application will still require its removal to enable the access road to be provided. Its conclusions were the same as previously found. I have no reason to consider the surveys unacceptable and so it is reasonable to consider that bats are not likely to be present. No presence / absence surveys are proposed to confirm this, although the absence of likely access opportunities for bats has been considered as a reason for the building to have little or no potential. I have no evidence to disagree with this view.

3. The 2015 Phase surveys identified no fundamental ecological constraints and I have no reason to dispute this view. The relevant recommendations outlined in both reports



should be followed if the proposals are approved.

4. The recent report recognised the ecological value of the boundary trees to the local environment and implied that the northern and western boundaries will be protected. I support this, which should be secured by an Informative or Condition if appropriate.

5. On this basis, I do not consider there to be any fundamental ecological constraints on the proposals. However, there would appear to be a locally significant loss of trees from within the garden environments required to accommodate the proposals, at least in comparison with the aerial photos of 2010. I consider this loss – which cannot reasonably be considered a reason for refusal – should be compensated for in some way as it will clearly lead to a net loss of habitat resource locally from the urban environment. A commuted sum to provide for additional tree planting elsewhere locally may provide sufficient offsetting to achieve this, if such an approach is appropriate.

#### HCC Crime Prevention Advisor (in summary)

Recommends an informative regarding achieving the Secured by Design (SBD) award which would also meet Approved Document Q (ADQ) under the Building Regulations.

#### HCC Minerals and Waste (in summary)

Recommends a condition(s) re Site Waste Management.

#### Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

Refers to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Contaminated Land Officer (in summary)

The site is located within the vicinity of potentially contaminative former land uses. Recommends that the standard contamination condition be applied if permission is granted.

#### HCC Fire & Rescue (in summary)

Seeks the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

## Thames Water

Notes that there are public sewers crossing or close to your development.

Recommends informative regarding the need for separate approvals from Thames Water with regards to foul and surface water drainage.

## HMWT

Any comments received will be reported at the meeting.

## Environmental Health

Any comments received will be reported at the meeting.

## Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

### Ward Councillor, 12 Wrensfield - Objects:

History: Regard has to be made to the permission of planning application 4/00552/12 and the refusal of 4/01679/15. The 2012 application was for the development of 89 Sunnyhill Road. The 2015 application was for the development of 89 Sunnyhill Road and of the land to the rear of 87a-71 Sunnyhill Road. This new application is for the development of the land to the rear of 87a-71 Sunnyhill Road, taking into account the permission of the 2012 application. This new application cannot therefore be divorced from the 2012 application, the two applications together resulting in a development of 25 units. The 2015 application covering the same site was also for 25 units and was refused by the Development Control Committee, with their decision upheld by the Planning Inspector. Some of the Planning Inspector's comments are relevant to this new application and, in particular, she supported the Council's view that, in view of the character of the immediate area, a lower density is appropriate.

(a) Highway related issues: As you know, the issue of the site opening out onto the very difficult and steep corner at the junction of Sunnyhill Road and Melsted Road caused immense difficulties with the previous applications. To recap, cars have difficulty in negotiating the slope and junction, especially in inclement weather, and there have been incidents where vehicles have slipped down Melsted Road, crossed Sunnyhill Road and crashed into the fence of 89 Sunnyhill Road. In addition, the sight lines are poor and there is a service road serving Pinewood Gardens and the east side of Sunnyhill Road, leading onto Melsted Road, close to this junction.

In addition, adjoining the site is the access road to the allotments leading onto this difficult junction.

Sunnyhill Road, particularly at the location of the applicant's site, has a heavy footfall as Sunnyhill Road continues as a pedestrian access only, onto Warners End Road and Cavendish School, a secondary school.

As a result of this difficulty, a number of highway safety matters were included as conditions to the granting of the permission for 4/00552/12. That permission was

for the construction of 13 dwellings only totalling 30 bedrooms. This new application, taken with the 2012 application, more than doubles the number of dwellings and totals 60 bedrooms. I raise doubts as to the adequacy of the junction onto Sunnyhill Road in view of the considerable increase in units (and therefore the number of car-owning residents using this access road and negotiating the junction with Sunnyhill Road). This concern was clearly shared by the Planning Inspector in her decision refusing the 2015 application.

(b) Internal Road and Parking: The internal road is of modest width and I question whether there is sufficient space for manoeuvring and passing. It needs to be recognised that the access road for this application continues behind 89 Sunnyhill Road to serve the 2012 application development, exiting onto what is, at the very least, a very awkward junction. Whilst noting the application form states 26 parking spaces are to be provided, there will inevitably be parking pressures arising from the development resulting in greater pressure of parking in Sunnyhill Road and Melsted Road. Sunnyhill Road in particular has already a parking problem as many of the houses do not have off-street parking.

(c) Density and layout: The proposed development is out of keeping with the locality and too cramped. It is at variance to the housing styles and densities of the immediate neighbourhood. Whilst Sunnyhill Road and Melsted Road comprise a variance of housing styles and densities ranging from detached to linked family houses, all the properties, including the linked houses, have gardens of a size which give an air of spaciousness. That is not the case with this development and it appears that some of the gardens are less than 11.5m in depth. It is noteworthy that the principal reason for the Planning Inspector upholding the Council's refusal was overdevelopment in the context of the character of the area.

Should permission be granted, it is essential that none of the road safety provisions relating to the junction of Sunnyhill Road and Melsted Road, which were conditions of the planning permission for 4/00552/12 (construction of 13 dwellings at 89 Sunnyhill Road, Hemel Hempstead) be diluted.

34, 51, 61, 67, 74, 80, 81, 69, 63, 83, 87A, 21 Sunnyhill Road - Object:

#### Traffic / access

- Traffic volume would remain the same overall as the dismissed appeal
- Increased traffic along Sunnyhill and Melsted Roads
- Danger to pedestrians and road users
- The new junction will increase hazard
- Inadequate parking
- 26 spaces is not a generous supply of parking for 12 houses
- Increased pressure on existing inadequate car parking from overspill parking
- Access not been thought through for emergency vehicles

#### Layout and character

- Near identical proposal to the last dismissed appeal
- Significantly larger than the extant approval for 13 dwellings
- Scheme still essentially an application for 25 dwellings
- 25 dwellings still unsuited to the area

- Would make a different pattern behind Sunnyhill Road
- Would not fit in with existing development
- Would encroach into views along valley
- Would dominate area
- Loss of greenery and open space
- Cramped
- Overdevelopment
- Same impact on character and appearance of area
- Contravenes HCA9
- Density still the same overall as before
- Scale still the same as before
- Character and appearance of Sunnyhill Road would be spoilt

#### Residential amenities

- Loss of privacy
- Loss of view
- Loss of privacy to No. 67
- Loss of view to No. 67
- Noise pollution
- Light pollution

#### Other matters

- Extra pressure on services
- Will destroy an ecologically important site
- There are bats, toads and badgers in the gardens
- Part of land was acquired by adverse possession and should not be developed
- Health & safety impact
- Loss of vegetation
- Issues not considered by Inspector are still valid

### **Considerations**

#### Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein, under Policies CS1 and CS4 of the Core Strategy residential development is acceptable in principle subject to complying with all other relevant policy criteria. In accordance with the Character Appraisal (HCA9) plot amalgamation may be appropriate on the western side of Sunnyhill Road where rear gardens to houses fronting the road are of sufficient length to allow housing that meets the requirements of the Development Principles to be achieved.

Outline permission was granted on appeal for residential development comprising 13 dwellings to the rear of 89 Sunnyhill Road in March 2013. This is still extant as reserved matters were secured in April this year. The current application site relates to adjoining land to the rear of 71 to 87A Sunnyhill Road. If permitted it would, with the above approval, result in a larger comprehensive development site of 25 dwellings.

Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011

encourages the use of urban land to be optimised.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development of this site.

Members may recall that an application last year (4/01679/15/MOA) for comprehensive development of the land to the rear of 71 to 89 Sunnyhill Road for 25 dwellings was refused by the committee and subsequently dismissed on appeal.

Noting the Inspector's reasons for dismissing the appeal, the key issues in this case relate to the impact of the proposals on highway safety and the acceptability of the development in terms of the character of the area.

#### Highway and Access Considerations

The application is in outline with access and layout for determination at this stage.

The previous application for 25 dwellings (4/01679/15/MOA) was refused by the Development Control Committee, against officer recommendation, for the following principal reason:

*"The proposed development of 25 dwellings would constitute overdevelopment of the site and give rise to an intensification of traffic over the extant approval 4/00552/12/MOA onto a dangerous junction and onto a sub-standard gradient of access road. The proposal would therefore be harmful to the character of the area and to the safety of the public / private highway contrary to Policies CS11 and CS12 of the Dacorum Core Strategy September 2013, saved Policy 51 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Residential Character Appraisal HCA9: Hammerfield North of the Area Based Policies SPG 2004."*

Appeal decision - At the subsequent appeal, the Inspector considered the main issue to be the effect of the development on the character and appearance of the area; and the efficient and safe operation of the highway, with particular regard to the access road junction and on-street parking demand.

With regards to the highway concerns, the Inspector noted that the effects of the development on the efficient and safe operation of the highway would be the potential increase in vehicle movements along Sunnyhill and Melsted Roads, and the demand for on-street parking. She noted that the Inspector on the 2013 appeal found no harm in respect of the capacity of the new junction or vehicular and pedestrian safety. However, notwithstanding that there is no objection from the highways authority with regard to network capacity, she appreciated the concerns of residents that even a modest increase in traffic volume along Sunnyhill Road would increase congestion at times when there is only one running lane. She gave some weight to the fact that there is a significant history of non-personal injury, vehicle to vehicle, significant enough to report to the police. The Inspector also noted that there would be a small deficit of parking provision (56 shown but 59 required) and that the tandem parking layout for most plots would mean it was impractical and inconvenient to park both vehicles within the curtilages. Therefore she was not persuaded that there would not be an increased demand for on-street parking in Sunnyhill Road, whilst the increased traffic would be

likely to cause increased congestion during peak times. Whilst not sufficient in themselves to warrant dismissal, they supported her overall concerns about overdevelopment.

Discussion - With regards to the impact on traffic generation, there are several points to note.

The inspector in para 22 concluded that 59 spaces on the 25 unit scheme were required. Adopting the 100% parking standard from Appendix 5 of the Local Plan the current application in combination with the extant permission for 13 dwellings, requires 44.5 spaces. This indicates a 25% reduction in traffic that would be generated compared with the appeal proposal and as such is considered to address the Inspector's concerns regarding traffic volume, particularly as in para 22 of her report she concluded in respect of increased congestion on Sunnyhill Road *"that I would not necessarily consider these concerns sufficient to warrant dismissal of the appeal in the absence of other considerations"*.

In terms of parking provision, the Design and Access Statement confirms that the current development would comprise 6 x 2 bed and 6 x 3 bed houses. This generates a requirement at 100% standard for 22.5 spaces compared with the 27 that are shown to be provided on the latest revised plan. This oversupply is considered to go a long way to addressing the Inspector's concerns in para 22 of her report relating to increased demand for on street parking along Sunnyhill Road. Overall parking provision would be 4.5 spaces above the maximum standard.

The potential for overspill parking onto Sunnyhill and Melsted Roads is further reduced by the assignment of 2 of the spaces as visitor spaces within the layout. Furthermore, there remains the availability of on-street parking within the development and in this respect it is highly unlikely that residents or visitors would choose to park in Sunnyhill or Melsted Roads in preference to a more convenient location in close proximity to the address at which they are residing / visiting. There would be at least 4 additional spaces that could be used in this way within the proposed development.

With regards to the extant permission for 13 dwellings, at 22 spaces, this accords with the maximum parking standards set out in Appendix 5 for this development. Given that there is the further availability of on-street parking in the access road, the potential for overspill parking in Sunnyhill or Melsted Roads is considered minimal from this development.

Overall, the proposed development of 12 dwellings, together with the extant approval for 13 dwellings, is not considered to result in any significant overspill parking issues, or to result in any material harm that could reasonably be defended at appeal now by reason of the increased volume of traffic and any associated congestion in Sunnyhill Road.

With regards to the access road, the Inspector did not raise any concerns regarding the capacity or safety of this junction to accommodate the traffic from 25 dwellings.

All of the design principles that were fundamental to the eventual acceptability of the previous appeal decision (4/00522//12/MOA) have been incorporated into the current scheme and include the following:

- Offsite highway improvements to Melsted and Sunnyhill Roads comprising high friction surfacing, additional gullies, improvements to the allotment access with increased turning radii and deflection from the main carriageway, additional pedestrian space and guardrails to the north of the allotment access, bollards to the north of the proposed access to deflect vehicles, tactile pavers and drop kerbs across the proposed access and allotment access, and improved road markings along Sunnyhill Road and Melsted Road including double yellow lines.
- Shared surface access road designed to adoptable standards
- Gradient of access road slightly improved due to proposed diversion of sewer
- Under carriageway heating with two tier back up provision and standby generator
- Anti-skid road surface
- Separate pavement with handrail

The Highway Authority, as before, raises no objection on highway grounds, subject to conditions and informative. It accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road. It has advised that the number of vehicle trips generated by the proposed 12 dwellings together with the extant approval for 13 dwellings is unlikely to have a significant impact on the local highway network. It has noted that all the recommendations of the Road Safety Audit (RSA) have been accepted and included within the improved detailed design. It has noted that all the problems / issues identified in the RSA and Interim Safety Audit (ISA) have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, the HA has recommended that a Stage 2 RSA should be secured by condition. It has also noted that the offsite highway improvements will need to be secured by a s278 agreement with the Highway Authority. A Grampian condition is recommended with regards to these off-site works.

With regards to visibility, the submitted plan (12002/101 Rev D) indicates that visibility splays of 2.4m x 43m are achievable within highway land (to the south). The HA considers this appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site. However, as the extent of the highway boundary on the eastern side of Sunnyhill Road is not shown the HA has recommended that the submission of a visibility splay drawing is secured by condition.

The Highway Authority has requested that measures to encourage the use of sustainable transport options are required to ensure the development is sustainable and improvements to the eastbound and westbound bus stops on Warners End Road are identified for upgrading with easy access kerbs.

Subject to the above, the proposal is considered to accord with Policies CS8, 12 and saved Policies 51 and 58.

### Parking

Parking provision should accord with parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan. Amended plans increase parking by one space and assign two of the spaces for visitors. As mentioned above, the

provision more than satisfies the maximum standards set down in Appendix 5. Nine of the dwellings would rely upon garaging to satisfy part of their parking requirement. However, the applicant has confirmed that the garages would meet an internal width of 2.7 metres and furthermore, all car parking would be on-plot or reasonably sited in relation to the dwellings they would serve. The internal width is considered reasonable to ensure that garages can be used for parking, although it would not be possible to militate against their use for domestic storage. However, conditions would be expedient to ensure that the parking provision meets minimum dimensions and is at all times retained for this purpose and not converted to living accommodation.

The Inspector's reference to tandem parking contributing to the potential for on-street parking is noted. However, the tandem format of spaces is a commonly adopted layout in new development and is not easy to design out without seriously compromising other aspects of the layout such as landscaping and front gardens. That said, two of the 3-bed dwellings include side by side hardstandings in their layout which will help reduce the potential for on-street parking.

The layout, as before, provides access for parking to the rear of 87 Sunnyhill Road via the new estate road which will help alleviate on-street parking on Sunnyhill Road.

As garages are proposed for most of the houses, this is considered sufficient for cycle storage in accordance with Appendix 5. However, further details of cycle storage will need to be provided by condition in relation to dwellings without garaging.

Subject to the above, the proposal is considered to accord with Policies 12 and saved Policy 58.

#### Layout and character of area

Layout is a matter for determination at this stage.

Appeal decision - In considering the recent appeal proposal, the Inspector gave little weight to the applicant's submission that consideration of character and appearance was inappropriate given that it was not an issue for the allowed appeal in 2013 for 13 dwellings. The Inspector took this view for the reasons that it covered less than half the site, included flats, was further from the western boundary and the overall coverage appeared less dense with a more spacious relationship with the allotments and housing on Sunnyhill Road.

The Inspector considered in relation to the 25 dwelling scheme that it would have front and rear gardens of limited depth, with only four dwellings having a footway between their frontage and the access road, and seven dwellings lacking vehicular hardstanding beside the dwellings themselves. These factors indicated overdevelopment. The Inspector felt that the short lines of terraces stepping up the slope, across the valley, with separate garage blocks was piecemeal and would not reflect the prevailing grain of development, and would disrupt views along the valley. As such she felt it would appear cramped and fail to relate to the more spacious context of the existing gardens. She concurred with the Council that a lower density was appropriate.

Although noting few trees are worthy of particular retention, the Inspector felt that the scrubby hedge lines do contribute to the area's verdant character and , despite the



Tree Officer's view that the tree planting locations are acceptable, she agreed with the Council that the limited garden depths on the western boundary would put retained and new tree planting under pressure from occupiers wishing to minimise shading. She felt that this pressure would not be relieved by the plot widths of 8-10 metres whilst the line of the dwellings would cause shading from the east, adding to pressure to remove obstacles to direct sunlight. She also noted that the layout plan showed the tree canopies at a significantly reduced size and the RPAs (Root Protection Areas) impractically close to some dwellings. In addition the limited frontages would limit areas for new tree planting. Accordingly she took the view that the verdant character of the site would be significantly affected and represents overdevelopment.

The Inspector gave the appellant's argument that the proposal would represent optimal development little weight as the relevant policies (21) and NPPF (para 58) also say that development should not be permitted where the amenity or character of the area would be harmed.

### Discussion

It is difficult to make direct comparisons between the dismissed 25 dwelling scheme and the current application for 12 dwellings, not least because the site areas are different. The current application relates to only half the site. It utilises the extant 13 dwelling scheme by extending the access through to the rear gardens of Nos. 71 to 87 Sunnyhill Road. The approved development at 89 Sunnyhill Road for 13 dwellings remains unchanged as this scheme was considered acceptable on appeal in March 2013, whilst the last appeal inspector also agreed that it appeared less dense and has a more spacious relationship with the allotments and housing on Sunnyhill Road.

The applicant has sought to address the findings of the recent appeal Inspector with the following design and layout changes incorporated into the proposal.

- The density of the development has been reduced from 37 dph to 32 dph, looking at the two sites overall. Comparing the equivalent part of the 25 dwelling scheme with the current proposal, it is clear that the overall number of dwellings has been reduced from 14.5 on the appeal proposal to 12 on the current application. This represents a reduction from 39.1 dph to 32.4 dph and is now within the density range advocated by both saved local plan policies and HCA9 which advocates density in the range 30-35 dph.
- The proposed footprints of the dwellings and garages have been relocated further from the south western boundary to improve the separation distance from existing retained landscaping. Garden depths to this boundary have been increased from around 9 to 12 metres on the appeal scheme to 12 to 17 metres on the current proposal. The proposed layout retains the majority of mature boundary tree vegetation which will be reinforced with new planting along the full length of the site boundary with the allotments.
- Ridge heights proposed under the approved 13 dwelling scheme have been respected with the illustrative sections showing conventional two storey dwellings under traditional pitched or hipped tiled roofs which would also accord with the general character of Sunnyhill Road. Details would be the subject of reserved matters.

- The general character of the approved development at 89 Sunnyhill Road (with the exception of the flats) has been continued.
- An oversupply of parking for the development has been provided to minimize any possibility of future residents of the development parking on Sunnyhill Road (see previous section).
- Remote garaging has been eliminated with the one garage block sited in close proximity to or adjacent to the dwellings it would serve.
- Increased frontage areas have been designed into the scheme to allow for deeper front gardens and more scope for soft planting in the street scene. The originally proposed footpath at the frontage has been omitted at the request of the case officer to allow for greater soft planting and the addition of a visitor parking bay. Details of landscaping would be the subject of a reserved matters application.

The above changes are considered to address the concerns of overdevelopment noted by the appeal Inspector. The reduction in the number of dwellings and the associated density for this part of the site, together with the longer back gardens, would significantly improve the relationship with boundary planting and also provide a more spacious and open appearance to the street scene, with more opportunity for soft planting to the frontage and a less crowded / built up streetscape overall. The over-provision of car parking would also mitigate any potential for overspill parking in Sunnyhill Road which the Inspector noted as supporting her concerns regarding overdevelopment of the site.

Although the separation between dwellings along the western boundary (which the Inspector considered acceptable) would not markedly change from the appeal scheme, there would be a significant increase in front to side separation with the dwellings perpendicular to Sunnyhill Road (Plots 9 to 12). This would increase from 10 to 16 metres. In turn, the change from lines of terraces to semi-detached dwellings is considered to address the Inspector's concerns that the layout would not reflect the prevailing grain of development in the area and would significantly encroach into views along the valley. The reduction in the length of these blocks through the introduction of a semi-detached form with hipped roofs (details to be considered under reserved matters) would appear significantly less disruptive to the prevailing grain of development in Sunnyhill Road and the remainder of the site. Whilst the proposal would still terminate the cul de sac with a garage block, given that this would be single storey with a suggested hipped roof design, it is not considered that this would significantly encroach into views along the valley as it would still allow the backdrop of trees to the south to feature in vistas along the estate road as well as oblique views across the valley to the allotments between Plot 8 and the garage block.

A number of residents have raised concerns that the overall density of this and the extant approval for 13 dwellings remains the same as the appeal proposal at 25 dwellings. Although it is acknowledged that in overall terms the number of dwellings remains at 25, the flatted part of the extant approval referenced by the last inspector in Para 8 of her report and containing 6 of the dwellings, renders comparisons in purely numerical terms misleading. As a block combining 6 dwellings into one building, it is contended that the extant scheme does not appear as dense a development as if

those dwellings were separated out into 6 individual houses with separate front doors, parking areas and accesses. The harm to the character of the area is therefore less evident with a block of flats. Furthermore, it should be noted that the appeal scheme had larger bedroom units than the current combined scheme which substitutes 1 and 2 bedroom units for the 4 bedroom units in the appeal proposal. In terms of site coverage the current scheme also represents a 24% reduction in floor space and a 2.5 unit reduction in the number of dwellings compared with the same element of the 25 unit scheme. On balance, it is considered that there would be a net improvement overall to the open character of the area compared with the appeal scheme.

It should be noted that gardens on the western side of Sunnyhill Road are identified within the Policy Statement for the Hammersmith North Character Appraisal (HCA9) as appropriate for residential development comprising plot amalgamation where rear gardens are of sufficient length to allow housing that meets the requirements of the Development Principles. The existing gardens to properties comprised in the application site are roughly 65 to 75 metres deep and therefore considered to have good potential for backland development.

The Residential Character Appraisal Hammerfield (HCA 9) notes that the area has a medium density consisting of a variety of architectural ages and designs, possessing little unifying character throughout. The Character Appraisal notes the following development principles:

- Design: No special requirements.
- Type: All types are acceptable, although the resultant scale and mass of new proposals should respect that of adjoining and nearby development.
- Height: Should not normally exceed two storeys in height, except for cases where the proposal will adjoin three storey development and the character and appearance of the area is not harmed.
- Size: Small to medium sized dwellings are acceptable and appropriate.
- Layout: Variety in layout is acceptable. Where a clear building line exists, then this should be followed. Spacing should be provided at least within the medium range (2m - 5m).
- Density: Development should be provided in the medium density range (30 - 35 dwellings/ha).

The proposal adopts a layout that generally has a direct relationship with the street, which promotes safety, security and a more vibrant public realm and street face. The layout avoids a continuous block of 2-storey development along the boundary with the allotments by incorporating garages with lower roofscapes between the dwellings which will also help retain views of the allotments and hillside beyond. Spacing at first floors would accord with the Development Principles. Height is not for consideration at this stage but the illustrative street scenes indicate that two storey heights will accord with the Development Principles. The scheme provides a mix of two and three bed dwelling sizes which accord with the development principles that small to medium sized dwellings are appropriate.

The proposed density at 32 dph accords with the expected density of 30 - 35 dph in the Development Principles and the size of rear gardens (as discussed above) are not only more sympathetic to the open, verdant character of the area, but would also more than comply with the minimum 11.5 metre standard in Appendix 3.

As regards the relationship to trees, the Tree Officer has raised no concerns regarding the layout and, indeed, this amended scheme would improve the relationship to existing and proposed trees along the western boundary with longer rear gardens. The above said, it would be expedient to ensure control over future extensions for those plots backing onto the allotments in the interests of maintaining a good spacing with trees on that boundary and the best chance for their future survival and retention.

The layout is considered acceptable for approval and would comply with Policies CS10, 11, 12 and 13.

### Design and Appearance

Design and appearance form part of the reserved matters. However, information has been provided in the form of a layout plan, some illustrative sections and through discussion in the Design and Access Statement whereby design can be considered to a limited degree.

The site is located within Hammerfield North (HCA9) which is described in the Residential Character Appraisal (RCA) as a medium density residential area featuring a variety of architectural ages and designs but possessing little unifying character throughout. In terms of height the RCA points out that the area is predominately two-storey but with numerous three-storey examples, such as at Glendale, Glenview Road and Greenhills Court. Size is in the medium range, which is also the case for density, being 25 - 35 dwellings per hectare throughout.

As described above, the existing street is mixed in character of varying architectural forms and merit from traditional street terraces, early to mid C20 detached properties, later semi-detached properties and infill development from all periods. The street has a generally suburban quality being characterised by buildings with traditional proportions, two storey in height, set within landscaped gardens and having a close to medium setback from the road.

The proposed scheme is stated to be traditional in appearance with conventional housing frontages designed in accordance with CABE recommendations. In general terms, bearing in mind that the new estate road will largely not be seen in the context of Sunnyhill or Melsted Roads, the architectural form adopted in the illustrative drawings is considered to be an acceptable approach with the use of traditional detailing and proportions associated with the older houses in the immediate context. Importantly, positive articulation is shown with the introduction of traditional gable roof-pitches, bay windows, chimneys, projecting front gables and vertical fenestration. The introduction of hips on the dwellings perpendicular to Sunnyhill Road would help soften the visual form in views from both the estate road and existing dwellings in Sunnyhill Road.

Overall, it is considered that a scheme for the design and appearance of the proposal would be likely to integrate with the wider context successfully.

### Land Optimisation and Density

The extended site, enabling development of a number of gardens, would comply with saved Policy 10 that seeks a coordinated and comprehensive approach to

development by ensuring that opportunities for development in the immediate area are not missed.

Saved Policy 10 of the Local Plan seeks to secure the optimum use of land in the long-term by requiring all development to meet a number of criteria. Inter alia, general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Saved Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare but higher densities will generally be encouraged in accessible locations within the town centre. However, the national indicative minimum density of 30 dwellings per hectare was deleted from paragraph 47 of the now superseded PPS3, and NPPF no longer refers to a minimum. Therefore, there is no requirement to ensure that developments meet minimum density threshold as stipulated under Policy 21. Consequently, the issue is more focussed towards considering whether the density is compatible with the surrounding context. The Character Appraisal HCA 9 notes that new development should adopt a density between 30-35 dwellings per hectare. The proposal has 32 dwellings per hectare which would meet with the above guidance and is not considered to result in any material harm to the character of the area or other interests of acknowledged importance. Therefore, the proposal is considered to optimise the use of land in accordance with Policy 10.

#### Affordable Housing

Under Policy CS19 the threshold for providing affordable housing on site is 10 dwellings or 0.3 hectares. The proposal, at 25 dwellings, would therefore require the provision of affordable housing in kind at 35% of the dwellings, or 4 units. However, the applicant has submitted a financial viability case and it is understood that the Council's Strategic Housing team has accepted a commuted sum offer of £72,267 (a pro-rata reduction from the amount agreed on the appeal scheme) in this case on the basis that there are substantial additional costs to the development of the site on the basis of the under-carriageway heating system and the topography of the site, both of which add substantially to construction costs. Any comments from Strategic Housing will be provided at the meeting.

#### Impact on Trees and Landscaping

The landscaping of the site is reserved. However, the impact on existing trees needs to be considered as part of this application given that layout is for determination.

Information has been provided in the form of the layout plan and illustrative sections whereby the impact on trees and landscaping can be considered to a limited degree. An arboricultural survey and implications assessment has been submitted which allows consideration of existing trees.

There are a great number of trees throughout the site and boundaries of varying maturity and condition. Across the combined site, 91 individual trees and 22 groups of trees were surveyed of which some 41 individual trees and 12 groups are proposed to be removed to facilitate the development or for sound arboricultural management. On

the site itself (excluding the access road), there are some 48 individual trees and 14 groups of trees of which some 17 individual trees and 9 groups of trees would be removed.

The proposed layout retains the majority of mature boundary tree vegetation which will be reinforced with new planting where necessary.

The Tree Officer has raised no objection to the layout subject to details of a landscaping scheme being submitted for approval. There are no category A trees on the site. Only 3 category B trees or groups are to be removed. The vast majority of trees to be removed are category C and U which the Tree Officer has advised is not sensible to retain.

In terms of landscaping the proposal offers an excellent opportunity for a high level of planting, details of which would be sought under a reserved matters application. The indicated tree planting locations on the layout plan are considered generally acceptable. Details should include proposals for tree protection fencing.

Subject to the above, the landscaping proposals would comply with Policy CS12 and saved Policies 99 and 100.

### Impact on Neighbours

The impact on residential amenities needs to be considered as part of this application given that layout is for determination. The impact of height, scale, window locations needs to be anticipated to some extent as appearance is a reserved matter. As well as layout, information has been provided in the form of illustrative sections and through comments in the Design and Access Statement whereby residential amenity can be considered to a degree.

A number of objectors raise concerns with regards to loss of privacy, visual intrusion, noise and light pollution.

It is not considered that there would be any significant issues of overlooking caused by the development. Plots 9, 10, 11 and 12 which are closest to adjoining residential properties in Sunnyhill Road are set at right angles to the backs of Nos. 71 to 87A and therefore any overlooking would be at a very oblique angle. Any windows in the development can be designed out of the flank walls of Plots 10 and 11 at reserved matters stage. With regards to No. 67 Sunnyhill Road, given the back to back distance of over 30 metres with Plot 10, the proposal would more than satisfy minimum 23 metre standards in Appendix 3.

Whilst noting concerns raised about visual impact, given the minimum separation distance of some 19 metres from the backs of properties in Sunnyhill Road to the flank walls of Plots 10 and 11 and the topography whereby these plots would be set at a level substantially lower than the affected dwellings, it is not considered that a refusal could be substantiated on grounds of overbearing appearance or visual intrusion. Soft landscaping and appropriate boundary treatment will help mitigate any overlooking and visual impact.

There would be no infringement of the 25-degree line taken from any nearest facing windows of neighbouring residential properties. It is also considered that given the

circumstances of the site, an appropriate roof form, height and scale of residential buildings can be designed such that the development would not affect any light reaching any windows serving neighbouring residential properties.

Noise and disturbance from construction works will be controlled under other legislation.

The potential for light pollution is noted and it is recommended that details of lighting (including any street lighting as required by the Highway Authority) be required under the landscaping details.

#### Crime Prevention and Safer Places

This is a material planning consideration, although no details have been provided with the application. That said, the perimeter block layout would comply with recognised good practice urban design in terms of limiting opportunities for crime by ensuring public areas are well overlooked and private areas are secure and not easily breached by following the principle of public fronts and private backs. The Police Crime Prevention Officer has not raised any objections to the application but has recommended an informative regarding achieving the Secured by Design (SBD) award.

Subject to this the scheme would comply with Policy CS12.

#### Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

The application should be accompanied by a Sustainability Statement and Energy Statement as required by Para 18.22 of the Core Strategy and Policy CS29.

The principal sustainability credential of this proposal is that it is re-developing an existing site and making more efficient use of land for housing in a sustainable location. Whilst accepting that the introduction of under-road heating is not sustainable per se, this should be considered in the context of its use on a limited number of days in any one year, and balanced against the safety improvements that enable the land to be developed for much needed housing in a sustainable urban location that would otherwise have to take place in the countryside thereby encouraging more car journeys.

Given that the proposal is new build, there are many sustainability measures that can be introduced. A brief sustainability statement is contained within the submitted Design and Access Statement which indicates that the proposal will look to target Level 3 (plus 5% CO2 reductions) of the Code for Sustainable Homes and that solar panels will be installed on south facing roof slopes in association with conventional condensing boilers. It is also stated that low levels of water use will be achieved, materials will be sourced locally, timber will be from renewable sources, surface water will be cambered to allow runoff into the ground and a site waste management plan (SWMP) will be produced.

The above measures are welcomed as far as they go but are somewhat sketchy and

do not cover all aspects of sustainability set out in Policy CS29. Furthermore, with regards to the Code for Sustainable Homes as referred to in Table 10 of the Core Strategy, the planning department is revising its requirements through a revised Sustainable Development Advice Note. Basically, it is now just encouraging applicants to reduce carbon emissions over and above that required under the Building Regulations following the Housing Standards Review and withdrawal by the Government of the Code for Sustainable Homes in March 2015. The revised note is still in draft at this stage and, noting that there are no detailed house plans for each dwelling, it is recommended that completion of a statement to satisfy the updated criteria in Policy CS29 be sought by condition together with details of SUDS, solar panels and a Site Waste Management Plan.

### Impact on Ecology and Wildlife

It is noted that several concerns have been expressed covering the impact on the local ecology. Hertfordshire Ecology has noted that it has evidence of bats in this area of Hemel Hempstead. An internal and external bat inspection of the property was conducted in June 2011 by Skilled Ecology Consultancy Ltd and no signs or evidence of bats was observed. An updated survey in October 2015 found no change in the situation affecting 89 Sunnyhill Road and Hertfordshire Ecology has said it has no reason to disagree with the survey results.

An extended phase 1 ecological habitat survey was conducted by Hone Ecology on 14th October 2015. The survey results indicate that the mature trees have the potential to support nesting birds and therefore works to remove trees should be undertaken outside the nesting season. A single fruit tree trunk was identified with potential to support roosting bats but none were in evidence at time of survey. Therefore, a watching brief during felling is recommended. The dwelling to be demolished had no features suitable for bats. The site has a low potential for amphibians, reptiles and hazel dormice and no evidence of badger activity or setts was found. Domestic dogs contribute to a lack of mammal activity. Tree protection is recommended along the northern and western boundaries to prevent damage to trees. Enhancements across the site should include replacement native trees and plants and placement of bat roost boxes on one of the many trees to be retained.

Hertfordshire Ecology has confirmed that it has no reason to dispute the findings in the 2015 Phase 1 report that there are no fundamental ecological constraints to development provided the recommendations in the reports are followed. However, it has advised that the locally significant loss of trees from the site should be compensated for by a commuted sum to secure additional tree planting elsewhere. However, this request is new and was not suggested last time. As there is now more scope for replacement planting in the development, it is considered that satisfactory compensatory tree planting can be provided on site and will sufficiently offset the loss of habitat. It is recommended in this respect that a proportion of suitable fruiting trees and shrubs should form part of the landscaping proposals that will form part of the reserved matters. This would comply with Policies CS10, 12 and 29.

The site access is located adjacent to a Local Wildlife Site, Gravel Hill Spring Wood, and a number of residents on the previous application mentioned the possible impact on badgers, slow worms and other fauna and flora protected under the Wildlife and Countryside Act 1981. However, the proposals will not directly impact on the LWS and there is no evidence of badger setts or slow worms actually inhabiting the site.



Hertfordshire Ecology advised on a previous application that if badgers are actually on the site, a consultant may be required to advise but if they are simply using the area for foraging then precautions re on-site works may be required. In any event badgers are not European Protected Species (EPS) so any surveys can be done after determination by condition. Otherwise an informative that reminds the applicants that badgers may be in the area, are protected and that precautions may be required to avoid disturbance or harm, would be advisable.

Appropriate conditions and informatives are recommended to cover the above.

### Social and Physical Infrastructure

The proposal for 25 dwellings would generate additional social and physical infrastructure requirements and therefore, in accordance with saved Policy 13 of the Local Plan and Policies CS23 and 35 of the Core Strategy, the Council can seek financial contributions towards the reasonable public facilities, services and infrastructure that the development would generate. These should be sought through an s106 planning obligation.

A number of discussions have taken place previously with the applicants on financial contributions towards social and physical infrastructure. However, since then CIL has been introduced, and therefore the majority of these financial contributions fall away. The only contributions that can legitimately be requested under s106 are the highway contributions to the skid resistant surfacing on the adopted highway in Melsted Road, sustainable transport contribution to the upgrading of bus stops in Warners End Road, the affordable housing commuted sum and the provision of fire hydrants. The applicant agreed these contributions in relation to the recently dismissed scheme. A signed s106 unilateral undertaking has been submitted in relation to the current application. However, this excludes the previously agreed bus stops contribution for no apparent reason. We have asked for this to be added to the unilateral undertaking and resigned.

Until this is received and accepted the recommendation is to delegate with a view to approval subject to the completion of a s106 planning obligation.

### Other Material Planning Considerations

The Footpaths Officer has advised that Hemel Hempstead Footpath 24 which runs along the northern boundary of the site appears to lie within the application site according to the definitive map. He therefore advises that a footpath diversion order will be required. In practical terms, the actual footpath used will not change. An informative is recommended should planning permission be granted.

The matter of access to the footpath and dumping of garden waste is recommended to be controlled by appropriate means of enclosure as part of the reserved matters/landscaping details.

The Scientific Officer recommends the standard contamination condition be applied to this development should permission be granted.

The Minerals and Waste Team has recommended conditions covering construction waste recycling.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
  - Financial contribution of £72,267 to be used by Dacorum Borough Council for the provision of affordable housing within its district.
  - Financial contribution of £3,840 towards the upgrading of the eastbound and westbound bus stops on Warners End Road.
  - Financial contribution towards the maintenance of the skid-resistant surfacing on the adopted highway of £12,000.
  - Provision of fire hydrants.
3. That the following draft conditions be agreed:

- 1 **Approval of the details of the appearance and scale of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the**

## **implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **The details of appearance to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include the physical infrastructure associated with any renewable energy measures. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials, which shall include the footpath and carriageway;**
- **means of enclosure, which shall include native hedgerows with gaps to maintain the badger commuting route as recommended in the report by Hone Ecology (Ref No. E1450 141215) dated 14th December 2015;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;**
- **measures for biodiversity enhancement, including swift and bat boxes, and trees / shrubs bearing berries / fruits;**
- **programme of management for the soft planting;**
- **proposed finished levels or contours;**
- **external lighting;**
- **secure cycle storage facilities for those dwellings without garages;**
- **back-up generator;**
- **pedestrian handrail;**
- **minor artefacts and structures (e.g. furniture, refuse or other storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS10, 11, 12, 13 and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 7 Prior to the commencement of the development (including demolition works), the trees shown for retention on the approved Arboricultural Impact Plan contained within the Tree Survey Report & Arboricultural Impact Plan, 20th July 2016, prepared by Patrick Stileman Ltd shall be protected during the whole period of site demolition, excavation and construction in accordance with details to be submitted to and approved in writing by the local planning authority. The details of protection shall include a no-dig cellular confinement road construction detail and the siting of any service trenches on the side of the access road furthest from trees bordering the site's northern boundary.**

Reason: In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, demolition and buildings works would potentially result in harm to the health and survival of trees to the detriment of the visual amenities of the development and area.

- 8 The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (a) human health;
  - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - (c) adjoining land;
  - (d) groundwater and surface waters; and,
  - (e) ecological systems.
  - (f) archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 10 **No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 11 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 12 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 9, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 10. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 11.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 13 **Notwithstanding any details submitted, no development shall take place until a detailed sustainability statement that demonstrates how the criteria in Policy CS29 (as may be updated by the Council's Sustainable Development Advice Note) shall have been submitted to and approved in writing by the local planning authority. The Statement shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby limiting the available options for designing in sustainability

measures.

- 15 **No development shall take place until plans and details of the measures for sustainable drainage and water conservation, and of sustainable materials sourcing shall have been submitted to and approved in writing by the local planning authority. The details shall include clear arrangements for the ongoing maintenance of the SUDS over the lifetime of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note and to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policies CS29 and 31 of the Dacorum Core Strategy September 2013 Plan. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and measures potentially ordered and used, thereby limiting the available options for designing in sustainability measures.

- 16 **No development / demolition shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the plans and measures will already have been agreed and finalised, and the works commenced, thereby limiting the available options for designing in sustainable waste management.

- 18 **No development shall take place until a Stage 2 Road Safety Audit for the proposed highway improvements and access junction shall have been completed and submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and recommendations therein.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, the materials ordered and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

- 19 **No part of the development shall be occupied until the off-site highway**

**works identified in the approved Development Access Design Report by Abington Consulting Engineers and shown on Drg. No. 12002/101D shall have been completed. This condition shall not be considered discharged until written confirmation of the completion of the works has been submitted to and approved by the local planning authority.**

Reason: To ensure the adequate and satisfactory provision of a safe access and approaches to the access prior to first occupation of the development in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The works are required before commencement of development on site to ensure certainty that the works will be completed.

- 20 **The development hereby permitted shall not be occupied until the skid-resistant surface shown on Drg. No. 12002/101D shall have been provided in accordance with a PSV (Polished Stone Value) of 75 and a target SRV (Skid Resistant Value) of 80 as set out in the email from Ian Brazier (Abington Consulting Engineers) dated 15/10/12.**

Reason: To ensure the adequate and satisfactory provision of a safe access and egress to the site in wet conditions in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 21 **No development shall take place until full details (in the form of engineering specification scaled drawings and / or written specifications) shall have been submitted to and approved in writing by the local planning authority to illustrate the following:**

- i) Roads, footways, and associated surface water drainage;**
- ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev D;**
- iii) Turning areas;**
- iv) Street lighting scheme;**
- v) Visibility splays at the junction with the highway.**

**The development shall be carried out in accordance with the approved details.**

Reason: In the interest of highway safety and to ensure that the junction of Sunnyhill Road / Melsted Road and the proposed access junction are correctly illuminated in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

- 22 **All car parking spaces shall be a minimum of 2.4 metres wide x 4.8 metres deep, and all garages shall have an internal width of at least 2.7**



**metres and an internal depth of at least 4.8 metres.**

Reason: For the avoidance of doubt and to ensure the satisfactory provision for car parking in accordance with Policy CS12 of the Dacorum Core Strategy September 2015 and saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 23 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking (including garages) and circulation together with the access road shown on Drawing Nos. SRH/0010 rev C and 12002/101D and the details of electric under carriageway heating shown on Drawing No. SRH/03 rev A 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 a safe access and off-street vehicle parking facilities in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 **The development hereby permitted shall not be occupied until visibility splays measuring 2.4 x 43 metres shall have been provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction (on land within the applicant's control) between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 **The development (including demolition) hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include details of:**

- a. **Construction vehicle numbers, type, routing;**
- b. **Traffic management requirements;**
- c. **Construction and storage compounds (including areas designated for car parking);**
- d. **Siting and details of wheel washing facilities;**
- e. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- f. **Timing of construction activities to avoid school pick up/drop off times;**
- g. **The management of crossings of the public highway and other public rights of way;**
- h. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in compliance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before

commencement of development because the measures are required to be put in place to control activities from the start of works on site.

- 26 **Before any new access or crossover hereby permitted is first brought into use any existing access / crossover not incorporated into the development hereby permitted shall be stopped up and closed by removing the vehicle access / crossover, raising the kerb and reinstating the footway surface to the same line, level and detail as the adjoining footway verge and highway boundary**

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 27 **No part of the development shall be occupied until details of a management company (to oversee the management and running of the communal parts of the development, including the under-carriageway and footway heating and the skid-resistant surfacing) together with a full list of objectives and the standards to be achieved, shall have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for the inspection and replacement / maintenance of the skid-resistant surfacing and under-carriageway / footway heating. The development shall be maintained in accordance with the objectives and specifications approved and the company shall be permanently retained to manage the estate.**

Reason: To ensure appropriate means are in place for the long term maintenance of the communal areas and facilities in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51, 54 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 28 **The development shall be carried out in accordance with the recommendations contained within the approved Extended Phase 1 Ecological Habitat Survey Report and additional letter report dated 14th December 2015 (Ref No. E1450 141215) by Hone Ecology. Prior to development (including demolition) the protective reptile fencing shown on Figure 1 within the latter report shall be erected and maintained for the whole period of site works).**

Reason: To minimise impacts on biodiversity and incorporate positive measures to support wildlife in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 29 **If piling is considered the most appropriate method of foundation construction, no development shall take place until a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.**

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with Policy CS12 of the Dacorum Core Strategy

September 2013.

- 30 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no external lighting shall be installed on the site or affixed to any buildings on the site and no development falling within the following classes shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1, Classes A and E**

Reason: To enable the local planning authority to retain control over the development in the interests of limiting the impact of extensions and buildings on trees and light pollution on ecology interests in accordance with Policy CS10, 12 and 13 of the Dacorum Core Strategy September 2013 and saved Policies 99 and 102 of the Dacorum Borough Local Plan 1991-2011 and NPPF guidance.

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

**A43-15 - Site Survey  
SHR/0010 rev D  
12002/101 rev D  
SRH/03 rev A**

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 pro-actively through positive engagement with the applicant during the determination process 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 2012.

INFORMATIVES:

Physical Security

In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

1. Into a dwelling from outside
2. Into parts of a building containing flats from outside
3. Into a flat from the common parts of the building

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

### European Protected Species Licence

Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:

- A bat consultant;
- The UK Bat Helpline: 0845 1300 228;
- Natural England: 0845 6014523 or
- Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

The applicant is advised that should the presence of bats within trees or buildings on the development site become apparent, Natural England will need to be consulted and a European Protected Species licence obtained prior to any re/commencement of work. The licence application will need to include a *Method Statement* with the *results of the surveys*, a *Mitigation Strategy and Works Schedule* stating how it is proposed to accommodate each species of bat within the development.

All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

### Ways to achieve biodiversity gain

- Features identified in ecological surveys as of particular value for wildlife, such as mature tree lines, hedgerows or ponds, should be retained, protected and enhanced where possible;
- Opportunities for wildlife can be integrated into new buildings, through the installation of bird and bat boxes or bat lofts, or the creation of high quality green roofs;
- Landscaping can be designed to benefit wildlife, through creating structural and habitat diversity and use of native, wildlife-friendly plant species. Including fruit, seed and nut bearing species and nectar source plants will help attract insects and birds. Creation of ponds, dead wood habitats and loggeries provides further habitat diversity, enhancing the potential to support amphibians, invertebrates and small mammals.
- Retained, enhanced and newly created habitats and habitat features should be appropriately managed in the long term so as to maintain and

improve their ecological value. Habitat management plans should be used where required.

- Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement.

### Drainage

Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

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 Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

### Contamination

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

### Access and Facilities

4. Access for fire fighting vehicles should be in accordance with Section 5 of The Building Regulations 2000 Approved Document B (ADB).
5. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
6. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

### Water Supplies

7. Water supplies should be provided in accordance with BS 9999.

8. The Fire Service would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with Section 5 of Approved Document B.

9. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 8m of the hard standing facility provided for the fire service pumping appliance.

#### Hemel Hempstead Public Footpath 24

Hertfordshire County Council Officers have in the past assessed the legal line of this path and it was found to be obstructed by fencing from number 89 Sunnyhill Road. A diversion will be required unless adequate provision can be found to accommodate the legal extent of this path.

#### Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. Best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

#### Construction of hours of working – plant & machinery

In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

#### Dust

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised

to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

### Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of by following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested wood should burning be permitted.

### Ground Water Source Protection

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

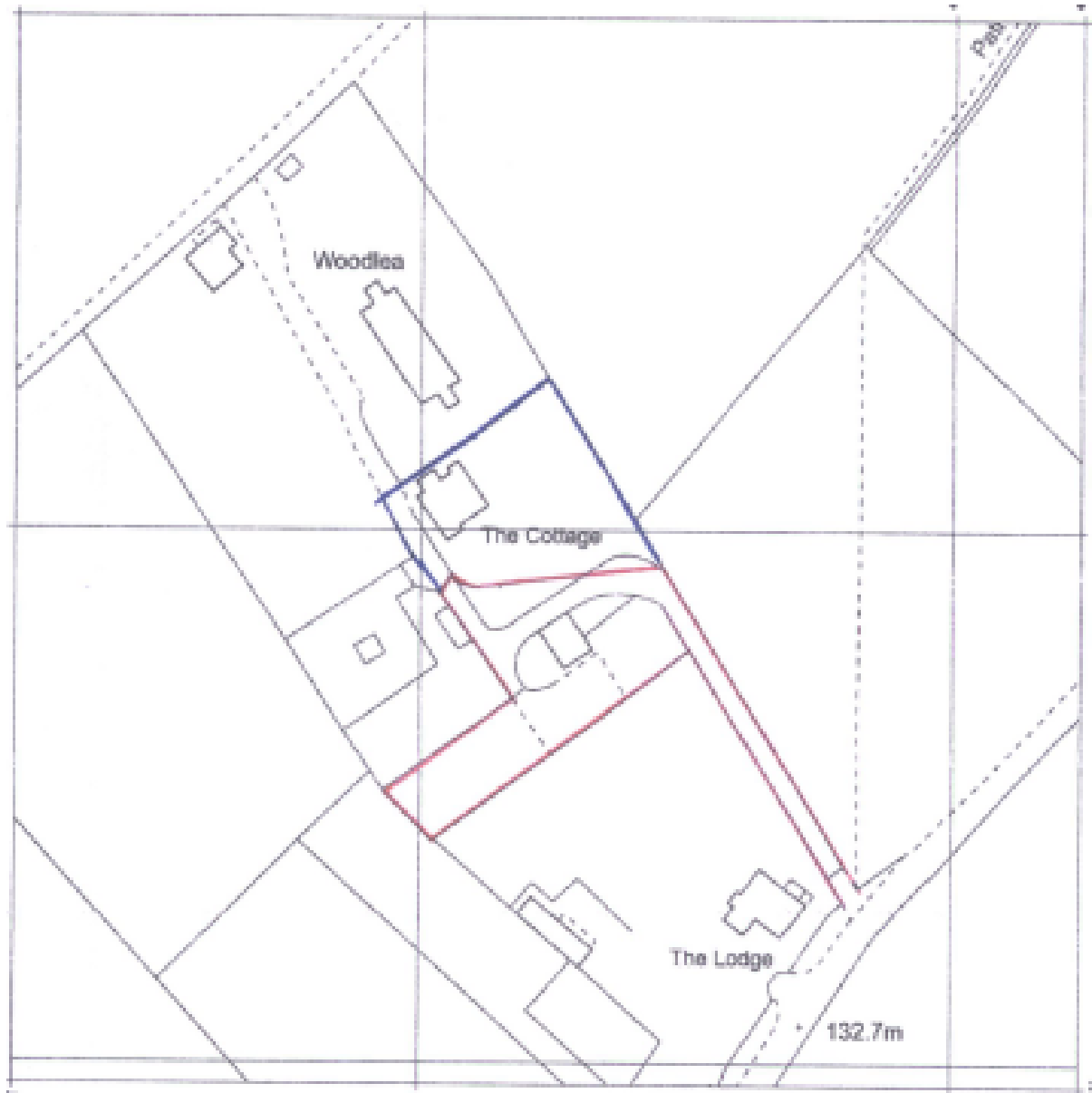
For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

# Agenda Item 5b

## Item 5b

**4/01919/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING. (AMENDED SCHEME).**

**THE RETREAT, NEWGROUND ROAD, ALDBURY, TRING, HP235SF**

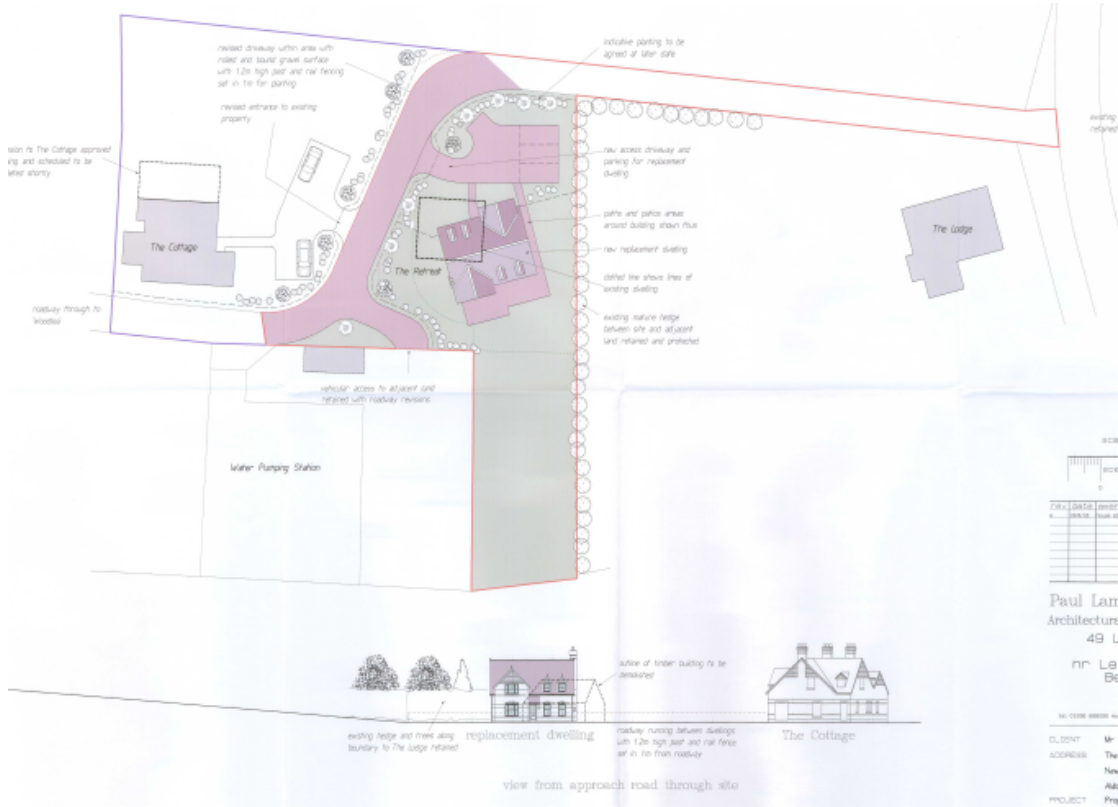




**Item 5b**

**4/01919/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING. (AMENDED SCHEME).**

**THE RETREAT, NEWGROUND ROAD, ALDBURY, TRING, HP235SF**



side elevation

plumb roof tiles to match "The Cottage" with feature ridge cline and finials

plumb clay vertical tiling to match gable detail as "The Cottage"

timber sliding sash windows with pane divisions as shown to match window style of "The Cottage"

walls in facing bricks with bonding courses in colour and type to match existing with stone cills and arches over doors and windows all to match "The Cottage"



front elevation



side elevation



rear elevation

**4/01919/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING. (AMENDED SCHEME)..  
THE RETREAT, NEWGROUND ROAD, ALDBURY, TRING, HP235SF.  
APPLICANT: M. PHILIPS .**

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[Case Officer - Tineke Rennie]

### **Summary**

The application is recommended for approval. The proposed development seeks to replace an existing dwelling in the rural area with no architectural merit with a dwelling that is sympathetic to the former Aldbury Isolation Hospital buildings in terms of scale and design. Due to its position at a lower level and within the group of buildings that are well screened from the wider area, the proposals are considered to accord with the character and appearance of the countryside and not adversely affect the AONB. The proposed development would not be harmful to the setting of the non-designated heritage buildings of the former hospital. As such the proposals accord with adopted Core Strategy Policies CS7, CS12, CS24 and CS27.

### **Site Description**

This site lies within the Rural Area, outside the village of Aldbury. It also lies within the Chilterns AONB and an area of archaeological significance.

The application site comprises a timber clad single storey building with some accommodation in the loft space, known as The Retreat. It was part of the complex of buildings that formed the former Aldbury Isolation Hospital. The hospital was established by the Berkhamsted Union and Rural Sanitary Authority in circa 1872. The Isolation Hospital was built to treat those with infectious diseases such as scarlet fever, diphtheria and typhoid (amongst others) – it had 16 beds in 1871 and this increased to 24 beds by 1948. In 1902 Tring and Aldbury Isolation Hospitals joined forces, Tring took smallpox cases and Aldbury took all the scarlet fever cases. During World War One it was used as a military hospital. Upon the creation of the NHS in 1948 the Aldbury Isolation Hospital was closed.

The Isolation Hospital site originally comprised the buildings now known as The Cottage and Woodlea that were linked by a covered walkway; there were outbuildings to the north (two of these remain in situ). The Lodge was built in the early 20<sup>th</sup> century adjacent to Newground Road. An additional building was constructed to the west of Woodlea (this was later demolished). The small (still part of the Water Pumping Station) pump house was also built at this time. The Lodge, Woodlea and The Cottage are all now in residential use. Conservation and Design have commented that all these buildings are considered to be of historic and architectural interest and should be considered non-designated Heritage Assets. The whole site is of historic interest.

The Retreat is also in residential use following the granting of planning permission in 2004. Access to The Retreat is from the access road which slopes down from Newground Road and follows the northwest boundary of The Lodge. The access road swings around to the west providing access to The Retreat and branches off to the northwest providing vehicle access to Woodlea and The Cottage. Trees bound the former Isolation Hospital site generally screening it from public viewpoints at Newground Road and nearby walkways; The Cottage and Woodlea can be glimpsed

through the trees. The Lodge stands out to a greater extent due to its scale and elevated position adjacent to the road. The other buildings are 1 ½ storey and more modest in scale.

There has been some question about the history of The Retreat in terms of when it was constructed and the role it played in the functioning of the hospital. A structure on the site of The Retreat is first shown on the 1950 Ordnance Survey map – it was a rectangular building on the site of the existing building. The 1976 OS map shows a square building on the site of The Retreat. This indicates that a structure was built on the site of The Retreat between 1925 and 1950. This structure may have been built as part of the hospital, perhaps as a store, it was of timber construction and it seems to have been largely rebuilt and clad in new timber boarding as part of the previous conversion to residential use.

The current building known as The Retreat is not considered to hold any architectural significance and as a much later addition to the hospital it is of little historic interest. Local residents have contended that the building has historic interest due to its connection with the use of the hospital. However, no evidence has been produced to confirm the precise use of the building during its life in connection with the hospital. Reference was made to its use as an isolation ward in the officer's report in 2003 however there is no information on the file to validate this supposition. It appears that this was reported to the officer by the applicant at that time. Conservation and Design have subsequently confirmed that it cannot be considered a non-designated heritage asset.

Following the demise of the hospital it is understood that The Retreat remained unused and became derelict until it was bought by the previous owner/occupier of The Cottage. It was used by this occupier for business purposes providing aircraft pilots with information and manuals etc since around the mid to late 1990s following renovation. The operation continued without the benefit of planning permission until permission was granted for a change of use to residential in 2004.

## **Proposal**

The proposal is for demolition of the existing building and construction of a new 4-bed dwelling. The building would be positioned more centrally within the plot and slightly to the south from the existing footprint. The access drive would be widened and realigned to reduce the sharpness of the bend and provide vehicle access and parking the front of the proposed dwelling; a new entrance and parking area would also be provided for The Cottage. The existing 1.8m high close boarded fencing aligning the access drive would be replaced with 1.2m high post and railing fencing that would improve visibility for users.

The replacement dwelling broadly reflects the design of The Cottage, it is 1 ½ storeys with a low eaves height, of brick construction with appropriate brick detailing, tile cladding to gables and a clay tile roof. The dormers are modest in size and the fenestration generally matches the existing. Following comments from Conservation and Design, the fenestration to the front elevation has been amended to replace the larger windows in the facing gable with two 6-over-2 sashes at ground floor level and one above.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Aldbury Parish Council.

### **Planning History**

4/04075/15/FU DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION  
L OF REPLACEMENT 4-BED DWELLING  
Withdrawn  
12/02/2016

4/02411/03/FU CHANGE OF USE FROM OFFICE/WAREHOUSE TO  
L RESIDENTIAL AND EXTENSION  
Granted  
10/02/2004

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

#### Adopted Core Strategy

Policy NP1 - Supporting Development

Policy CS1 - Distribution of Development

Policy CS7 - Rural Area

Policy CS12 - Quality of Site Design

Policy CS24 - The Chilterns Area of Outstanding Natural Beauty

Policy CS29 - Sustainable Design and Construction

Policy CS31 - Water Management

Policy CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policy 23 - Replacement Dwellings in the Green Belt and Rural Area

Policy 58 - Private Parking Provision

Appendix 3 – The Design and Layout of Residential Areas

Appendix 5 - Parking Provision

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)

Chilterns Buildings Design Guide

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

## Aldbury Parish Council

Aldbury Parish Council OBJECT to this application for the same reason they objected to the application submitted in December 2015. Namely based on the recommendation of the planning officer in February 2004 that no further development should take place on the site. As far as the PC are concerned, nothing significant has happened that overturns this recommendation.

Further comments received from Aldbury Parish Council on 07.09.2016:

Aldbury Parish Council OBJECT to this application for the same reason they objected to the application submitted in December 2015. Namely based on the recommendation of the planning officer in February 2004 that no further development should take place on the site. As far as the PC are concerned, nothing significant has happened that overturns this recommendation.

In order to respond to the supplementary planning statement, Aldbury Parish Council wishes to add the following comments:

- 1) The buildings at the Isolation Hospital site were built and renovated at various times so that the exact date of the building now known as The Retreat is not relevant.
- 2) The change of use from commercial to residential was granted in January 2004 under what the officer called "very special circumstances" and presented the arguments "for refusing any possible redevelopment of the site in future and thus safeguard the local residents from the threat of a replacement, larger dwelling". The planning officer was prescient in that just such an application has now been put forward. Her comments remain valid, and indeed have become even more valid with the passage of time.
- 3) Basically the building known as The Retreat is a shed and remains a shed although permission has been given for that shed to be occupied. It is no less of a shed and it would be bad practice to set a precedent whereby every shed in the AONB can, after a period of occupancy, be extended on the nod to become a four bedroomed detached house. Some objectors have put forward the view that approval in accordance with Building Regulations has never been granted.
- 4) A modern four bedroomed house will not blend into an historic and much valued local area and will stick out like a sore thumb.
- 5) Approving this application will open up adjacent land to future development.
- 6) Changing the layout of the road will remove some of the attraction of the immediate area and is intended only to enable the applicant to carry out this development as it will provide the land for the siting of the new larger building on a different axis.

## Conservation and Design

The application site comprises a timber clad single storey building with some accommodation in the loft space, it is known as The Retreat. The Retreat is situated within part of a larger site once occupied by the former Aldbury Isolation Hospital. The hospital was established by the Berkhamsted Union and Rural Sanitary Authority in

circa 1872. The Isolation Hospital was built to treat those with infectious diseases such as scarlet fever, diphtheria and typhoid (amongst others) – it had 16 beds in 1871 and this increased to 24 beds by 1948. In 1902 Tring and Aldbury Isolation Hospitals joined forces, Tring took smallpox cases and Aldbury took all the scarlet fever cases. During World War One it was used as a military hospital. Upon the creation of the NHS in 1948 the Aldbury Isolation Hospital was closed.

The Isolation Hospital was sited to the south of the village of Aldbury and accessed from Newground Road (it is set well back from the road). The site originally comprised the building now known as The Cottage and Woodlea, they were linked by a covered walkway; there were outbuildings to the north (two of these remain in situ). The Lodge was built in the early 20<sup>th</sup> century adjacent to Newground Road. An additional building was constructed to the west of Woodlea (this was later demolished). The small (still part of the Water Pumping Station) pump house was also built at this time. All these buildings are considered to be of historic and architectural interest and should be considered non-designated Heritage Assets. The whole site is of historic interest.

A structure on the site of The Retreat is first shown on the 1950 Ordnance Survey map – it was a rectangular building on the site of the existing building. The 1976 OS map shows a square building on the site of The Retreat. So it seems as if a structure was built on the site of The Retreat between 1925 and 1950. This structure may have been built as part of the hospital, perhaps as a store, it was of timber construction (not brick) and it seems to have been largely rebuilt and clad in new timber boarding as part of the previous conversion to residential use. The current building known as The Retreat is not considered to hold any architectural significance and as a much later addition to the hospital it is of little historic interest – it cannot be considered a non-designated heritage asset.

The site is within the Chilterns AONB and as such is within a sensitive landscape setting. The former Isolation Hospital site occupies a rectangular area of land with trees to much of the boundaries and it slopes down away from the road. The trees provide some screening to the site and The Cottage and Woodlea can be glimpsed through the trees. The Lodge stands out to a greater extent due to its scale and elevated position adjacent to the road. The other buildings are 1 ½ storey and more modest in scale.

A considerable amount of discussion has taken place regarding the replacement of the current building known as The Retreat with a new building. Its replacement was supported at the pre-application stage in 2015. An application was then submitted and withdrawn. Since then various plans have been considered and the overall scale of the proposed new dwelling reduced and the design improved. It is understood the scale of the proposed replacement dwelling is acceptable in planning terms.

The replacement dwelling broadly reflects the design of The Cottage, it is 1 ½ storeys with a low eaves height, of brick construction with appropriate brick detailing, tile cladding to gables and a clay tile roof. The dormers are modest in size and the fenestration generally matches the existing – the front elevation gable incorporates two wide windows, one at ground floor and one at first floor. I suggest the design is amended to have two 6-over-2 sashes at ground floor level and one above – this would be more characteristic of the fenestration on The Cottage which features single and paired sashes. Ideally the rear kitchen window should also be a sash.

In summary the existing building known as The Retreat is not considered to be of any historic or architectural merit, however it is located on the site of the former Aldbury Isolation Hospital (a historically interesting site) and the surrounding 19<sup>th</sup> and early 20<sup>th</sup> century properties are of historic and architectural merit and should be considered non-designated heritage assets. Overall the proposed replacement dwelling, whilst larger than the existing structure is of an acceptable design and is not considered to harm the setting of the nearby 19<sup>th</sup> century former hospital buildings. The new dwelling will need to be constructed of good quality construction materials and carefully detailed, to sit comfortably in this sensitive location and preserve the beauty of the Chilterns AONB.

Suggest the fenestration details are amended as set out above.

### 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 subject to the following conditions:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### **CONDITIONS**

1. 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.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

#### **INFORMATIVES**

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a

condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

## COMMENTS

These proposals are for the DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING (AMENDED SCHEME).

## PARKING

Three new parking spaces will be provided for the new property.

## ACCESS

The site is accessed via a private drive with vehicular and pedestrian access onto New Ground Road, which is an Unnumbered Classified "C" road, subject to a 60mph speed limit. No changes are required to the vehicular or pedestrian access and no changes are required in the highway. There have been no recorded injury accidents within the vicinity in the last five years.

## CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

## Trees and Woodlands

Concerning The Retreat, I have no objection to make with regard to the effect of proposed works on trees.

The site and surroundings do contain trees of significant size and amenity value. However, I haven't seen any reference to tree removal within the application and it is feasible that demolition and construction could occur with tree protection measures in place.

Measures would need to be BS5837:2012 compliant, agreed in advance with Trees & Woodlands Officers and be installed prior to any other site works.

## Hertfordshire Biological Records Centre

Thank you for consulting Herts Ecology on the above for which I have the following comments:

1. We have no ecological information on record for this site although the area is likely to be used by bats given its location and nature.
2. The demolition of the smaller building could affect bats if present. The building has an old origin but not part of the original complex of Victorian buildings. Whilst there has been some speculation regarding its previous use, it would appear that it has



undergone relatively recent renovation as outlined within the Planning Statement:  
3 The principle of redevelopment of The Retreat The case officer report relating to the permission that was granted on 9 February 2004 makes some strong comments to the effect that permitting change of use at that time should “preserve this building as it is” and ensure that “the character of this building is not destroyed.” However, that consent allowed the building to change to one clad in stained weatherboarding (retrospectively permitted) and for the roof to change to clay tiles.

4. The weatherboarding cladding could certainly provide opportunities for crevice dwelling bats but given this feature seems relatively recent, I am unconvinced that it would afford the same opportunities as more historic weatherboarding. Modern boarding is more cleanly sawn, less overlapped and less warped and would not provide the gaps associated with older structures of a similar nature.

5. Furthermore, the clay tiles are likely to be modern and in good condition, again reducing the likelihood of gaps. I also note that the upper levels of the building have been in residential use so there is no large enclosed roof space which would also provide potential for cavity dwelling bats.

6. Consequently, I consider the building possibly to be less than likely to support bats; however, this is an assumption based on a description and crude plans; no photos of the building have been included so there is no further evidence to demonstrate this is the case. If bats are present, any roost would be destroyed by the proposals. Therefore I advise that further photographs are submitted of this building to demonstrate the nature of the features I have described. I have attached a list with **highlighted features** that would provide further information in this respect and that would enable me to make a more informed judgement. The alternative is to request that a Preliminary Roost Assessment is undertaken to demonstrate the likely presence of bats.

7. Either way, the LPA is not in a position to determine the application given it has insufficient information upon which to judge the potential impact on bats. I am happy to advise further if further photos are provided or a PRA is undertaken and submitted.

8. There are – or were - several mature trees on the site, none of which are reflected in the plans or in any arboricultural report. These provide(d) considerable local ecological and visual amenity value within the site and location within an otherwise open arable farmland location. If these trees are to be removed – or already have been – consideration should be given to replacing trees on the site as part of any landscaping, none of which has been proposed as yet although the proposals do limit the extent of open land available for this. However if any landscaping is proposed, this should include fruit trees as it is clear from the 1924 map that part of the ground associated with the original older buildings was an orchard, and this feature would restore or improve the ecological value of the site if the opportunity was available.

Further comments were received from Hertfordshire Ecology on 23rd September 2016 following the submission of further information:

Thank you for sending me the photographs of the above building which are very helpful. I can provide the following comments:

1. I am satisfied that bats are likely to be in the area from the location of the site with adjacent trees and shrubs. Any property in the area could potentially have bats if

suitable opportunities exist.

2. There is no available roof space in the building suitable for cavity-dwelling bats, given that this area has been converted / is used as part of the residential function of the building.

3. The tiled roof is in good condition and well fitting; the roof ends have tiles which are well sealed with concrete. These characteristics indicate there is little or no opportunities for access between tiles and / or to any space suitable for crevice dwelling bats between the tiled surface and the roof lining. Consequently this area appears to be of negligible potential for bats.

4. The weatherboarding is relatively modern – evenly sawn, straight edged, no warping, close fitting and in good condition. There do not appear to be any likely access opportunities for bats.

5. The soffit and fascia create a well-sealed box in good condition, with little or no likely access opportunities for bats into the soffit box or beyond.

6. The only possible concern have is with the overlapping barge boards at the gable ends which create a potential crevice-type covered space over the weatherboarding at the gable ends. However it appears that the boards are reasonably proud of the weatherboarding and create a rather larger space in comparison to a crevice. I consider this is less likely to provide suitable opportunities for crevice dwelling bats. There are no obvious areas of staining which may also provide evidence for bats, although I do not know how common or widespread this type of evidence is.

7. However, on the basis of the above, I consider that the construction and nature of the building is as I suspected, namely a relatively modern renovation and in good condition affording little or no opportunities for bats. Consequently I do not consider that the LPA is reasonably justified in requiring a bat assessment of the building.

8. However given the limited possibility of the space behind the barge boards being used, I advise that as a precautionary measure, the barge boards are removed during the winter months to avoid the chance of bats being affected by any proposals. This is solely a precaution to avoid the low risk of bats using this space during the active season and being disturbed if demolition takes place during the summer – I do not consider features to have a reasonable likelihood of supporting a bat roost. I would advise the LPA to attach this guidance to any permission as an Informative, in addition to the standard Informative below:

- “Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

Comments received from Hertfordshire Archaeology Advisor:

I note that the amended scheme succeeds application ref. 4/04075/15/FUL on which this office commented on 29<sup>th</sup> January 2016.

The site lies within Area of Archaeological Significance No.26, as identified in the Local Plan. This notes that the area contains a number of important earthworks including sections of the prehistoric (Late Iron Age) earthworks known as Grim's Ditch, a medieval earthwork known as 'Stool Baulk' (a Scheduled Monument, [HER 6316]), and several prehistoric burial mounds. To the north of the site is a slight bank and ditch [HER 1430] which may be a continuation of Grim's Ditch, and therefore potentially of prehistoric date. This feature is shown on the Aldbury parish tithe map of 1840 as a field boundary that then continued to the south-east, through the application site, to end at Newground Road. The feature appears to be visible on vertical aerial photographs of the area, in the garden of the adjacent property, The Cottage.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend, therefore, as per previous advice, that the following provisions be made, should you be minded to grant consent:

- 1 the archaeological evaluation of the footprint of the new dwelling (further to the demolition of the existing dwelling on the site), via a process of 'strip, map and record' to the archaeological horizon, and the archaeological investigation of any remains encountered during this process
- 1 the archaeological monitoring of the groundworks of the development, such as services, footings, revised access and landscaping, as appropriate, and the archaeological investigation of any remains encountered during this process
- 1 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results
- 1 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

#### Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
1. The programme for post investigation assessment
1. Provision to be made for analysis of the site investigation and recording

1. Provision to be made for publication and dissemination of the analysis and records of the site investigation
1. Provision to be made for archive deposition of the analysis and records of the site investigation
1. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

#### Condition B

- i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
- i) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.

I hope you will be able to accommodate the above recommendations. Please do not hesitate to contact me should you require any further information or clarification.

#### Comments received from Herts and Middlesex Wildlife Trust:

Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are conditioned in the planning approval.

The design of the building is extremely suitable for bats (timber cladding), it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

Saved policy 102 of the Dacorum Local Plan states: 'In considering proposals that would have an effect on a species of acknowledged importance, account will be taken of the level of protection afforded to that species and the sensitivity of the species and its habitat to any potential adverse effects caused by the proposals'.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2010 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of EPS it has not acted lawfully. This may lead to prosecution or the overturning of the planning decision.

Recent case law (R (on the application of Simon Woolley) v Cheshire East Borough Council) clarified that planning authorities are legally obligated to have regard to the requirements of the EC Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances.

In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.

#### Comments received from the Chilterns Society:

I am surprised that the Chiltern Society did not receive email information of this application in the usual way, and so I have only recently become aware of it.

I note that you have received 11 statements of objection from Aldbury residents, who have explained the historical importance of the site. The site is within the Chilterns AONB and is also an Area of Archaeological Significance.

I have visited the site and observed that the dwellings which originally constituted the Isolation Hospital are certainly a unified and harmonious group of buildings.

Although the applicant states that proposed changes in the road layout will make the site more open, the fact remains that the proposed much larger building will be squeezed in between The Lodge and The Cottage. I can see no justification for replacing a small building with a much larger one, in this position of limited size on the overall site.

The Chilterns Area of Outstanding Natural Beauty states that 'the prime planning consideration will be the conservation of the beauty of the area' and that any development proposal which would seriously detract from this will be refused. I believe that the current proposal will completely spoil the harmony of the whole site.

#### Comments received from Hertfordshire Property Services:

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

#### Contaminated Land Officer

The application (amended scheme) superseded the original application (4/04075/15/FUL). I have no record of consultation relating to the 2015 application. The application is for the demolition of a building that was formerly part of the Aldbury Isolation Hospital and construction of a new dwelling. Consequently there may be land

contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Response to Neighbour Notification / Site Notice

##### Comments received from the residents of Brightwood:

We object most strongly to the application seeking to gain permission to build a four bedroom dwelling on the site indicated. The existing group of dwellings are all vernacular and contemporary to the period when the Isolation Hospital and its support facilities were first constructed.

It cannot be acceptable to gain permission by the "back door" to build a modern property on an AONB.

We sincerely hope that the application will be thrown out. If it is allowed to set a precedent it cannot be too long before large sheds/outbuildings dotted around Aldbury are used by developers as a method of gaining permission to build regardless of the sensitivity of the location.

##### The following comments were received from the residents of Odd Spring, Stocks Road:

this lovely old building should not be touched. i  
it should be left as it is.

you never know when the district might need an isolation hospital and its outbuildings again

This historic site should be respected and retained according to the report of 2003, there is no different reason to change the decision of 2003, when any possible redevelopment of the site in the future was rejected.

##### The following comments were received from the residents of 18 Malting Lane:

Originally a storeroom on site of historical interest, granted change from commercial to residential use in 2003 only under special circumstances, with importance stressed by Planning Officer at the time that the existing building remains and its character is not destroyed. To agree to developer's plan to demolish said building and build a very much larger house on the site would destroy the integrity of the historical site and in my view would be incongruous and without any merit.

##### The following comments were received from the residents of Rusthall, Malting Lane:

'The Retreat' is part of the old isolation hospital which is a site of considerable historic interest to the village. It was built at the end of the 1870s by the Rural Sanitary Authority of Berkhamsted, and John Ladds architectural designs were considered so good that they were borrowed by several other sanitary authorities. There are three main large houses on the site: The Lodge, The Cottage and Woodlea, which were originally the nurses lodge, the administrative block and an isolation ward respectively. 'The Retreat' was originally a store-room, one of several out-buildings; others include a wash-house, ambulance shed and mortuary.

Around 1995 it was renovated without planning permission by Chris Joliffe who then lived at The Cottage and he used it as an office/warehouse. When in 2003 he came

to sell it on alongside The Cottage, he sought a change of use from Commercial to Residential and this was granted by Dacorum Borough Council under what it called 'very special circumstances'.

The planning officer's report in 2003 stated:

'It is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which form a unified and harmonious group of buildings. Thus for this very reason this building should remain. It is important that the character of this building is not destroyed; this forms the raison d'etre for this use being supported. This argument will therefore be the basis for refusing any possible redevelopment of the site in the future and thus safeguard the local residents from the threat of a replacement, larger dwelling.'

In no way would the proposed development preserve the character of the original building, and its sheer scale would damage the integrity of this historic site as well as being much more imposing on the view from the village.

I am totally opposed to the proposed development of this site for the reasons I have given.

The following comments were received from the residents of 1 Newground Farm Cottage:

We have been at the above address since 1972 and were intrigued when we were informed that the rather pleasing grouping of obviously all of the same date were originally an isolation hospital. Obviously over the years there have been changes including a very sympathetic extension which now except for the difference in size between imperial & metric bricks is all but indiscernible. There was also the greatly increasing in mass with out planning permission of a wooden outbuilding which is now the subject of the current application which is a carbuncle destroying both the historic & aesthetic unity of the site As to the architectural detailing I believe that this is what is referred to in common parlance

as a "footballer's house" or in estate agent's argot "executive".

The following comments were received from the residents of Laundry Cottage:

Objection to Planning Application 4/01919/16/FUL  
Replacement dwelling at The Retreat, Newground Road, Aldbury HP23 5SF

My objection is made on the following grounds.

Size of Replacement Dwelling.

The proposed development has a far greater footprint and height than the existing building.

Policy 23 of the Local Plan only allows replacement dwellings to be no greater than 150% of the floor area of the original.

The proposed building has a far greater footprint and floor area, is substantially taller and wider than the existing building and is sited in a different position on the plot giving a more dominant impact on the whole site.

The height of the proposed building is in fact higher than the proposed building in a

previous application that was withdrawn following objections to its scale and impact.

The Site and Block Plans submitted for the proposed building show it in relation to the neighbouring building known as The Cottage, however the plan is shown with an extension to The Cottage approved planning and due to be completed shortly. This extension has not been built and no current planning permission for this has been granted. The proposal for The Retreat is in fact larger than the existing building known as The Cottage. Including the unapproved extension planned for The Cottage on the Site Plan is clearly intended to mislead.

Heritage Impact.

The Retreat is part of an historic group of buildings known as the Old Isolation Hospital. The significance of these buildings was noted in the planning officers report in 2004 when retrospective planning consent for residential status was granted for The Retreat (The Retreat was in fact illegally developed from an office / storage building by a previous owner).

The consent was only given on the understanding that no future larger development of the site should be permitted. The following statements were given at that time.

It is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which forms a unified and harmonious group of buildings.

...it is up to planning controls to preserve this building as it is, as part of the former hospital, and limit any extension to that which will be approved under this amended scheme.

This argument will therefore be the basis for refusing any possible redevelopment of the site in the future, and thus safeguard the local residents from the threat of a replacement, larger dwelling.

It is clear that when residential consent was given for The Retreat it was with the condition that a future larger dwelling would be unacceptable on this site.

The proposed building is in a sensitive location within the Chiltern Area of Outstanding Natural Beauty. Policy 97 of the Local Plan states that the prime planning consideration will be the conservation of the beauty of the area and that any development that would seriously detract from this would be refused. Policy CS12 relates to the quality of site design and requires any development to integrate with and respect adjoining properties in terms of site coverage, scale and height.

I feel that the proposed replacement building does not comply with these policies. The proposed two-storey dwelling would be out of character with the existing former hospital buildings and would be of far greater scale than the original building it is intended to replace. The hospital buildings are of historic interest as they form a group of properties including a former washroom, hospital wards, nurses and matrons homes and storage, and as such should be preserved in as close to their original scale, position and character as possible.



The following comments were received from the residents of 28 Malting Lane:

Objection to Planning Application 4/01919/16/FUL  
Replacement dwelling at The Retreat, Newground Road, Aldbury HP23 5SF

My objection is made on the following grounds.

Heritage Impact.

The Retreat sits within a group of historically important buildings, which formed what was known as the Old Isolation Hospital. The hospital buildings originally comprised a series of high quality brick built buildings used as the wards, nurses accommodation and administration buildings. These buildings were supported by ancillary buildings such as the laundry and storage buildings, which were smaller and less elaborate in form.

The building known as The Retreat was formerly one of the storage buildings. It is a relatively small timber frame building, clad with weatherboarding.

A previous owner of The Retreat had converted this storage building into a dwelling without either planning or building regulations consent. The owner was forced to apply for retrospective planning permission in 2004.

Retrospective permission was granted, however, the significance of these buildings was noted in the planning officers report when retrospective permission was granted only on the understanding that no future larger development of the site should be permitted.

The following statements were given at that time.

It is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which forms a unified and harmonious group of buildings.

... it is up to planning controls to preserve this building as it is, as part of the former hospital, and limit any extension to that which will be approved under this amended scheme.

This argument will therefore be the basis for refusing any possible redevelopment of the site in the future, and thus safeguard the local residents from the threat of a replacement, larger dwelling.

It is clear that when residential consent was given for The Retreat it was with the condition that a future larger dwelling would be unacceptable on this site.

The proposed building is in a sensitive location within the Chiltern Area of Outstanding Natural Beauty, the site is also clearly visible from two public footpaths. Policy 97 of the Local Plan states that the prime planning consideration will be the conservation of the beauty of the area and that any development which would seriously detract from this would be refused. Policy CS12 relates to the quality of site design and requires any development to integrate with and respect adjoining properties in terms of site coverage, scale and height.

The proposed replacement building does not comply with these policies. The proposed two-storey dwelling would be out of character with the existing hospital buildings and would be of far greater scale than the original building.

In 2006 Mr Miller made a planning application 4/02215/06/FHA. Which proposed a detached single garage, porch and conservatory, to then referred to by Mr Miller as The Old Office, and currently known as the Retreat. This was withdrawn on advice from the planning officer who stated that;

The whole scheme is unacceptable in terms of design and location of the proposed extensions. I have advised the applicant / agent, that they should withdraw the application and discuss a more suitable design and location.

It is also my understanding that building regulations approval has never been granted for The Retreat and thus the property should not in fact currently be used as a residence or indeed rental property as it currently is.

Size of Replacement Dwelling.

The proposed development has a far greater footprint than the existing building.

Policy 23 of the Local Plan only allows replacement dwellings to be no greater than 150% of the floor area of the original.

I understand that the calculation for the proportion of a proposed extension of a property should be made based upon the size of its actual, existing site dimensions. This application assumes that the site would be extended into the demise of the adjacent property, known as The Cottage.

I also understand that any calculations should be based only upon the habitable floor area of the existing property. Given that The Retreat has never received building regulations approval for use as a domestic residence, I suggest that the area/s used should certainly not include any of the mezzanine/1st floor area.

The proposed building has a far greater footprint and floor area, is substantially taller and wider than the existing building, and is sited in a different position on the plot giving a more dominant impact on the whole site.

The height of the proposed building is in fact higher than a proposed building in a previous application that was withdrawn following objections to its scale and impact.

The Site and Block Plans submitted for the proposed building show it in relation to the neighbouring building known as The Cottage, however the plan is shown with an extension to The Cottage with planning approved and due to be completed shortly. In fact no such extension has been built or indeed even started.

A previous owner was granted planning application for an extension in 2000. However these works were never started, and no external works have been undertaken to The Cottage by the current owner Mr Miller. It is my understanding that there has been no planning permission granted for a similar extension to the Cottage to replace the permission granted in 2000, which would by now, have expired.

The drawings submitted with the application are misleading as they have greatly enlarged the actual size of The Cottage, in order to make the proposed new Retreat building look smaller in relation to the exaggerated Cottage elevations and plans. The proposal for The Retreat is in fact much larger than the existing building known as The Cottage. Including the unapproved extension planned for The Cottage (which is owned by the same person as The Retreat) on the site plan is clearly meant to mislead.

Ownership.

The ownership and rights of access over the access road are not as straightforward as is claimed by the applicant.

The Land Registry plans show that other parties own sections of the access road and other parties have a right of access.

The application forms are misleading, Mr Phillips is mentioned as the applicant, however both The Cottage and The Retreat are owned by Mr S Miller.

There are numerous County Court Judgements and Charges upon both The Cottage and The Retreat, which would presumably call into question Mr Millers right to make changes to the property/s without the consent of those parties who have Charges granted in their favour.

The following comments were received from the residents of Glebe House:

I am appalled at this application. The Aldbury Isolation Hospital site is one of very few left in such state in the country. The building now known as 'The Retreat' was merely a store for the group of hospital buildings. Any alteration which extends or changes its size or appearance will ensure the entire site loses its integrity. It is a heritage building and should NOT be demolished and replaced. This fact was officially recognised by the Planning Officer concerned when consent was sought for residential use in 2003: indeed it was a condition imposed at that time - and so it should remain.

The following comments were received from the residents of Wychwood, Toms Hill Road:

The 2004 planning permission allowing change of use to residential was clear that no further development should be permitted on this site and the future of the building safeguarded. To allow the current application to proceed with the demolition of this historic building and the ensuing changes to the nature and integrity of the wider site is undesirable would go against the intentions of the 2004 decision.

The following comments were received from the residents of Georgia, Trooper Road:

I am concerned that the proposed development of the Retreat at the old Isolation Hospital should not be allowed to go ahead. As you are aware, in 2003 your predecessor recommended: 'It is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which form a unified and harmonious group of buildings. Thus for this very reason this building

should remain. It is important that the character of this building is not destroyed; this forms the *raison d'être* for this use being supported. This argument will therefore be the basis for refusing any possible redevelopment of the site in the future and thus safeguard the local residents from the threat of a replacement, larger dwelling.'

Quite apart from the aesthetic considerations it is important that prior recommendations are upheld. If they are not we cannot rely on any long term consistency of planning decisions, and the Council will be open to accusations of being 'bought off' by developers seeking to overturn prior decisions.

I do hope that you will see fit to recommend against this application.

The following comments were received from the residents of The Lodge, Newground Road:

The objection is made on the following grounds.

## 2. SIZE OF REPLACEMENT DWELLING

2.1 The Council's policy in respect of the Rural Area is set out in Policy CS7 of the Core Strategy.

It is compliant with the National Planning Policy Framework and, as such, carries significant weight in the determination of planning applications.

2.2 The Core Strategy adopts a 'settlement hierarchy', which identifies areas which will be the focus for development and areas which will be subject to greater development restraint. It notes that although the Rural Area is not within the Green Belt, the pressures it faces are comparable and, in order to retain its open character, the Council seek to control development in a similar way.

2.3 The proposed replacement dwelling is considered to be contrary to Policy CS7 which provides the Council's policy for the Rural Area. The first part of the policy provides a limited range of uses that are considered to be acceptable in the Rural Area. The application is not for such a use, as follows:-

- (a) It is not for agriculture;
- (b) It is not for forestry;
- (c) It is not for mineral extraction;
- (d) It is not for countryside recreation uses;
- (e) It is not for social, community and leisure uses;
- (f) It is not for essential utility services; and
- (g) It is not for uses associated with a farm diversification project, which can be demonstrated to be necessary for the continuing viability of the farm business and consistent with the principles of sustainable development.

2.4 The second part of the Policy CS7 permits a limited range of "Small-scale development" in the Rural Area, including the replacement of existing buildings for the same use. However, it is not considered that the dwelling proposed is appropriate, as it has a far larger footprint, a much greater floor area, is substantially taller, is located in a different position on the plot, and has a much more dominant impact.

## Building floor area excessive

2.5 Policy 23 of the Local Plan only allows replacement dwellings that small scale, as per Policy

22, which states that they should be no greater than 150% of the floor area of the original, as follows:-

“within the Rural Area the resulting building (including any earlier extensions and alterations

or replacement) should be less than 150% of the floor area of the original dwelling”

2.6 The Design and Access Statement submitted with the application refers to the footprint of the existing dwelling, as the starting point in determining the size of the replacement dwelling that would be acceptable. However, the footprint of the development is not relevant as the policy refers to the percentage increase in the floor area.

2.7 The application drawing (No. 2817-01a) show the existing dwelling as having a ground floor of 54.2 sqm and a first floor of 47.53 sqm, giving a total area of 101 sqm. However, the actual usable footprint in the loft room is far smaller than stated, due to the sloping roof. It is considered that only usable floor area should be included.

2.8 Notwithstanding the above, the proposed building is calculated as having a floor area of some 171 sqm, which is still too large when assessed against the Council's 150% limit in Policy 23 of the Local Plan. It represents an increase from 101 sqm to 171 sqm which is 169% larger. This is clearly contrary to Local Plan policy and is grounds for refusal of the application.

It is important to note that the 150% policy limit is not an absolute right. The Council is able to refuse consent for smaller replacement dwellings if they cause harm to the character of the area, particularly in respect of sensitive historic sites such as this.

## Building height excessive

2.10 The previous application for a replacement dwelling was withdrawn following objections received in respect of its scale and impact. However, it is clear from a comparison of the previous and current schemes that the issue of scale has not been addressed. The current application is for a building with a higher ridge height, higher eaves height, higher chimney and gables that are bulkier than the previously proposed hipped roof. It has a significant impact on the local area.

2.11 The proposed replacement dwelling would still be substantially higher than the original building and would have a harmful impact on the local area due to its size.

## Footprint excessive

2.12 The footprint of the proposed dwelling is far larger than the footprint of the existing house.

It should also be noted that the proposed replacement house is so much larger than the existing, it has had to be rotated to fit on the site.

2.13 It is also relevant to note that the site layout plan shows a large extension to 'The Cottage', but it is understood that this was granted planning permission in July 1992

and has, therefore, long since lapsed.

### 3. DESIGN AND HERITAGE IMPACT

3.1 This application relates to a detached building that was part of the complex of buildings that formed the former Isolation Hospital for Scarlet Fever.

3.2 In February 2004, planning permission was granted for the change of use of the application premises from an office/warehouse to residential. However, it is clear from the officer's delegated report in respect of the planning application, that the issue of preserving the heritage of this site was a key consideration and the application was only granted on the basis that the appearance of the building would remain unchanged. The following paragraphs are particularly relevant:-

"it is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which forms a unified and harmonious group of buildings".

"...it is up to planning controls to preserve this building as it is, as part of the former hospital, and to limit any extensions to that which will be approved under this amended scheme. The originally proposed garage was too close to the building and has therefore been omitted."

"It is important that the character of this building is not destroyed; this forms the *raison d'etre* for this use being supported".

3.3 The officer's report confirms that at the application stage, concern was raised by local residents that allowing a residential use may lead to its replacement with a full two storey dwelling. However, the officer's report confirms in two separate sections that any application for a larger dwelling is unlikely to be granted planning permission, as follows:-

"Any replacement of this building would be subject to planning permission, which, as seen above, is most unlikely to be forthcoming."

"This argument will therefore be the basis for refusing any possible redevelopment of the site in the future and thus safeguard the local residents from the threat of a replacement, larger dwelling."

3.4 It is absolutely clear that when the initial application for change of use to residential was considered, the Council was of the opinion that a larger building would be unacceptable in this location.

3.5 The adoption of the Council's Core Strategy in 2013 and publication of the National Planning Policy Framework in 2012 have strengthened the protection of heritage assets. It is a requirement in planning policy that heritage assets such as this are conserved in a manner appropriate to their significance. The proposed replacement dwelling would not achieve this objective.

3.6 The dwelling is in a sensitive location within the Chilterns Area of Outstanding Natural Beauty. Policy 97 of the Local Plan states that "the prime planning consideration will be the conservation of the beauty of the area" and that any development proposal which would seriously detract from this will be refused. Policy CS12 also relates to the quality of site design and requires development to integrate with and respect adjoining properties in terms of matters such as site coverage, scale

and height etc.

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3.7 It is not considered that the proposal would comply with these policies. The development would result in a two storey dwelling which would not relate well to the character of the existing hospital buildings. It would be of a far greater scale than the original building and would even be of a greater width than 'The Lodge' building itself.

#### 4. OTHER ISSUES

##### Highway Safety

4.1 The Design and Access Statement submitted with the application seeks to justify the proposal on the basis that it would improve highway safety. However, we do not consider that these works can be used to justify such a large dwelling. If there is a genuine highway safety issue then this could be addressed without the replacement dwelling proposed.

##### Openness

4.2 The Design and Access Statement submitted with the application seeks to justify the proposal on the basis that it would improve openness. However, this is far from the case.

The construction of a substantially larger dwelling on the site would have a detrimental impact on the openness of the area.

##### Orientation of Dwelling

4.3 The Design and Access Statement submitted with the application states that the replacement dwelling has been orientated so as to relate well to the plot. However, such a change in orientation would not be required if the replacement dwelling was smaller and situated on the exact position of the original building.

##### Timber Clad

4.4 The Design and Access Statement submitted with the application states that the existing building is out of character due to being timber clad. However, this was not the view of the

Council at the time the building was originally converted to a dwelling. The Council considered the building to be of heritage importance and the officer's report states "It is important that the character of this building is not destroyed".

##### Increase in Hardstanding

4.5 The proposal would also result in the provision of large areas of hardstanding, with the parking and turning area occupying almost all of the front garden. This has a detrimental impact on the character of the local area. A large area of hardstanding is also proposed to the rear of the dwelling.

#### 5. CONCLUSION

5.1 In conclusion, for the reasons summarised in this Statement, it is considered that the proposed replacement dwelling is unacceptable. It would exceed the floor area limit specified in the Local Plan and is contrary to the Core Strategy

5.2 The dwelling is in a sensitive location within the Chilterns Area of Outstanding Natural Beauty and the development would result in a two storey dwelling which would harm the historic interest of this former hospital building.

5.3 We strongly recommend that planning permission be refused.

Further comments were made by the residents of The Lodge following the submission of further information:

## 1. INTRODUCTION

This report has been prepared to respond to the Supplementary Planning Statement, dated August 2016, which was submitted in support of an application for a replacement dwelling at The Retreat, Newground Road (4/01919/16/FUL).

## 2. HERITAGE ISSUES

2.1 The Supplementary Planning Statement seeks to demonstrate that the existing building is not of historic interest, and that there should be no objection to its redevelopment.

However, the applicant's Supplementary Planning Statement is not the same as a formal Heritage Statement prepared by a suitably qualified conservation specialist.

2.2 The Supplementary Planning Statement contains various historic maps which are put forward as evidence to show the building did not exist at the time the isolation hospital was in use. However, relying on historic maps is not definitive proof as to when the building was constructed. It should be noted that the building is also not shown on the 1996 OS map and 1980-1996 OS map of the area as confirmed below.

1980-1996 OS map  
1996 OS map

2.3 The Supplementary Planning Statement also refers to comments about the hospital in an article published in the magazine "Hertfordshire's Past" in 1994. However, as this article makes no mention of the building that is the subject of this application, it is of little use in assessing the buildings importance.

2.4 The fact that the application building is not included in the article in Hertfordshire's Past does not mean it is not an important building. The article also omits to mention other buildings that are clearly original, for instance, the very pretty small building on the south side of the access road, which can be seen at the left of the photograph in section 3 of this report. The Supplementary Planning Statement also appears to confuse it with the modern pumping station, which is indeed owned by Thames Water, but is set further back.

2.5 The Hertfordshire's Past article indicates that different hospital buildings were built in stages and over a wide period of time. For instance, the gap between the first stage (the first ward pavilion and administration block) and the second stage (the second ward pavilion and the porter's lodge) was over twenty years. From the evidence of the available OS maps it seems that the building on the site of The Retreat appeared sometime between 1924 and 1950, therefore within the functional lifetime of the



hospital.

2.6 The Supplementary Planning Statement states that the case officer in 2004 'refers to the building as having been clad in asbestos and with a green Onduline roof' and that the Onduline dates it post 1944. What she actually states is 'The roof is covered in green Onduline material. The door and window frames are wooden. Internally it has been lined with insulation and thermalite blocks.' (our emphasis underlined). It is clear from this that she is referring to the renovated building, not the original, and so nothing useful can be inferred.

2.7 The case officer's report was quite clear that the building is of historic interest, as demonstrated by the following extracts:-

- "it is important that this building, as it has been renovated already, should remain as it forms an historic part of the former hospital which forms a unified and harmonious group of buildings".
- "...it is up to planning controls to preserve this building as it is, as part of the former hospital, and to limit any extensions to that which will be approved under this amended scheme"
- "It is important that the character of this building is not destroyed; this forms the raison d'etre for this use being supported".

2.8 The applicant has not submitted a formal Heritage Statement prepared by a suitably qualified conservation specialist. The new evidence put forward in respect of the age and importance of the building is not conclusive. As such, we do not consider that there is any basis for the Council to now change its position in respect of the importance of the original building.

### 3. PRINCIPLE OF REDEVELOPMENT

3.1 The Supplementary Planning Statement states that subject to an acceptable design solution being proposed, there is no reason why the building should not be demolished and rebuilt. However, we do not consider that the proposal represents an 'acceptable design solution'.

3.2 The change of use from commercial to residential was granted in 2004 described by the officer as 'very special circumstances'. Arguments were presented 'for refusing any possible redevelopment of the site in the future and thus safeguard the local residents from the threat of a replacement, larger dwelling.'

3.3 The photograph below shows the building as it was at the time of the above planning application for conversion to a dwelling. What is now proposed is a much larger two storey building on an historic site and Area of Outstanding Natural Beauty (AONB), and is in marked contrast to the character and appearance of the existing building.

The premises in November 2003

### 4. DESIGN

4.1 The Supplementary Planning Statement refers to recent pre-application discussions, in which a new case officer considered that the existing building "is not of any architectural merit and does not reflect the character of this historic site" However,

this is in stark contrast to that of the former case officer (Jackie Ambrose, Assistant Team Leader), that the building “should remain as it forms an historic part of the former hospital which forms a unified and harmonious group of buildings”.

4.2 The officer’s report in respect of the original application confirms that at the application stage, concern was raised by local residents that allowing a residential use may lead to its replacement with a full two storey dwelling. However, the officer’s report confirms that any application for a larger dwelling is unlikely to be granted planning permission, and states:-

- “Any replacement of this building would be subject to planning permission, which, as seen above, is most unlikely to be forthcoming.”
- “This argument will therefore be the basis for refusing any possible redevelopment of the site in the future and thus safeguard the local residents from the threat of a replacement, larger dwelling.” (our emphasis underlined).

4.3 It is clear when the initial application for change of use to residential was considered, the Council was of the opinion that a larger building would be unacceptable in this location. We do not see any basis for the Council to now change its position.

4.4 Furthermore, the application proposes to reroute the access road to 'restore the sense of unity to the site'. This is a spurious argument. The real reason for changing the access road is to reallocate land from The Cottage to The Retreat so that a much larger building can be fitted in. If more openness is needed, it would be quite simple to replace the existing close boarded timber fencing with post-and-rail at no great expense.

## 5. POLICY

5.1 The Supplementary Planning Statement states that the existing building has an internal floor area of 101.7 sqm. However, the first floor of the existing building is a loft room and due to the steep roof some of the floor space is not usable (it is too low for someone to stand up, or to put a wardrobe etc). We do not consider that this floor space should be included in the floor area calculation.

5.2 Excluding the part of the loft room where the floor to ceiling height is very low would reduce the floor area of the existing building to significantly under 101.7 sqm. This would result in the proposed dwelling being more than 150% larger than the existing.

5.3 The applicant has submitted drawing No. 2817-01a which includes a plan of the existing first floor of the property. However, this does not include the boxed area under the eaves which is shown in the photo below. It is requested that the drawing be amended to properly reflect what has actually been built. It is also requested that CAD drawings of the existing building and proposed replacement dwelling are provided so that my client is able to see which parts of the buildings have been included in the applicant’s calculations.

First floor as built (From website Lets Unlimited)

Extract of drawing No. 2817-01a - boxed area under eaves not shown

5.4 Notwithstanding the above, Policy 22 of the Dacorum Local Plan does not give an automatic right to build a replacement dwelling at 150% of the floor area of the original. The supporting text makes clear that: -

- “Judgements about the appropriateness of a proposal will have regard to other aspects of size, i.e. building footprint and volume, in relation to the characteristics of the site and its surroundings”.

5.5 We consider that the proposed building has an excessive height and footprint. The footprint of the proposed dwelling is far larger than the footprint of the existing house, and the volume also significantly more. The dwelling has also had to be rotated to properly fit on the site.

Footprint of the proposed dwelling is far greater than existing and requires the dwelling to be rotated

5.6 The replacement dwelling would be of a far greater scale than the original building and would have a greater width than its neighbour, The Cottage.

## 6. CONCLUSION

6.1 In conclusion, for the reasons summarised above, it is considered that the proposed replacement dwelling is unacceptable. The dwelling is in a sensitive location within the

Chilterns Area of Outstanding Natural Beauty and the development would result in a two storey dwelling which would harm the setting of the historic hospital buildings.

6.2 The proposal amounts to overdevelopment that would harm the historic fabric of the area. On behalf of my client we respectfully request that planning permission be refused.

### Comments received from the residents of The Cottage:

I write on behalf of myself and my neighbour to support the above planning application for the following reasons.

The applicant took the trouble to seek the planning departments opinion on his proposals by submitting a pre planning application and it is clear from their report that the planning departments advice is in favour of the proposal providing they followed the planning guide lines, I list below their positive comments from their report.

1. The applicant wishes to replace the existing timber clad dwelling with a larger chalet bungalow of materials and design, more sympathetic to the other dwellings within the complex, creating a more conventional site layout.
2. The existing building is not contemporary with the existing brick built buildings.
3. The amenity of adjoining occupiers would also be considered but the existence of neighbouring dwellings would not necessarily preclude the construction of a taller dwelling.
4. Notwithstanding its unclear history, the building is not of any architectural merit and does not reflect the character of this historic site, although significant weight was placed on the character and historic significance of the building when the conversion was granted, the single storey building was and still is, at odds in its appearance with

the brick build Victorian former hospital buildings, which are of fine architectural quality. The principal of replacing the building with a more sympathetic dwelling, is in accordance with the development plan.

5. A replacement dwelling of superior design and materials, more compatible with the surrounding development, may justify an increase in size.

6. The submitted plans indicate that the replacement dwelling, would aim to respect the building style of the rest of the complex and this is welcomed.

7. The simple gable form of the proposed dwelling is acceptable.

8. The proposed layout positions, the dwelling perpendicular to the adjoining dwellings which would be unlikely to give rise to overlooking to either property from first floor windows, the rear garden provision would be unharmed compared with the current situation and would be improved by the relocation of the vehicle access and parking to the opposite side of the site.

## CONCLUSION

A replacement dwelling on the site is acceptable in principal, subject to the considerations outlined, there is scope to redevelop the site with a larger dwelling.

You will appreciate that this pre application advice, was given to us on the 4th September 2015 and since that date, we have been working with the planning department in an attempt to expand on their advice, ensuring that the size and design of our proposals is as good as it could possibly be. Our latest drawings which have been submitted as a formal application, we believe successfully deals with any prior concerns and I sincerely hope you can review the drawings and confirm that you will have no objections to our proposals.

There is one point that I wish to make clear, the increased size of the new dwelling is within the guide lines laid down by planning policy, we have not attempted to go beyond those guide lines.

The new home will be in keeping with the other properties and the new driveway will be safer and more pleasing to the eye.

I trust planning will be approved for this high quality home which will enhance the other homes in this location.

### Comments received from the residents of Woodlea:

I am writing to support the replacement of what was originally an asbestos hut. This was replaced illegally by my then next door neighbour with a breeze block construction. I have lived here in the original hospital building for almost 39 years and I pass the existing building on a daily basis & it is not a pretty sight. Mr Miller's proposed building is very close to the appearance of his own house, he lives next door to me in an original building & I think the proposed new build would fit the look of this little complex very well.. I am very happy to support the building of this new house. People need somewhere to live & we have a great shortage of homes.

## **Considerations**

### Policy and Principle

The site is located within the Rural Area in which small scale development such the replacement of existing buildings for the same use and the redevelopment of previously development sites (excluding temporary buildings) will be permitted in accordance with adopted Core Strategy Policy CS7 provided it has no significant impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside. Saved Local Plan Policy 23 permits replacement substantial permanent buildings in the rural area providing they are: compact and well-related and retain sufficient space around the building to provide an attractive setting and to protect the character of the countryside; not visually intrusive on the skyline or open character of the countryside; and are no larger than the dwelling it replaces or less than 150% of the floor area of the original dwelling.

Concerns have been raised that the existing floor area of The Retreat has not been accurately shown, as storage space under the eaves has been shown as habitable. The applicant has subsequently amended the existing floor plans showing the existing floor area as approximately 88m<sup>2</sup> and the proposed floor area of the dwelling as approximately 153m<sup>2</sup> which would amount to an increase of approximately 174 percent of the original dwelling. Whilst this provides an indication of the extent of the increase in size of the replacement dwelling, the key consideration is whether or not the proposals would have a significant impact on the character and appearance of the countryside and on the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with the recently adopted Core Strategy Policies CS7 and CS24.

Recently adopted Core Strategy Policy CS7 is the most up to date policy and significant weight should therefore be given to this in the consideration of any proposed development in the rural area. Saved Policy 23 is less up to date and less weight should therefore be afforded to the specific increases in floor levels which are referred to.

The replacement dwelling has been designed to broadly reflect The Cottage with reference to the Chilterns Buildings Design Guide. It is considered to be sympathetic to the immediate setting and group of existing hospital buildings. The dwelling is positioned at a lower level below Newground Road and located centrally within the former hospital grounds which are well screened from public viewpoints. As such it would have minimal impact on the character and appearance of the surrounding countryside and AONB. The proposed development therefore accords with adopted Core Strategy Policies CS7 and CS24.

The principle of the redevelopment of the existing building has been questioned by residents particularly given the comments made in the officer's report in relation to the 2004 planning permission for a change of use of the building to a self contained building. The principle of this conversion was not supported by relevant policy, but the Council found at that time that there were exceptional circumstances in favour of the development. As part of this permission, all householder permitted development rights were removed to control all future development within the site, including alterations to or enlargement of the building or boundary treatment, and the construction of outbuildings.

Whilst comments were made by the officer in their report about the character and historic value of the building within the group of hospital buildings a number of factors should be noted. The officer at the time was assessing a change of use of the building and not its redevelopment which would have been speculative at that time. Had they been considering the replacement of the building with a detailed scheme they would have sought further information and guidance about the historic and architectural merit of the existing building. Further information has since been submitted which does not confirm the significance discussed by the officer at that time; as such its significance remains inconclusive. The policy context has changed since this application was determined. Furthermore the permission for residential use was granted in 2004 and has now become well established. These factors all reiterate the material change in circumstances since this permission was granted and the need to consider this case on its merits.

Notwithstanding its unclear history, the building is not of any architectural merit and does not reflect the character of this historic site. The building is not contemporary with the original brick-built buildings. The timber-clad single storey building was, and still is, at odds in its appearance with the brick-built Victorian former hospital buildings, which are of fine architectural quality. The principle of replacing the building with a more sympathetic dwelling which would not be detrimental to the character and appearance of the area or the AONB is in accordance with the Development Plan Policies CS7 and CS24.

#### Impact on the Rural Area, AONB and Setting of Heritage Assets

The proposed dwelling would be positioned centrally within the wide northern half of the plot angled slightly to the north, replicating the orientation of The Lodge. The group of dwellings are well spaced and form a general line from Newground Road to the northwest. The positioning and space around the proposed dwelling is broadly consistent with this group. A long rear garden is proposed with a depth of approximately 19.0m; as a result the overall plot size is relative to that of The Cottage.

An improved standard of accommodation would be provided for future occupants of the dwelling. At present the dwelling is positioned close to the access drive with predominantly hard surfacing for parking to the side and rear of the site. The proposed dwelling would be positioned away from the access drive with uninterrupted private garden to the rear and landscaped space around the dwelling.

The replacement dwelling broadly reflects the design of The Cottage, with low eaves height, gable features and similar fenestration with ratio of solid wall to window. Consideration has been given to reducing the bulk and scale of the dwelling, particularly at roof level through the use of small low dormers and low gable features. The resulting proposal is considerably higher than the existing building, albeit similar in height to The Cottage.

The proposed dwelling is considered to represent an overall improvement to the existing timber clad building in terms of its character and appearance and relationship with the other existing buildings.

The additional height and bulk at roof level is not considered to detract from the character and appearance of the surrounding area. The building would be positioned well within the existing group of buildings and would be similar in height and scale to the adjoining Cottage and Woodlea. By contrast The Lodge is much taller and more prominent at the corner of the access drive on Newground Road. The remaining dwellings however sit at a lower level; the proposed dwelling would be positioned below The Lodge and adjoining The Cottage where the ground levels out. As with the other dwellings at this level it would be well set back from the boundary of the former hospital buildings which is well defined by mature vegetation that screens the site from wider views. On this basis the proposed dwelling would not be visually intrusive on the skyline; wider views or immediate former hospital grounds setting.

Conservation and Design have assessed the impact of the proposals on the setting of the former hospital buildings and the wider AONB and concluded with the following:

*In summary the existing building known as The Retreat is not considered to be of any historic or architectural merit, however it is located on the site of the former Aldbury Isolation Hospital (a historically interesting site) and the surrounding 19<sup>th</sup> and early 20<sup>th</sup> century properties are of historic and architectural merit and should be considered non-designated heritage assets. Overall the proposed replacement dwelling, whilst larger than the existing structure is of an acceptable design and is not considered to harm the setting of the nearby 19<sup>th</sup> century former hospital buildings. The new dwelling will need to be constructed of good quality construction materials and carefully detailed, to sit comfortably in this sensitive location and preserve the beauty of the Chilterns AONB.*

Conditions will be imposed should the committee be minded to grant permission requiring details of materials and fenestration to ensure that the new dwelling would be of quality construction consistent with the existing hospital buildings. Permitted development rights for further extensions, dormer windows, porch extensions and outbuildings would be removed to restrict further increases in scale and protect the character and appearance of the rural area and AONB, particularly in relation to the design, form and setting of the former hospital buildings. This is consistent with the policy requirements of Policy CS7, CS12, CS24 and the NPPF.

#### Impact on Trees and Landscaping

Whilst there are trees of significant size and amenity value within the site, the proposals do not result in any tree removal. A condition will however be imposed to ensure that demolition and construction commences with tree protection measures in place as recommended by Trees and Woodlands.

#### Impact on Highway Safety

No changes are proposed to the vehicular or pedestrian access to the site which is via a private road. As such Highways have raised no objection to the proposals.

#### Impact on Neighbours

The nearest neighbouring properties are The Cottage and The Lodge. Appendix 3 of the Local Plan requires a minimum distance of 23 metres between principle elevations

of adjoining houses. The proposed layout positions the dwelling slightly angled so that the first floor windows to the flank elevation would not directly overlook the front elevation of The Cottage which is approximately 27.5m from this elevation. The proposed first floor windows to both flank elevations serve bathrooms and therefore a condition will be attached to ensure that these windows are obscure glazed.

The front and rear building lines of the proposed dwelling are generally aligned with The Cottage and The Lodge; as such there would be no overlooking of these neighbouring properties from the front and rear elevations.

Both The Cottage and The Lodge are located a considerable distance away (approximately 27m and 44m respectively) and therefore there would be no impact on these properties in terms of loss of light or creating a sense of enclosure.

### Bats

Hertfordshire Ecology has confirmed that Bats are likely to be present in the area. Following the submission of further information they have confirmed that they consider that the construction and nature of the building is a relatively modern renovation and in good condition affording little or no opportunities for bats. A bat assessment would therefore not be required. However it is recommended that the barge boards are removed during the winter months to avoid the chance of bats being affected by the proposals as a precautionary measure. Informatives to this effect and based on the recommendations of Hertfordshire Ecology will be attached.

### Sustainability

Information has not been submitted demonstrating that regard has been given to the objectives of Policy CS29 of the Core Strategy. A condition shall be attached requiring further details to satisfy this requirement.

### Archaeology

The site lies within an area of archaeological significance and therefore is likely to have an impact on significant heritage assets with archaeological interest. The Historic Advisor has recommended standard conditions requiring a Written Scheme of Investigation to be submitted to and approved by the Local Planning Authority to mitigate any potential adverse impacts.

### Contamination

The proposals are for demolition of a building on the grounds of the former Isolation Hospital. As such there may be standard land contamination issues associated with this site. The standard contamination condition will be imposed requiring a Phase 1 Study.

### Other Material Planning Considerations

The proposal accords with Appendix 5 of the Local Plan with respect to car parking provision. Three spaces are proposed which is in accordance with the maximum car parking standards for a four bed dwelling.



**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 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and appearance of area and the setting of the undesignated heritage assets and the Chilterns Area of Outstanding Natural Beauty in accordance with adopted Core Strategy Policies CS7, CS24 and CS27.

- 3 **No works shall be carried out on the site until details of the windows have been submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.**

Reason: To safeguard the character and appearance of the area and the setting of the undesignated heritage assets and to accord with adopted Core Strategy Policy CS27.

- 4 **No development shall take place 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 in accordance with BS5837:2012 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);**

**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 adopted Core Strategy Policies CS12 and CS24.

- 5 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 1 year 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 adopted Core Strategy Policy CS12.

- 6 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 7 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 8 **The windows at first floor level in the east and west elevations of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy Policy CS12.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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, D, E.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

- 10 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.

- 11 **1. Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 10.**
- 2. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: For the avoidance of doubt

- 12 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of adopted Core Strategy Policy CS27.

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

**Site Location Plan;  
2817-02A;  
2817- 03D.**

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 pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process 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.

HIGHWAYS INFORMATIVES:

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site.

Reason: In the interest of highway safety and free and safe flow of traffic. 1

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### BAT INFORMATIVES:

Given the limited possibility of the space behind the barge boards being used, you are advised that as a precautionary measure, the barge boards are removed during the winter months to avoid the chance of bats being affected by any proposals. This is solely a precaution to avoid the low risk of bats using this space during the active season and being disturbed if demolition takes place during the summer.

Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.

## Item 5c

**4/02093/16/FUL - CONSTRUCTION OF THREE BEDROOM DWELLING AND DOUBLE GARAGE. ALTERATIONS TO EXISTING DWELLING. REPLACE EXISTING FRONT GARAGE WITH TWO STOREY FRONT EXTENSION, SINGLE STOREY SIDE EXTENSION WITH PART EXTENSION (AMENDED SCHEME)**

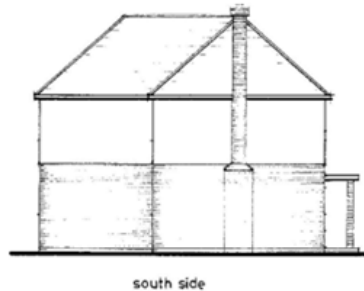
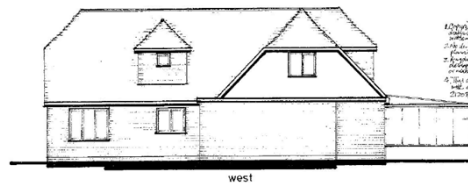
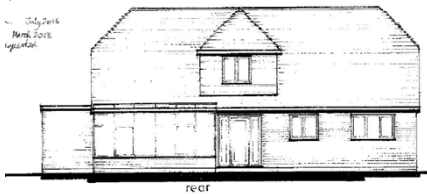
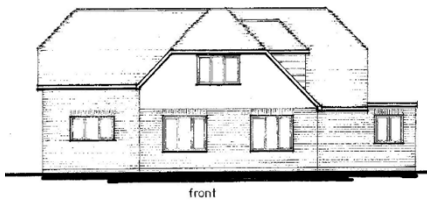
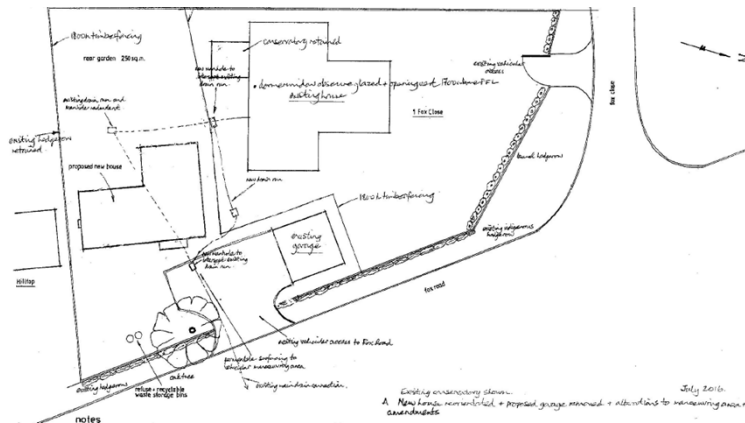
**1 FOX CLOSE, WIGGINTON, TRING, HP23 6ED**



Item 5c

4/02093/16/FUL - CONSTRUCTION OF THREE BEDROOM DWELLING AND DOUBLE GARAGE. ALTERATIONS TO EXISTING DWELLING. REPLACE EXISTING FRONT GARAGE WITH TWO STOREY FRONT EXTENSION, SINGLE STOREY SIDE EXTENSION WITH PART EXTENSION (AMENDED SCHEME)

1 FOX CLOSE, WIGGINTON, TRING, HP23 6ED





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1 FOX CLOSE, WIGGINTON, TRING, HP23 6ED.  
APPLICANT: Mr & Mrs M Ellinger.**

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[Case Officer - Tineke Rennie]

## **Summary**

The application is recommended for approval. The proposal is for a detached three-bed dwelling and alterations to the existing dwelling. The proposed dwelling would respect the existing built pattern of development and be consistent with the overall character and appearance of the area. There would be no unacceptable impact on the amenities of the adjoining properties and the proposed development would provide an acceptable standard of accommodation for future occupants. The proposed development is therefore considered to be in accordance with adopted Core Strategy Policies CS6, CS12 and CS24.

## **Site Description**

The application site lies within the village of Wigginton, within the Green Belt and within the Chilterns AONB. The site is a large, corner plot located in a relatively prominent position at the junction of Fox Road and Fox Close. It was built as part of Fox Close, a small private development on a private road, comprising a small group of 14 similarly styled chalet house grouped around a small private green. The houses are mostly set to the front of their plots many of which have open frontages facing on to the green. This house being the first in the close, occupies a larger, wider plot, with its long side boundary abutting the main road and bounded by a mature hedgerow and some trees, typical of this part of Fox Road. The opposite side of Fox Road is characterised by rows of Rothschild cottages, ending opposite the site.

This detached dwelling is typified and dominated by its elongated roofscape, side gables and elongated flat-roof dormers to front and rear. It also has an integral flat-roof garage projecting beyond its front elevation and served by a long driveway. This house sits well back in its sizeable plot, although positioned close to the adjacent house, at 2 Fox Close, and affords a wide grassed area to its side, sweeping round to its rear garden. The rear garden boundary abuts the side boundary of Hilltop, the adjacent detached dwelling fronting onto Fox Road.

Planning permission was granted on 03.04.2013 for alterations to the existing dwelling, namely to replace the existing front garage with a two storey front extension; demolition of conservatory; single storey side extension with part extension to accommodation in roof; construction of double detached garage with new vehicular access onto Fox Road and closure of access from Fox Close (amended scheme) (ref. 4/00090/13/FHA). The applicant has commenced implementation of this permission by digging the foundations for the new garage and commencing construction of the new vehicle access from Fox Road. They have also cleared some of the hedge along the Fox Road boundary for the vehicle access and construction fencing has been installed.

In order to facilitate the proposed detached dwelling the applicant has made some

minor amendments to the consented alterations to the existing dwelling. As such this application incorporates all of the alterations approved under the previous permission together with the further changes which are outlined below.

## **Proposal**

The proposal is for a three bed detached dwelling located to the south of the existing dwelling at 1 Fox Close. Access to the dwelling would be from the new vehicle access from Fox Road; the dwelling would also benefit from the consented double detached garage that has not yet been constructed.

The proposed dwelling would be "L" shape in form and would feature a hipped roof; flat roofed front porch; and a chimney. It would be constructed in facing brick to the ground floor with render above with plain concrete roof tiles.

The proposals also incorporate the alterations to the existing dwelling as outlined by the officer in their report (ref. 4/00093/13/FHA):

*The double garage is 6m square under a pyramidal roof with a maximum height of 4.7m, in brickwork and plain concrete tiles. It would be positioned between the side elevation and the boundary with Fox Road, being 3m away at its closest point from the house. It would front onto a new area of permeable hard surfacing by the new access onto Fox Road. The plans show the retention of the access onto Fox Close.*

*The existing garage within the flat-roof projection to the house would be replaced by a much wider front projection with a half-hipped gable roof providing enlarged ground floor accommodation and introducing a bedroom above, with a small side dormer facing No.2 Fox Close with a window serving the en-suite.*

*The main roof to the house would be replaced by a new roof of the same height, but comprising a slim flat-roof central section and introducing small half-hip gables to each side, replacing the existing side gables. The long flat-roof front dormer would also be removed, whilst the smaller rear dormer would be replaced by a small hipped roof dormer and the chimney stack removed. The rear conservatory, which is in poor condition, would also be removed. The conservatory is to be retained in this application.*

*Finally there would be a small single storey rear/side extension, essentially filling in this small gap.*

The exceptions to these consented works are the retention of the conservatory to the rear and internal reconfiguration at first floor so that the bathroom is located to the rear with obscure glazing to the dormer on this rear elevation. The bathroom will be relocated to the position of the previous bedroom. This amendment is proposed to mitigate overlooking to the rear garden of the proposed dwelling.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Wigginton Parish Council.

## **Planning History**

This site has had five significant previous applications.

In 1999 planning permission was granted for a double garage to the side of the house, using the existing access (4 /01477/99/FHA). This was not implemented.

In 2009 an application was submitted to demolish the existing house and replace it with one detached house on a similar footprint and the construction of two semi-detached houses to its rear, all served by a new vehicular access directly onto Fox Road (and closure of the existing access onto Fox Close) (4/00335/09/FUL). This was refused for two reasons: due its location in a small village in the Green Belt, under Policy 6 the development failed to demonstrate that it would meet a local need in perpetuity, and secondly, the development failed to comply with Policy 11 as its design was poor and related poorly to the setting of the site, surrounding development and general character of the area. It is important to note that this did not include refusal of the new vehicular access, as there had been no objection on highway grounds.

In 2012 an application was submitted for substantial extensions to the house itself plus a new detached garage and new vehicular access onto Fox Road (4/00788/12/FHA). This was refused under delegated powers for the following reasons:

1. Due to the design and bulk of twelve dormers and large front extension, this would result in the dwelling having an unduly prominent, unattractive, incompatible and incongruous appearance within the street scene and on surrounding properties, exacerbated by closure of the existing driveway and the removal of a 10m length of mature hedgerow along Fox Road for a new driveway, and therefore not relating well to surrounding development or the general character of the area, failing to comply with Policy 11 criteria and the NPPF.
2. The front extension with side dormer and the two storey side extension would create significant visual intrusion and some loss of privacy to No. 2 Fox Close.

In 2013 an amended scheme was submitted for the extensions to the house with new detached garage and new vehicular access as outlined above. This application was considered to overcome the previous reasons for refusal and was granted on 03.04.2013 (ref. 4/00090/13/FHA).

An application was submitted earlier this year for a detached dwelling in a slightly altered position from this proposal (ref. 4/00813/16/FUL). The application was withdrawn to overcome overlooking to the garden of the proposed dwelling. Repositioning of the proposed dwelling was also considered to reduce overlooking of the garden of Hilltop.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

### Adopted Core Strategy

Policy NP1 - Supporting Development

Policy CS1 - Distribution of Development

Policy CS6 - Selected Small Villages in the Green Belt  
Policy CS12 - Quality of Site Design  
Policy CS20: Rural Sites for Affordable Homes  
Policy CS24 - The Chilterns Area of Outstanding Natural Beauty  
Policy CS29 - Sustainable Design and Construction  
Policy CS31 - Water Management  
Policy CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policy 58 - Private Parking Provision

Appendix 3 – The Design and Layout of Residential Areas

Appendix 5 - Parking Provision

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)

Chilterns Buildings Design Guide

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Affordable Housing Clarification Note (March 2015)

### **Summary of Representations**

#### Comments received from Wigginton Parish Council:

Wigginton Parish Council had a special planning meeting regarding **4/02093/16/FUL** Construction of three bed dwelling and alterations to existing dwelling. Replace existing front garage with two storey front extension, Single storey side extension to roof and construction of double garage (amended scheme) 1 Fox Close, Wigginton, HP23 6ED They concluded the following:

#### **REFUSED.**

The proposed new dwelling contravenes CS6 from Dacorum's Core Strategy that was adopted only 3 years ago, in 2013 and which runs until 2031.

The council also feels that the comments made by this council on the original application are still valid, i.e.

1. The proposal would constitute an over development of this site and if granted, could set a worrying precedent.

#### Comments received from Building Control:

Please be advised that Building Control has no comments.

#### Comments received from Hertfordshire Property Services:

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions.

Notwithstanding this, we reserve the right to seek Community Infrastructure Levy

contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([development.services@hertfordshire.gov.uk](mailto:development.services@hertfordshire.gov.uk)).

Comments received from 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 subject to the following conditions:

Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the conditions and informative notes below.

### CONDITIONS

1. 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.

### INFORMATIVE NOTES

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047 COMMENT

### COMMENTS

This application is for RETENTION OF THREE BED DWELLING AND ALTERATIONS

TO EXISTING DWELLING. REPLACE EXISTING FRONT GARAGE WITH TWO STOREY FRONT EXTENSION, SINGLE STOREY SIDE EXTENSION WITH PART EXTENSION TO ROOF AND CONSTRUCTION OF DOUBLE GARAGE (AMENDED SCHEME)

#### PARKING

The existing detached double garage will be allocated to the new 3-bed dwelling, with extensions to the existing hard standing to allow manoeuvring of vehicles.

The existing integral (Front) garage will be replaced by living accommodation. No additional space to replace the loss of the 3 current off street parking spaces for the existing property is proposed in the documents submitted.

#### ACCESS

The existing detached garage has a vx0 on Fox Road, which is a classified "C" road, the C138 so vehicles are required to enter and leave the highway in forward gear. The hard standing is to be extended to allow vehicles to manoeuvre to achieve this.

The existing integral garage has a vx0 on Fox Close, which is unadopted.

#### CONCLUSION

Highway authority does not wish to restrict the grant of consent subject to the above conditions and as set out in the advisory notes.

#### Comments received from Strategic Housing:

Strategic Housing comments are as follows in response to the site below:

Due to the nature of the proposal below, the site will be exempt from any affordable housing contribution.

#### Trees and Woodlands

Awaiting comments.

#### Contaminated Land Officer

This department has no record of consultation in respect of the previous application (now withdrawn), to which 4/02093/16/FUL is an amendment (4/00813/16/FUL - Proposed three bed dwelling and detached garage). Information contained within the current application indicates that works commenced on-site in August 2015.

In respect of the previous 2009 application (4/00335/09/FUL - Demolition of existing house and construction of one detached and two semi-detached dwellings with additional access), the contamination condition was requested as the site is located within the vicinity of a potentially contaminative land usage (former sewage filter bed).

For continuity, and to ensure the risk of contamination to the end user is adequately investigated, I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this

condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Comments received from Thames Water:

Comments have not been received from Thames Water in relation to this application however they provided the following comments on 06.04.2016 to the application that was withdrawn (ref. 4/00813/16/FUL):

#### 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

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

## Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## Response to Neighbour Notification / Site Notice

### Comments received from residents Plantation House:

We understand that another proposed planning application has been presented to build a three bedroom dwelling and detached garage at No1 Fox Close Wigginton.

We live at Plantation House Fox Road Wigginton and wish to offer the following comments on this proposed development for your information and consideration:

As you may be aware this is the fourth Planning Application at this property to build another property for financial gain in their rear garden.

The proposed planning application appears to be 'garden grabbing' and would potentially set a precedence in the village of Wigginton should it be approved.

The sewer pipes from our property Plantation House, Fox Road flow through the garden of the next door property Hilltop and then through the garden of No1 Fox Close the above said property then into the main sewer. We are concerned that there may be disturbance or potential detriment by the proposed building works.

The proposed application would affect the privacy and light for residence of No.2 Fox Close and to 'Hilltop' Fox Road.

The building work approved in a previous planning application in 2013 has not been completed. Work was started and has remained unfinished and unsightly for nearly 2 years. The current proposed plan is a large development and concerned the time it would potentially take to complete.

The potential design of the property does not appear to be in keeping with the character and appearance of the original concept and build design of the properties in Fox Close to ensure compatibility with the Rothchild Cottages on the other side of the road.

The potential infilling would give the appearance of overcrowding of buildings within the proposed plots and close proximity of the neighbours.

We hope that the above comments are useful in assisting with your discussion on the proposed planning application for 1 Fox Road, which we feel should not be approved.

### Comments received from resident of 92 Fox Road:

There have been several applications submitted for this property for what is clear to all in the area to be a mini housing estate with the aim of continual development and infill of a village site within an AONB.

The last application for a change of access and the construction of a double garage



was granted over two years ago with the subsequent destruction of hedgerow, an unsightly temporary / semi permanent fence being constructed where the access is supposed to be and NO garage being constructed. The area is a complete mess and destroys what was a pleasant access to this Chiltern village. The new access is NOT used whilst the original access is still in constant use.

Please accept this letter as a formal objection to the planned application on the following grounds.

1. The proposed new construction is COMPLETELY out of keeping with both the current dwelling by which it is being built and of course to the Rothschild Cottages on the opposite side of the road
2. The Dacorum Landscape Character Assessment for Ashlyns and Wigginton Plateau states
  - a. **Support a strategy to limit built development within the area** or the impact of development that may affect the area from outside. I believe the proposed plan is contrary.
  - b. **Encourage the retention of the existing pattern of hedges** and to create new features to further enhance landscape and ecological links between woodlands. I believe the previously allowed plan is contrary and I fear the new plan will further enhance the destruction.
  - c. Conserve and enhance the distinctive character of settlements and individual buildings by promoting the conservation of important buildings **and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area.** I believe the proposed plan is contrary.
  - d. Promote awareness and consideration of the setting of the AONB, and views to and from it, when considering development and land use change proposals on sites adjacent to the AONB. I believe the proposed plan detracts from this AONB
3. The proposed building, by reason of its design is out of keeping in design terms to the Chilterns Area of Outstanding Natural Beauty and in terms of limiting the visual prominence within the entrance to the village, which currently has Rothschild Cottages as the main feature. The proposal would be detrimental to the visual amenities of the AONB. The proposal is therefore contrary to saved Policy 97 of the Dacorum Borough Local Plan 1991-2011 and Policies CS24 point 2.2, which states: *To conserve and enhance the function and character of the market towns, villages and countryside.*

Please seriously consider the points made in this letter when making your decision as the whole visual aspect to the entrance to the village will be adversely affected.

Comments received from the resident of No. 2 Fox Close:

I live at 2 Fox Close and I still find these plans unacceptable. The construction of a three bedroom house and detached garage would overcrowd this plot greatly to the detriment of my privacy and that of Hilltop and would be out of keeping with the Rothschild cottages opposite in Fox Road.

The demolition of the existing garage at 1 Fox Close and replacing it with such a large

two storied extension would overpower my property and would also be out of keeping with the Rothschild cottages opposite.

I therefore think these plans should be rejected'

Comments received from a resident:

I refer to your letter of 16 August, the content of which shows a planning application for a three bedroom dwelling and a double garage. Alterations to existing dwelling, replace front large with two storey front extensions, single storey side extension with part extension (amended scheme) 1 Fox close, Wigginton, Tring, Herts, HP23 6ED.

After inspecting the plans and details I would like to register my objection to the application for a three bedroom dwelling in the garden of 1 Fox Close.

i reiterate the points made in my earlier objection email dated 15 August 2016 and to save you the time of looking for this i will put these forward again:

- Your documentation refers to 'land' at 1 Fox Close, when in fact it is a garden.
- The answer given to the Statutory Class was 'minor dwelling' - building a large 3 bed house does not constitute a 'minor' dwelling.
- 'Has the building or change of use already started?', the applicant has answered "YES" - is an opening cut into the hedge over 12 months ago and a hole dug in the ground in preparation for a double garage, the planning permission of which was granted over two years ago, the same as 'building works started'?
- Norvill Property Services acting as agent, if this is private dwelling and application why is an agent needed? Who really owns the property? The indications are that this site is earmarked for development by a professional development company to the detriment of the visual aspect on approach to the village.

We have no objection to the proposed alterations to the existing dwelling, but a large house built in the back garden will crowd the area and will create a visual intrusion when driving through the village, not forgetting Wigginton is a designated AONB.

I would appreciate acknowledgement of my email. I also noticed on the application that there are no objections showing to this application, whereas I know of at least two other objections. Perhaps it has not been updated?

Comments received from the residents of Hilltop:

I live next door to this proposed development and have several objections which I shall put into another formal email for you to consider.

I have two other concerns

1. The wording of the planning proposal is very confusing. It seems as though permission has already been granted for a new house. Is this the case? Why is it worded so badly? How can that have happened?
2. My second concern is that many of our neighbours are away on holiday and we are about to go too so it is very unfair that only three weeks are given for objections to be

voiced. Obviously this is why builders choose this time of year to apply for planning permission because they know that neighbours, who have valid planning objections, are often unaware until too late. Please could we all be granted more time?

There have been many objections to any sort of development on this residential garden from many neighbours and the Parish Council. You will find a fat case file.

My chief concern is the LOSS OF PRIVACY from overlooking, which we at Hilltop would have to endure if a house were to be built, in addition to close-up NOISE and smoke from a new living space feet from where we have worked and sat out in peace and quiet for years; as well as noise from music and tv deflected towards us by a new house wall.

We have lived in privacy and peace for 22 years and do object most strongly to this plan to destroy it. Please do come up to Hilltop so that you can see our problem. But I shall be composing a letter listing lots of objections, which are also important, in due course.

Further comments were received from the residents of Hilltop:

I'm sure you are aware of the various initiatives to clarify the issue of garden grabbing, and that residential land within a built up area is classified as greenfield rather than brownfield.

Central Government directed in 2010 that garden land within the built up area of a town or village is green land and NOT brown land and conferred powers on the Local Planning Authorities i.e. District and Borough Councils, to prevent garden grabbing <https://www.gov.uk/government/news/new-powers-to-prevent-unwanted-garden-grabbing> This was endorsed by the case of Dartford Borough Council and the Secretary of State for Communities & Local Government which was finally determined in January 2016 <https://andrewlainton.wordpress.com/2016/01/25/high-court-rules-that-garden-grabbing-outside-built-up-areas-complies-with-nppf/>

I hope that this will be helpful as you consider the garden grabbing application at 1 Fox Close, the case against which would appear to be overwhelming.

Further comments were received from the residents of Hilltop:

I have lived at Hilltop Fox Road immediately adjoining the above address for some 20 years and write with reference to the proposed development to record my objection to the plans. I registered little or no disquiet at the adjacent developments over the years at St Mary Cross Close and at 96 Fox Road, both of which have enhanced the neighbourhood, and so cannot be considered a "serial objector". I do, however, feel that this proposal is wholly inappropriate.

1. The construction of a new 3 bedroom detached dwelling contradicts without exception every constraint identified in policy C6 of the Dacorum Core Strategy adopted on 25th September 2013. For convenience I have reproduced it in full below:

***POLICY CS6: Selected Small Villages in the Green Belt  
Within Chipper field, Flamstead, Potten End and Wigginton the following will be permitted:***

***(a) the replacement of existing buildings;***

***(b) limited infilling with affordable housing for local people;***

**(c) conversion of houses into flats;**

**(d) house extensions;**

**(e) development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and**

**(f) local facilities to meet the needs of the village.**

**Each development must:**

**i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and**

**ii. retain and protect features essential to the character and appearance of the village.**

It is inconceivable that a new building of this nature can be approved without total disregard for this most recent and carefully constructed strategy document.

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

- The previous owner applied for permission to build a bungalow which was refused.
- 2009 - the Ellingers applied for permission to demolish the existing house and build 3 houses on the site, again refused.
- 2013 – application for an entrance from Fox Road and construction of a double garage was approved, despite significant objections from neighbours and Parish Council. The proposal made little sense, other than to facilitate a subsequent application to develop the site further. The entrance was eventually knocked through in 2014 leaving a gaping hole in the hedge with unsightly temporary fencing ever since. The garage was never constructed, other than some footings hastily dug in the past two weeks, despite its appearance on the Ordinance Survey. Permission for this has presumably lapsed.
- March 2016 – withdrawn application to construct a new 3 bedroom dwelling with extensions to the existing house, almost exactly the same as the present format.

3. It is unclear what consideration has been given to the main drainage system which runs through the property, although this will be of concern to Thames Water. The plans appear to assume that the current drain run serves 1 Fox Close only. In fact there is a drain serving Plantation House and Hilltop running across my property and into the current marked run through 1 Fox Close. Other properties may also be affected and resolving this would cause major disruption to this Public Sewer.

4. The rear of the house directly overlooks my garden and that of 2 Fox Close leading to significant loss of privacy, particularly from the upstairs windows. The two proposed properties overlook each other to what will be a totally unacceptable degree for future owners.

5. 1 Fox Close was originally built some distance from Fox Road, and further back from the road than other Fox Close properties, to avoid the functional design of the newer Fox Close houses detracting from the more aesthetic Rothschild cottages opposite. The proposed design both brings forward the line of the buildings to the detriment of this concept, and introduces a new design out of character with both the adjacent properties and with the village overall.

6. The proposed development is too close to both Hilltop and to the existing house on

the site, using only a third of the plot, leading to unacceptable congestion, increased noise levels, and significant loss of light.

7. The construction of a double garage and driveway is likely to affect the root system of the protected oak tree, adjacent to Fox Road, already pruned to excess to facilitate the plans, and is detrimental to existing sight lines.

It is most unfortunate that the original summary letter dated 10th August 2016 had to be reissued due to the fundamentally misleading reference to the “retention” rather than “construction” of the 3 bed dwelling, and that the current site plan still refers to a nonexistent “existing garage”. Furthermore the Dacorum website has recently failed to acknowledge much of the objecting correspondence, all of which adds credence to the perception in the local community that this proposal merits significantly more assertive scrutiny by the planning authority than has been achieved to date.

It is clear that this application should be rejected.

Further comments were received from the residents of Hilltops on 25th August 2016 which can be summarised as follows:

- Loss of privacy - overlooking of the rear garden
- Buildings are never built in accordance with plans; exact measurements are lacking in these drawings
- Noise and disturbance arising from a new dwelling adjacent to their rear garden; this would be exacerbated due to the L shaped form of the house directing noise towards Hilltops
- Loss of daylight and overshadowing from the proposed dwelling;
- The house would detract from the Rothschild cottages located opposite;
- The 1960s development of Fox Close are well set back and screened by hedges retaining the rural character; the proposed development would adversely impact on this;
- The proposed dwelling is out of scale and has a negative visual impact; it would be detrimental to the original planning concept;
- The proposed dwelling would be visually intrusive due to its angled orientation;
- The roof, building materials and position are out of keeping;
- The proposed development would amount to overdevelopment;
- The proposed dwelling would be out of keeping with the very large 4 or 5 bedroom houses on this side of Fox Road;
- The new vehicle entrance is unsafe in terms of traffic safety;
- Impact on the main sewers that run across the garden of the proposed new build; re-routing the drains and sewers would be very disruptive and could impact on the tree with the TPO;
- The neighbour at No. 2 Fox Close would be overlooked by the proposed extension;
- The proposed development would adversely impact on the character and appearance of the village;
- The chimney would be the wrong size and would be too close to their bedroom windows;
- St Bartholomew's School is over-subscribed;
- Adverse impact on the amenities of the occupiers of No. 1 Fox Close;
- This planning application is garden-grabbing, inappropriate infilling, opportunistic, intrusive and unwelcome to the village, as well as not meeting Policy 6 points, so

we look to our planners to use policy 6 to protect us from these unwelcome plans. Please come up to have a look at the site so that you can appreciate the effect on Hilltop and the village.

Comments received from the residents of Two Ways, Fox Road:

I live at Two Ways, Fox Road, about 150m to the NW of the proposed site, on the same side of the road.

This application appears to me to be undesirable because:

1. I do not believe that this development “Meets a local need of the village or adjoining countryside.” (Policy 6b) There is no need for a house here. The school in the village is oversubscribed. The only benefit will be the possible financial gain to the developer.
2. It sets an undesirable precedent of overdevelopment in this immediate area. It appears to be about 2.6m from Hilltop and similarly close to no 1 Fox Close and the shape of the plot is very awkward with consequent adverse effects on privacy.
3. The front elevation facing Fox Road, almost opposite the Rothschild cottages, is not sympathetic with those cottages or even in keeping with Hilltop or the properties in Fox Close.
4. The front elevation will be nearer to Fox Road than any of the other frontages having access onto the same side of Fox Road and will therefore be rather more prominent. It will be especially noticeable when approaching from the north.
5. I do not therefore believe that the development “will be sympathetic to its surroundings .....in terms of local character design, scale, landscaping and visual impact” (Policy 6i)
6. Although not grounds for objection, I comment that the applicant has little consideration for local amenity having removed more than 10m of hedge well over a year ago and begun work on an ugly access which was never finished and has been fenced off with a builder’s hoarding constituting a serious eyesore ever since. I feel sorry for the residents of nos 93-96 Fox Road in particular who have had to look at this for so long.

**Considerations**

Policy and Principle

The site lies within a selected small village in the Green Belt where, under adopted Core Strategy Policy CS6, limited infilling with affordable housing for local people will be permitted. Each development must be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and retain and protect visual features essential to the character and appearance of the village.

Commentary associated with Policy CS6 recognises the need to allow for limited development within the selected villages in the Green Belt which supports their existing role in the settlement hierarchy. In terms of infilling, this is defined as "a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built up frontage or within a group of dwellings." Limited infilling is defined as development which does not create two or more dwellings.

The proposed development meets these criteria in that it seeks an additional dwelling within a gap within the built-up frontage of Fox Road. The site is also within the group of dwellings forming the north-western arm of the village: the 1960s development of Fox Close lies to the north with the Rothschild cottages located on the opposite side of Fox Road; to the south are the dwellings to the north of Highfield Road including Mary Cross Close.

The second requirement of Policy CS6 is the need for the limited infilling to be affordable housing which is to be defined in accordance with national guidance. The affordable housing must also meet an identified local need and be available for people who have a strong connection with the village through work, residence or family.

In March 2015 a Ministerial Statement relating to affordable housing was issued by the Government. A national waiver approach in terms of the requirement for affordable housing for developments of 10 units and below with a lower waiver (5 units) in the defined 'rural area' was sought. The Council issued a clarification note to accompany the Affordable Housing SPD in response to the change. This note was withdrawn following the challenge to the High Court issued on 31 July 2015; however in May 2016 the Court of Appeal judgement upheld the appeal grounds brought by the Government and reversed the earlier decision to quash the policy.

National Planning Practice Guidance (NPPG) has been amended to reinstate the relevant paragraphs relating to this national waiver approach. Similarly, the Council has reinstated the Affordable Housing Clarification Note (March 2015) which is now a material consideration in all planning decisions.

The Affordable Housing Clarification Note outlines the implications of the national waiver approach in terms of the application of Policy CS6. The selected small villages in the Green Belt also fall within the 'rural area'. In accordance with the Ministerial Statement, new dwellings within the rural area would only need to be affordable where the scheme creates 6 or more units. As the proposed development is for an additional dwelling the requirement for it to be affordable as outlined in CS6 no longer applies.

The proposed development is for limited infilling within the village of Wigginton. It is considered to be sympathetic to its surroundings, retaining the visual features essential to the character and appearance of the village as detailed further below. As such the proposal is in accordance with adopted Core Strategy CS6. Consistent with the Government's approach, the proposed dwelling is not affordable housing meeting a local need but rather is proposed as open market housing.

The proposed alterations to the existing dwelling were considered under the Policy 6 of the Local Plan which has now been superseded by adopted Core Strategy Policy CS6. Policy CS6 also permits extensions to dwellings provided that the development is sympathetic to its surroundings, including the adjoining countryside, in terms of local

character, design, scale, landscaping and visual impact; and it retains and protects visual features essential to the character and appearance of the village. The principle of the extensions to the dwelling was accepted through the granting of the earlier permission and it is not considered that there has been a material change in circumstances since that time.

#### Effect on site layout, street scene and AONB

The proposed dwelling will be positioned to generally align with the front and rear building lines of the adjoining dwelling Hilltop. The projection forming the "L" part of the dwelling lies adjacent to No. 1 Fox Close which is positioned further to the west. As such the proposed development will result in a staggered layout between Hilltop and No. 1 Fox Close. The frontage will be similar in depth to the frontages of Hilltop and Plantation House, thereby retaining the pattern of built development along this part of Fox Road.

The double garage will be utilised by the occupiers of the proposed dwelling with the existing Oak tree retained. It is noted that both Plantation House and Hilltop have garages positioned forward of the dwelling with hardstanding for the parking and turning of vehicles. The proposed development therefore would not be out of keeping with the existing street scene.

The surrounding area is characterised by a variety of dwelling types and styles with chalet style bungalows located to the north on Fox Close and Hilltop directly to the south. The Rothschild cottages are located opposite and Plantation House further south is a two storey detached dwelling with pitched roof and mock Tudor detailing. No. 1 Fox Close would be altered through the proposals so that it no longer represents the chalet style bungalow design of the original 1960's development. It would feature half hip roofs with small gabled dormers together with the introduction of render to parts of the elevations. When assessing the application for the alterations in 2013 the officer noted that significant changes had been made to the front projections and flat roofed dormers at Nos. 12 and 13 Fox Close so that the original uniformity of the development no longer exists.

The proposed dwelling is of a simple design incorporating a hipped roof with facing brickwork and render. Due to the diversity of dwelling types in the surrounding area it is not considered that the proposed dwelling would disrupt the existing uniformity or be unsympathetic to its surroundings. Distances of 3.0m and 5.0m respectively would be maintained between the dwellings which are not inconsistent with the area. Terraced cottages are located opposite and the dwellings to the west of Fox Close average approximately 3.0m separation; the dwellings of Mary Cross Close are in the area of 2.0 - 3.0m separation whereas Hilltop and Plantation House have greater spacing between them (approximately 10.m excluding the garage).

The application site is large (1600m<sup>2</sup>) and the resulting density of two dwellings on the plot would be 12.5 dwellings per hectare. This would be well below the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan; however it reflects the low density character of the village. The dwelling to plot size ratio would not be inconsistent with the immediate area; as outlined above the area represents a range of development types with varying sizes of dwellings on larger and more modest sized plots.



The rear private outdoor amenity area of the proposed dwelling would achieve a depth of 14.5m at the nearest point and approximately 19.0 at the deepest. Whilst No. 1 Fox Close would lose its rear garden the plot is wide with a depth of at least 14m maintained to the side and over 14.0m maintained to the front. The front and side boundaries are well screened by an existing hedgerow which would ensure the provision of private outdoor amenity area for this dwelling. Both outdoor amenity areas are considered to be acceptable in relation to the scale of the associated dwellings.

The proposed dwelling would be positioned directly in front of the south-eastern corner of the existing dwelling which accommodates the utility room and WC at ground floor. Whilst this would have an impact on the outlook and access to light from the windows they are not habitable rooms.

Refuse and recycling areas are to be located within the frontage of the site.

The proposed development is considered acceptable in terms of its layout and the appearance of the building. It is sympathetic to the character and scale of the surrounding development and as such accords with Policies CS6, CS11, CS12 and CS24 of the Core Strategy.

#### Effects on appearance of building

The officer made the following comments in relation to the proposed alterations to No. 1 Fox Close which apply in the assessment of this application:

*Fundamentally, the proposed extensions to this chalet-style house will not widen the main house nor increase the height of the main roof, but it will significantly increase the size and prominence of the original front projection, with a replacement wider projection and dominant front gabled roof with a small side dormer. The characteristic wide flat-roof dormer will be replaced by a small gabled dormer. The changes are also making the gable ends into half hips and with rendering to part of the elevations.*

*Thus, the house will be significantly altered in its appearance. However, the flat-roof garage and front former, although characteristic to Fox Close, are not necessarily attractive features in their own right. Indeed two of these houses in Fox Close have already had significant changes made to the front projections and flat-roof dormers, at nos. 12 and 13. Furthermore, permission has just been granted for an extension to no.3. These proposed changes are on a much reduced scale to those of the recent refused application.*

*The proposed extensions and double garage are not considered to be extensive in their size or coverage of this site and as such are not considered to constitute overdevelopment of the site.*

The retention of the conservatory and obscure glazing to the rear dormer are considered to have a negligible affect on the appearance of the dwelling.

#### Impact on Trees and Landscaping

A mature Oak tree is positioned just within the site boundary. This tree has high public amenity value within the street scene and will be retained.

### Impact on Highway Safety

Highways have reviewed the application and raise no objection. They have noted that the area of hardstanding to the access from Fox Road is to be extended to allow vehicles to manoeuvre within the site so that they can enter and leave the highway in forward gear. A condition requiring details of the surfacing and discharge of water has been recommended.

### Impact on Neighbours

The neighbouring property Hilltop has raised a number of concerns with regard to the impact of the proposal on their amenities. The proposed dwelling would be positioned approximately 1.0m beyond the rear building line of Hilltop which is in broad alignment with this dwelling. The 1.0m projection beyond their dwelling would not result in any adverse impacts in terms of creating a sense of enclosure or loss of light. There are no windows to the flank elevation of Hilltop that would be directly impacted in terms of loss of light.

Concerns have been raised in connection with noise and disturbance and overlooking of the rear garden of Hilltop. The dwelling has been repositioned so that it has the same orientation as Hilltop thereby ensuring that there would be no direct overlooking to this garden. Direct outlook would occur to the bottom half of the garden of No. 2 Fox Close which is separated by a distance of approximately 14.5m. Some overlooking of gardens would result from the proposed dwelling however this is to be expected to a certain extent within residential areas; in this case it is not to a degree that would be considered unacceptable. In terms of noise and disturbance the proposal is for residential use as existing and any increase in levels would not be significant over and above the existing use as a rear garden.

The assessment that the officer made about the consented alterations to No. 1 Fox Close and the impact that they have on the adjoining properties, namely No. 2 Fox Close continue to apply on the basis that there has been no material change in circumstances since this assessment was made:

*Dealing first with the proposed extensions to the house, the neighbouring property that would be affected by this is No. 2 Fox Close. They have a first floor window within their side gable that faces across the existing flat roof projecting garage. Its replacement by a wider, pitched roof extension of the same depth would lead to a loss of view across the site and some visual intrusion. However, as No 2 is set further forward than the application property, this would not result in a significant visual impact and a partial loss of a view would not constitute a material reason for refusal. There is a proposed ensuite window in the small dormer shown inserted in the side of the proposed front projection, however, this is to be obscured glazed and would not afford any loss of privacy. There is proposed a small infill single storey rear extension closest to its boundary with No 2, however, due to intervening fence and shrubbery this extension would not have a significant impact in terms of intrusion or loss of light.*

### Sustainability

Information has not been submitted demonstrating that regard has been given to the

objectives of Policy CS29 of the Core Strategy. A condition shall be attached requiring further details to satisfy this requirement.

### CIL

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

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

### Other Material Planning Considerations

Parking for the proposed 3-bed dwelling would be available within the proposed detached double garage within the frontage of the site.

The proposed alterations to No. 1 Fox Close would result in the loss of an integral garage which would result in the loss of one off-street parking space. It is noted that the existing vehicle access from Fox Close would be retained with a drive which would continue to provide off-street parking for at least two cars. This is slightly below the maximum parking standards set out in Appendix 5 of the Local Plan. It is considered that two off-street parking spaces for a four bed dwelling would be sufficient to meet the needs of future occupants.

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 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and appearance of area and the Chilterns Area of Outstanding Natural Beauty in accordance with adopted Core Strategy Policies CS6, CS12 and CS24.

**3 No development shall take place 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);**

**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 adopted Core Strategy Policies CS12.

**4 The mature Oak tree adjacent to the new vehicular access hereby approved and shown for retention on the approved plan shall be retained and shall not be cut down, uprooted or destroyed, nor topped or lopped without the written approval of the local planning authority.**

**If this Oak tree subsequently 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 erection of fencing for the protection of this Oak tree shall be undertaken in accordance with submitted and approved plans 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 compliance with adopted Core Strategy CS6 and CS12.

- 5 **The window at first floor level in the south elevation of the dormer of No. 1 Fox Close hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy CS12.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy Policy CS12.

- 7 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.  
For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 8 **All remediation or protection measures identified in the Remediation**

**Statement referred to in Condition 7 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 10 **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.

- 11 **Before the proposed access is brought into use, visibility splays of 2.4m x 43m in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 600 mm and 2m above the carriageway shall be provided and permanently maintained.**

Reason: In the interests of highway safety.

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

**Site Location Plan;  
21607 01/A;  
21607 03/A**

**21208/2 06/A**  
**21208/2 07/B.**

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 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.

HIGHWAYS INFORMATIVES:

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

THAMES WATER INFORMATIVES:

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.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.



Item 5d

4/01221/16/FUL - NEW DETACHED FOUR BEDROOM DWELLING

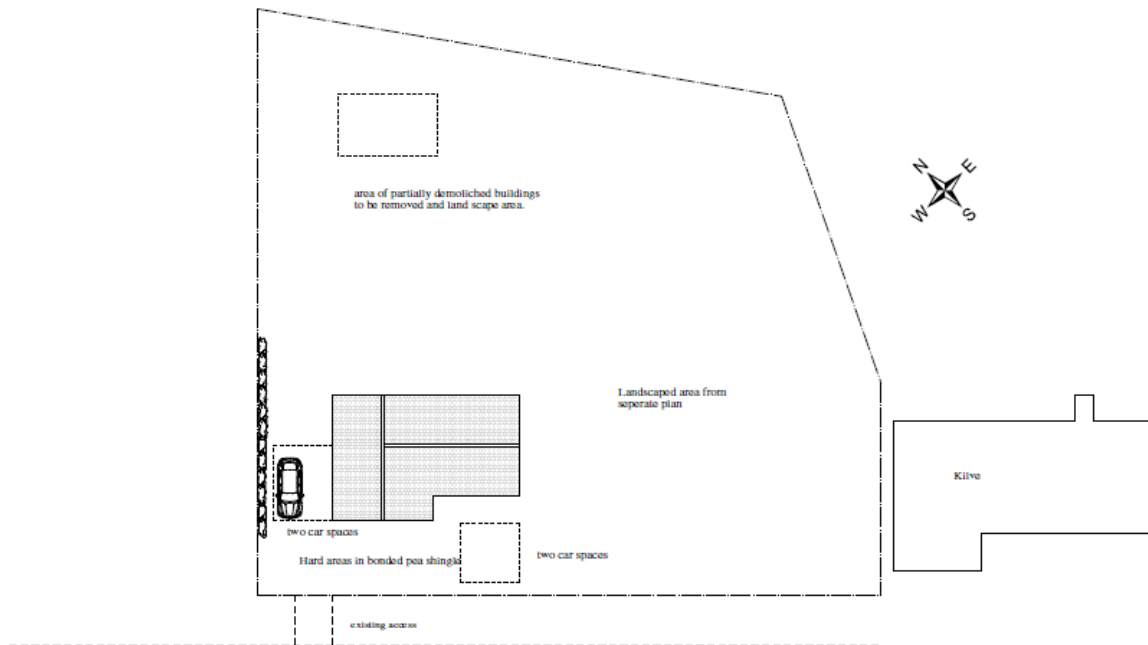
LAND ADJACENT TO KILVE, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY,  
WD4 9JW



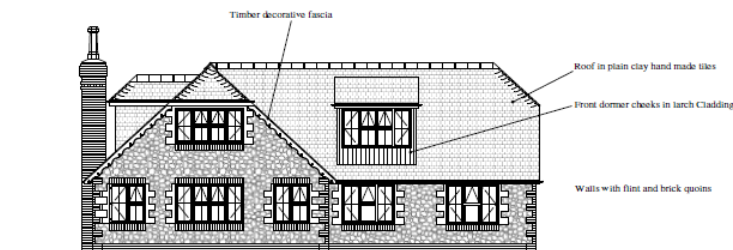
Item 5d

4/01221/16/FUL - NEW DETACHED FOUR BEDROOM DWELLING

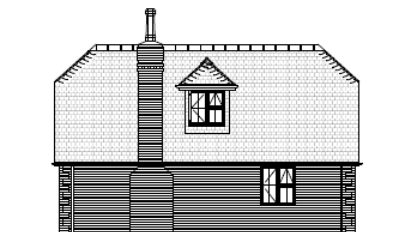
LAND ADJACENT TO KILVE, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JW



Megg Lane



Front South West



North West



Front dormer cheeks in larch Cladding



**4/01221/16/FUL - NEW DETACHED FOUR BEDROOM DWELLING.  
LAND ADJACENT TO KILVE, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4  
9JW.  
APPLICANT: MR HARRISON.**

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[Case Officer - Joan Reid]

## **Summary**

The application is recommended for refusal. The application site is located within the Metropolitan Green Belt and the proposal for a new dwelling is considered to be inappropriate development in accordance with the NPPG and policy CS5 of the adopted Core Strategy. It is considered that there are no sufficient 'very special circumstances' to justify the proposal and as such the proposal would conflict with National and Local policy and be harmful to the openness of the Green Belt.

## **Site Description**

The application site comprises a field located to the north of Megg Lane, which is located within the Green Belt. There is a small structure located in the top left hand corner of the site which was most recently used for storage/agricultural purposes and was subject to repairs a number of years ago.

## **Proposal**

The application seeks permission for the demolition of the structure and erection of a new chalet bungalow on the site to the southern boundary. The proposed 5 bedroom dwelling would extend to a footprint of approximately 136sqm.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council and a member of council staff is related to the applicant.

## **Planning History**

4/01357/11/LDE STORAGE SHED  
Granted  
28/02/2012

4/00150/08/FUL REBUILD EXISTING STORAGE SHED AND ERECT FIVE BAR GATES TO  
EXISTING ENTRANCE  
Refused  
02/04/2008

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

### Adopted Core Strategy

CS5 - The Green Belt  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions

## **Summary of Representations**

### Chipper field Parish Council

CPC Supported the application

### Hertfordshire Highways

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.

The property is located on Megg Lane, which is a private road and is not maintainable by the highway authority

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### Hillrise Cottage

We have consulted both the National Policy guidelines and Dacorum Borough Council's Core Strategy and wish to object to the proposed building on the basis of the following:-

- National Policy with regard to Green Belt
- Dacorum's Policy CS5- Green Belt
- Dacorum's Policy CS12 – Quality of Site Design

We understand that Policy 6 (Replacement for Policy CS6) does not apply to Megg Lane as it is outside the designated 'Divine Village Boundary'.

Our objections are as follows:-

- The proposed building is situated within The Green Belt where there is a presumption against built development. The proposed development directly contravenes both National Policy and Dacorum's Core Strategy which has been designed to ensure that The Green Belt is protected from inappropriate development and remains essentially open in character and locally distinctive. The proposed development directly contravenes this policy as it would be visually intrusive and affect the openness of The Green Belt in Megg Lane.
- The proposed building directly contravenes guidance for The Green Belt which aims to protect the countryside for the sake of its intrinsic character and beauty and the diversity of its landscape, heritage and wildlife. The proposed building damages the intrinsic quality and purpose of the countryside in Megg Lane and will have a significant impact on the character and appearance of the

countryside in Megg Lane. The owner's regular use of hedge trimmers and chain saws have already removed much of the foliage from within the plot and had a detrimental impact on wildlife. Many species have been adversely affected by the owner's actions, including owls and deer.

- The proposed building would provide visual intrusion, loss of privacy and disturbance to a number of surrounding properties in Megg Lane.
- Megg Lane is a very narrow lane in which access is becoming increasingly difficult due to the detrimental effect an increased volume of traffic is having on the Lane's surface. This development would cause a further increase in the volume of traffic and would therefore be detrimental to safe and satisfactory means of access to existing residents.
- The proposed building does not integrate with the streetscape character or respect the surrounding properties in Megg Lane in terms of scale height and build.
- The proposed building does not replace any existing building for the same use.
- The proposed building is not a limited extension of an existing building.

### Hill Brow

We are residents from Hill Brow Megg Lane directly opposite the plot to which this application pertains. We object to this application on the following grounds:

1. The application is not a permitted development in the Green Belt in accordance with Policy CS5 of the Darorum Borough Council's Adopted Core Strategy 25th of December 2013. Paragraph 8.9 of the strategy under Table 2 section 4 lists Chipper field as an Area of Development Restraint as it is a small village in the Green Belt.

Whilst CS6 of the strategy (now replaced by policy 6) does list Chipper field as a permitted development area within the green belt, Megg Lane is not within the demise of the Chipper field village boundary for this purpose. Consequently, policy CS5: Green Belt applies, not CS6.

2. This development should be refused under policy CS5 Green Belt which to protect the openness and character of the green belt. The proposed development is:

- a) not a building for the use defined as appropriate in national policy;
- b) not the replacement of existing buildings for the same use;
- c) not a limited extension to existing buildings;
- d) Not the appropriate reuse of permanent, substantial buildings;
- e) Not the redevelopment of a previously developed site.

3. The proposed development:

- a) would have an impact on the character and appearance of the countryside
- b) does not support the rural economy and maintenance of the wider countryside.

4. The plans, as presented, are not accurate:

- a) The plans state that access to the demise will be via the existing access. However the existing access is adjacent to the boundary and not as detailed on the plans. The proposed access is a car's width away from the boundary.

- b) There is an important document missing from the application: there is reference within the application to a landscaped plan which is not present.
- c) Your letter lists the application as "four bedroom dwelling". However the plans are for a five bedroom dwelling.

5. The proposed development is not central to the plot. It is offset to one side as though there was anticipation of further development.

6. The land is current listed for agricultural use and a previous application was to convert the current shed for storage of agricultural equipment (not granted). The land is adjacent to grazing land which forms the bulk of the landscape between Chipper field and Kings Langley. Granting this development would set a significant precedent for adjacent agricultural and grazing land to also be developed for housing.

7. The owners have already cleared all the plants, trees and shrubs from the site and this has had an extremely detrimental impact on the wildlife, particularly the family of muntjac deer who lived on the plot.

### Kilve

We wish to object for the following reasons:

The proposed development is on land designated as Green Belt and directly contravenes the associated planning (policy CS5). Being outside the Chipper field village boundary, policy on selected small villages in the green belt does not apply.

The proposed development is on land which directly connects an adjacent area of open Green Belt - as such, any development would have a material impact on the character and appearance of the countryside.

Megg Lane is a narrow, unmade land unsuitable for significant volume of vehicle movements- a rise in which is already causing unprecedented deterioration - the safety and ease of access for existing residents would be compromised by further residential density.

It is worth noting that the plans which support the proposed development are inconsistent with the application itself, including the number of bedrooms and point of access. Should a subsequent iteration clarify the design, plan and landscaping, we would welcome the opportunity to comment further. In recent weeks, the land in question has been cleared of vegetation. It also has the remains of building work started before the rejection of previous proposals. Despite its current appearance, however, as one of the few open sections of Megg Lane providing connection to adjacent grazing land and woods beyond the land is not just important in maintaining the intrinsic character and openness of the area, but also for supporting local wildlife. Both elements are consistent with the objectives of the Green Belt. In over view, there are no criteria or special circumstances evident which suggests a basis for contravening well established policy.

### **Considerations**

#### Policy and Principle

The main considerations are the impact of the proposal to the openness of the Green Belt, the impact on highway safety, impact to the neighbouring amenities and impact

on the character and setting of the area.

#### Impact on Green Belt

The NPPF indicates that, unless there are special circumstances, new isolated homes within the countryside should be avoided. In both the NPPF and policy CS5 of the adopted Core Strategy, there are also significant restrictions placed upon new development within the Green Belt. A new dwelling such as this, whether isolated or not, is inappropriate development as it does not fully accord with any of the acceptable categories referred to within the Framework or the relevant policies. Although, there is an existing structure on the site, it is considered that the proposed new dwelling would result in a significantly larger building on the site than currently exists and little weight can be afforded to this and as such it is considered that the proposal still constitutes inappropriate development within the Green Belt. It is, therefore harmful by definition to the Green Belt.

It is therefore necessary to consider whether very special circumstances exist which allow this development within the Green Belt. The NPPF indicates that such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. It is considered that the proposed dwelling is harmful by definition in that it is inappropriate and that some harm would be caused to the openness of this part of the Green Belt. No very special circumstances have been put forward by the applicant.

Overall it is considered that the proposal represents inappropriate development in the Green Belt, and it is considered that no very special circumstances exist which would outweigh the harm by inappropriateness to the openness of the Green Belt and that the proposal would conflict with the main objectives of the Green Belt as highlighted in paragraph 80 of the NPPF.

#### Impact on character of the Street Scene

Aside from the Green Belt harm, the proposed dwelling would comprise a similar design which is evident elsewhere on Megg Lane and in design terms no objection is raised. The chalet bungalow style of dwelling wouldn't appear out of context with the surrounding dwellings.

#### Impact on Highway Safety

Herfordshire Highways have raised no objection to the scheme on highway safety terms. Overall, no objection is raised on this basis.

#### Impact on Neighbours

It is not considered that there would be any significant harm to the neighbours in terms of loss of privacy, overbearing impact or loss of sunlight. The nearest neighbours to the proposal would be Kilve (approximately 29m away) , Glen Lodge to the west and Megg Lane to the north. There are windows facing Kilve at first floor level however due to the distance in between these are not considered to be overly harmful in terms of loss of privacy. At first floor level on the western boundary, the windows are to be obscure glazed and as such it is not considered to result in a significant loss of privacy.

RECOMMENDATION – That planning permission be **REFUSED** for the reasons referred to above for the following reasons:

**The proposed development constitutes inappropriate development in the Green Belt, contrary to policy CS 5 of the Core Strategy and no very special circumstances have been put forward to justify the harm by way of inappropriateness and the further harm to the openness of the Green Belt.**



Item 5e

4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER,  
SINGLE STOREY REAR EXTENSION

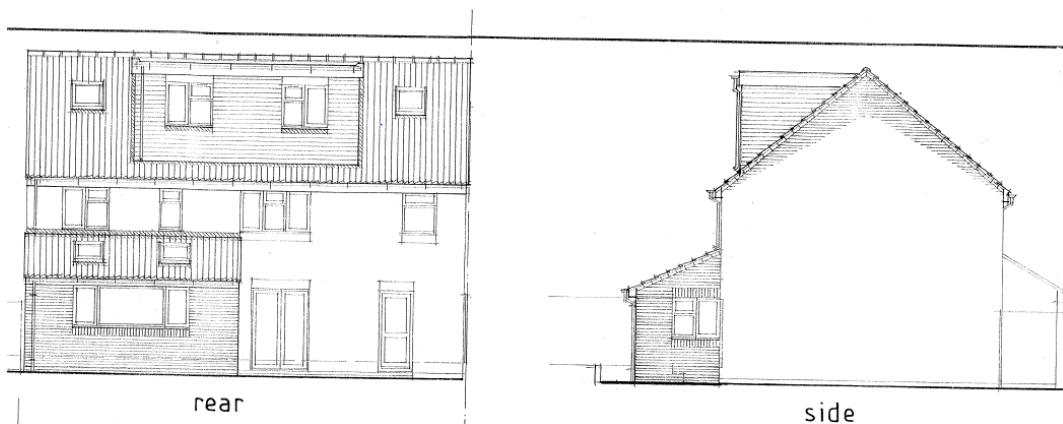
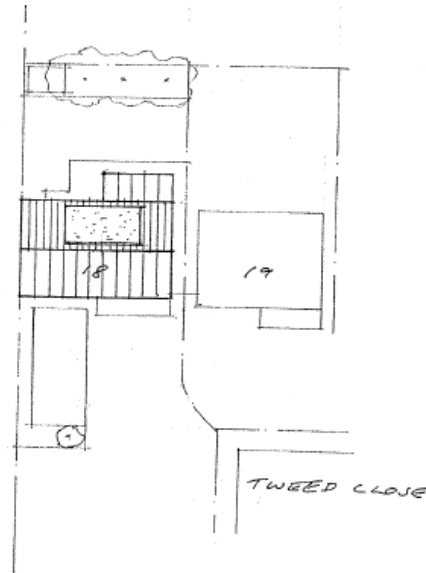
18 TWEED CLOSE, BERKHAMSTED, HP4 1SY



Item 5e

4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER, SINGLE STOREY REAR EXTENSION

18 TWEED CLOSE, BERKHAMSTED, HP4 1SY



**4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER, SINGLE STOREY REAR EXTENSION.  
18 TWEED CLOSE, BERKHAMSTED, HP4 1SY.  
APPLICANT: MR MARK GREEN.**

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[Case Officer - Intan Keen]

### **Deferral at Development Control Committee**

The planning application was deferred at the Development Control Committee (DCC) of 8 September 2016 to allow discussion with the applicant to remove the shed.

In response to the outcome of the DCC, the applicant has withdrawn the shed from the proposal in writing on 29 September 2016, and a new proposed plan submitted removing the shed from the proposed site layout.

As such, the recommendation would be to grant the application subject to a revised approved plans condition to make reference to this new plan, and remove reference to the plans relating to the shed. The condition relating to landscape works would also be removed.

### **Report to Development Control Committee 8 September 2016**

#### **Summary**

The application is recommended for approval.

The proposed extensions and outbuilding would be acceptable in principle under Policy CS4 of the Core Strategy. The development, including the detached outbuilding within the front garden, would not compromise the character and appearance of the street scene. The proposal would not have an adverse impact on the residential amenity of neighbouring properties. The car parking arrangements are sufficient.

The proposal is therefore in accordance with Policies CS11 and CS12 of the Core Strategy.

#### **Site Description**

The application site is currently occupied by a detached dwelling located at the head of the cul-de-sac of Tweed Close. The road ends in front of the adjacent dwelling at No. 19 such that the principal elevation of the application site directly faces a garage block instead of directly addressing the street. Front gardens are generally open and landscaped with paved areas for parking. The south-western side of Tweed Close comprises five similar designed detached dwellings, some of which have been extended. The roof ridges within the group are intact. However, on an adjoining perpendicular road, the dwelling at No. 4 Brook Lane has been subject to roof enlargements and ridge height increases within a similar context.

#### **Proposal**

It is proposed to raise the roof ridge approximately 0.5m and pitch to convert the loft for habitable use. This will also involve the addition of one rear dormer window.

A single-storey rear extension is also proposed, 2.14m deep with a lean-to roof that would sit beneath the sill of first floor windows above.

A single-storey outbuilding is proposed within the front garden. The agent has confirmed its intended use for the storage of bicycles and a kit car. It would have dimensions of 4m wide by 4m deep with a hipped roof reaching a maximum height of 3.8m.

### **Referral to Committee**

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

### **Planning History**

Application 4/02914/07/FHA for two-storey side extension, garage conversion and additional parking was granted. The development has been carried out.

Also of relevance is application 4/01418/08/FHA for raising the roof to convert loft including rear dormer and two front roof lights was granted at No. 4 Brook Lane.

### **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  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 58, 99  
Appendices 5 and 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Development in Residential Areas

### **Summary of Representations**

## Neighbours

None received at the time of writing this report.

## Berkhamsted Town Council

Although the Committee would have had no objection to the work proposed to the house, it objects to the shed to the front of the property because of the adverse impact this would have on the street scene.

CS11.

## Hertfordshire Archaeology

In this instance I consider that the proposal is unlikely to have an impact on heritage assets of archaeological interest and I therefore have no comment to make on the application.

## **Considerations**

### Policy and Principle

Dwelling extensions and the construction of outbuildings ancillary to residential uses are acceptable in a town location such as Berkhamsted under Policy CS4 of the Core Strategy.

### Impact on appearance of street scene

Concern has been raised with respect to the detached outbuilding within the front garden. The proposed outbuilding would be sited approximately 7.2m from the road frontage and behind the line of the footpath on the south-western side of Tweed Close, so that it would not be located at the head of the cul-de-sac. Its siting, together with the single-storey scale (3.8m high) and pyramid hipped roof would ensure it would not appear as a prominent element in the street scene.

The design of the outbuilding would be fairly simple and its timber construction (to walls) would give it a soft appearance. The felt shingled roof would not raise concerns noting the size of the outbuilding. Existing trees and vegetation to the south-east of the proposed outbuilding and vegetation to the side boundary to Tweed Close would further soften the appearance of the development.

Due to the proposed siting, scale and external materials of the proposed outbuilding, it is not considered to compromise the character and appearance of the group of dwellings within this section of Tweed Close.

With respect to the extensions, the raised roof and pitch would result in a change in the street scene, however is not considered to result in any significant harm. The example of the raised roof at No. 4 Brook Lane (referenced above) demonstrates that such a change would not have an adverse impact. The increase in ridge height of approximately 0.5m would maintain a gentle transition between building outlines in the street.

The proposed dormer window would be sited to the rear and due to the existing limited separation between the application dwelling and No. 19, there would be limited views of this from the street scene. The size, design and proportions of the dormer window are considered acceptable for this type of dwelling particularly within an urban and residential location. It would be sufficiently set down from the ridge and its margins set in generously from the flank walls of the parent dwelling.

The proposed half-width lean-to single-storey rear extension would not raise any concerns and it would be suitably integrated with the dwelling.

External materials to the dwelling extensions would be acceptable.

As a result, the proposed development would not have an adverse impact on the appearance of the street scene or the character of the group of dwellings in accordance with Policy CS12 of the Core Strategy.

#### Impact on neighbouring properties

The application site abuts other dwellings to the north, south and west. To the east is Sacred Heart Church. The dwellings nearest the development include No. 19 Tweed Close to the side (north-west) and flats at Nos. 15, 16 and 17 Tweed Close to the north.

The dwelling at No. 19 is located slightly forward of the application site, such that the existing dwelling projects slightly rearward of the neighbour's main rear windows. Rear garden levels are also slightly elevated on the application site relative to No. 19. The proposed roof extensions would be sited generally in line with No. 19, and the rear dormer window located at least 2.5m from the side of the dwelling nearest this neighbour. The roof additions therefore would not result in unreasonable levels of visual intrusion or loss of light. No upper-floor side-facing windows are proposed that would lead to overlooking.

Similarly, the single-storey rear extension would be sited 1m from the boundary with a maximum height of 3.8m, sloping down to an eave level of approximately 2.7m. The rear windows of No. 19 are not obstructed by any other buildings or structures and noting the generous garden width of the neighbouring plot, there would be sufficient visual relief from development.

With respect to the flats at Nos. 15-17 Tweed Close, the proposed outbuilding and extensions would be located sufficient distance from these neighbours so not to adversely impact upon their residential amenity with respect to visual intrusion or loss of light. There would be no concerns with respect to overlooking from the two front roof lights.

Dwellings within Sheldon Lodge would also not be adversely impacted by the development, in particular the dormer window. This would be located over 20m from this development and is not considered to contribute to any further adverse overlooking compared with existing conditions.

It follows that 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

The existing parking arrangements would remain unchanged, noting there would be sufficient space on the driveway to accommodate two cars. Whilst this would not meet maximum standards for a single dwelling of this size, the level of parking provision would be sufficient noting the site's location within a town. The proposal is therefore in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

### Community Infrastructure Levy (CIL)

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

**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 constructed in accordance with the materials specified on the application form.**

Reason: To ensure a satisfactory appearance to the development 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:**

**Site Location Plan (no reference)  
3076.16.2 Rev B**

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

### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage 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

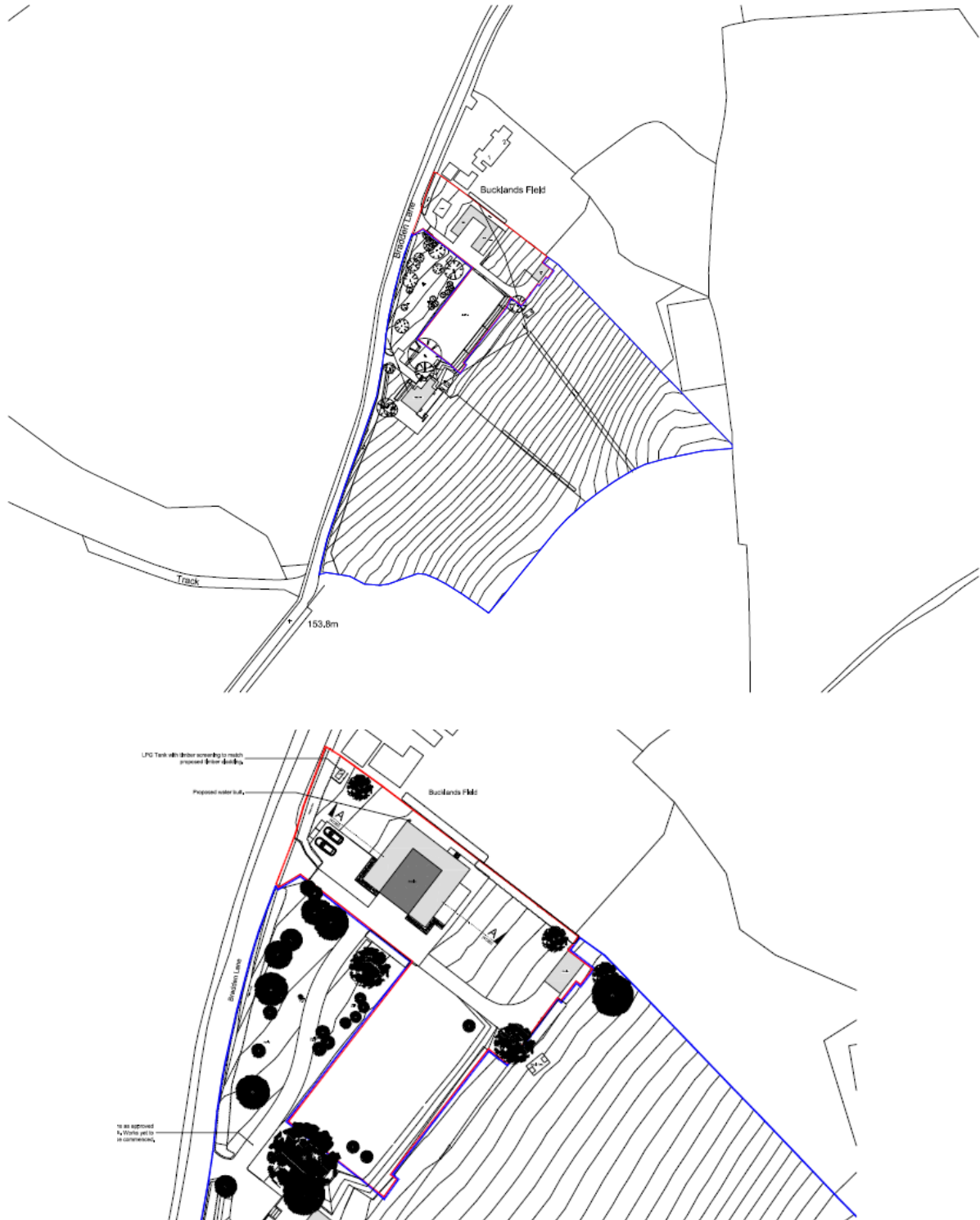




## Item 5f

**4/01679/16/FUL - CONVERSION OF EXISTING DISUSED STABLES BUILDING TO CREATE A NEW DWELLING. WORKS TO INCLUDE THE RENOVATION OF EXTERNAL FACADES, ASSOCIATED LANDSCAPING AND THE RENOVATION OF THE EXISTING FEED STORE BUILDING INTO A GARDEN STUDIO ROOM.**

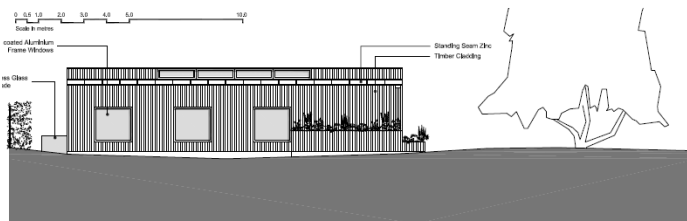
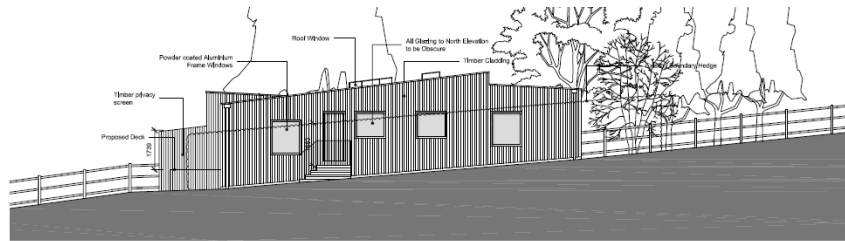
**PAMPARD HOUSE, BRADDEN LANE, GADDESSEN ROW, HEMEL HEMPSTEAD, HP2 6JB**



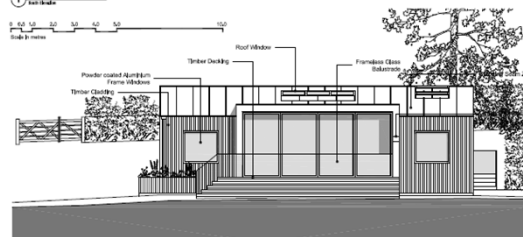
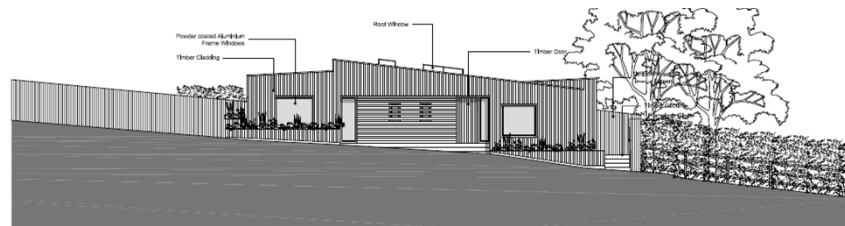
Item 5f

**4/01679/16/FUL - CONVERSION OF EXISTING DISUSED STABLES BUILDING TO CREATE A NEW DWELLING. WORKS TO INCLUDE THE RENOVATION OF EXTERNAL FACADES, ASSOCIATED LANDSCAPING AND THE RENOVATION OF THE EXISTING FEED STORE BUILDING INTO A GARDEN STUDIO ROOM.**

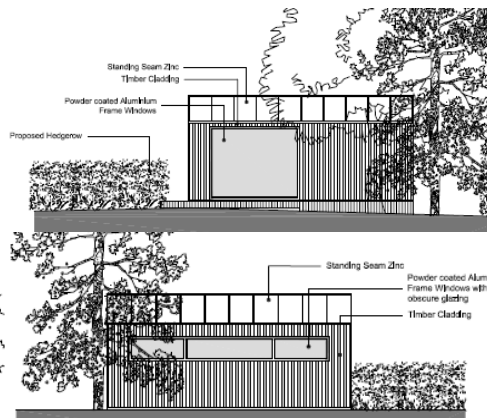
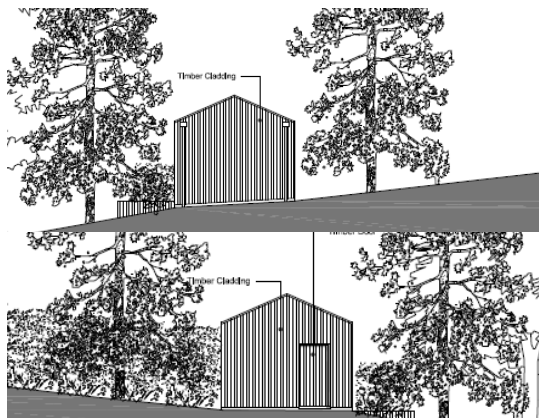
**PAMPARD HOUSE, BRADDEN LANE, GADDESSEN ROW, HEMEL HEMPSTEAD, HP2 6JB**



**Pampard House**  
 2121(31)501 I  
 Stables Proposed  
 North & West Elevations  
 1/16/16  
 PLANNING



**Pampard House**  
 2121(31)500 C  
 Stables Proposed  
 South & East Elevations  
 1/16/16  
 PLANNING



**4/01679/16/FUL - CONVERSION OF EXISTING DISUSED STABLES BUILDING TO CREATE A NEW DWELLING. WORKS TO INCLUDE THE RENOVATION OF EXTERNAL FACADES, ASSOCIATED LANDSCAPING AND THE RENOVATION OF THE EXISTING FEED STORE BUILDING INTO A GARDEN STUDIO ROOM.. PAMPARD HOUSE, BRADDEN LANE, GADDESSEN ROW, HEMEL HEMPSTEAD, HP2 6JB.**

**APPLICANT: MR & MRS TONY AND CLARE MARTIN.**

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[Case Officer - Amy Harman]

### **Summary**

The application is recommended for approval.

### **Site Description**

The Stables at Pampard House are located on the east side of Bradden Lane, Gaddesden Row, They are of concrete block construction with a flat roof. The disused feed store is of a similar construction with a pitched roof. The application falls within a designated rural area and within the Chilterns Area of Outstanding Natural Beauty. The site slopes down from Bradden Lane to the existing stables and then away to the rear to the east. There are several outbuildings located on the site including the disused feed store and a disused manege.

### **Proposal**

Conversion of existing disused stables building to create a new dwelling, works to include the renovation of external facades, associated landscaping and the renovation of the existing feed store building into a garden studio room.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Great Gaddesden Parish Council.

### **Planning History**

4/04094/15/FH TWO STOREY FRONT, SIDE AND REAR EXTENSION,  
A ALTERATIONS TO THE ROOF, RAISED PLATFORM AT REAR,  
ALTERATIONS TO FENESTRATION AND EXTERNAL  
MATERIALS  
Granted  
04/04/2016

4/01213/11/FH REPLACEMENT DORMER TO SIDE OF HOUSE  
A  
Granted  
23/09/2011

4/00482/07/FH SINGLE STOREY SIDE EXTENSION AND PORCH  
A

Granted  
20/04/2007

4/00347/07/FH TWO STOREY SIDE EXTENSION  
A

Withdrawn  
29/03/2007

4/01504/06/FH TWO STOREY SIDE EXTENSION AND PORCH (AMENDED  
A SCHEME)

Granted  
25/08/2006

4/00921/06/FH TWO STOREY SIDE EXTENSION  
A

Withdrawn  
09/06/2006

4/01249/90/4 SIX SINGLE STOREY COMMERCIAL UNITS AND ALTERATIONS  
TO ACCESS

Refused  
18/10/1990

4/01410/89/4 EIGHT SINGLE STOREY COMMERCIAL UNITS AND  
ALTERATIONS TO ACCESS

Refused  
30/11/1989

## **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  
CS7 - Rural Area  
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  
CS17 - New Housing  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

#### Saved Policies of the Dacorum Borough Local Plan

Policies 110  
Appendices 3,7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Chilterns Buildings Design Guide (Feb 2013)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Great Gaddesden Parish Council

Object;  
Detrimental effect on the AONB  
Over development of the site  
Unacceptable precedent for development in this location

#### Chilterns Conservation Board

The conversion of the buildings must be assessed alongside the new extension and infilling of the yard area to create new floorspace. Policies CS7 of the adopted Core Strategy applies to rural areas and applies to uses including agriculture, forestry, mineral extraction, countryside recreation uses, social, community and leisure uses, essential utility services and uses associated with a farm diversification. Strictly none of these apply to a proposal to create a new dwelling. The second part of the policy establishes that small-scale development will be permitted: i.e. (i) for the above uses; (ii) the replacement of existing buildings for the same use; (iii) limited extensions to existing buildings; (iv) the appropriate reuse of permanent, substantial buildings; and (v) the redevelopment of previously developed sites 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. CCB has interpreted this to the effect that a use other than those listed is acceptable if

it is a replacement, limited to existing buildings or an appropriate re-use with no significant impact on the character and appearance of the countryside.

This Core Strategy policy is combined with the saved Local Plan Policy 97. Policy 97 states that 'In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused.

Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape'.

The Chilterns Building Design Guide at 3.26 deals with the scale and form of new buildings and establishes that 'It is important to consider how the scale and form of a proposed new building will affect its visibility in the landscape, and its relationship to nearby buildings. It is essential that the building is designed to fit the site'.

The design proposed here could be concluded to conserve the landscape due to the quality of materials proposed and low level nature of development involved. The nature of development involves some development beyond the existing footprint (i.e. it is not wholly a conversion within the existing building). To promote the wider conservation of this nationally protected landscape CCB would place weight on both the Chilterns Buildings Design Guide (as the applicants do) and also to the Hertfordshire County Council 2003 Landscape Character Assessment. This establishes at its page 127 the need to 'ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are be screened from view where possible and native species are used for hedging and tree planting to the perimeter'.

If permission is to be favourably recommended here CCB considers that some of the land edged blue can be returned to the wider landscape character. For example the menage (which must be redundant alongside the stables) can be returned to the landscape as a commensurate landscape improvement. Additionally the new parking area to the north of the stables and in place of the polytunnels could be the subject of landscaping to further screen or simply reduce hardstanding areas/surfaces.

We accept that this part of Gaddesden Row, within the AONB, incorporates some development which straddles Bradden Lane with a combination of residential and some former agricultural development. The application site enjoys potential to reduce the level of wider residential appearance, which is a reasonable planning request as a new residential development is being promoted. We commend the landscape character assessment here and would envisage that the applicant may wish to consider this as a landscaping commitment linked to any planning consent.

Improvements to the wider landscape are a matter of relevance to our statutory purposes and duties when considering planning applications.

CCB proposes that by linking the new development to the landscape character within which the application site is contained will assist in delivering the policy requirements of CS 7 (no significant impact on the character and appearance of the countryside) and policy 97 (the prime planning consideration will be the conservation of the beauty of the area) as well as the national policy test in NPPF 115 (Great weight should be given to conserving landscape and scenic beauty). This does, CCB concludes, require a landscaping plan or indeed master-plan to reduce other

Further comments from CCB after Landscape Plan submitted ;

The Chilterns Conservation Board has been consulted on the submission of amended plans and our previously submitted comments dealt with the submission of landscape

improvements and matters of setting within the context of the AONB. This application was reported to the CCB Planning Committee meeting on 21st September 2016. The amendments proposed were considered to address the landscape setting and the CCB would also refer back to previous comments that if the LPA are minded to approve that planning conditions are used to control residential permitted development and to maintain the landscaping / planting elements as would be required in accord with Local and National planning policy in a nationally protected landscape. CCB would recommend that if the application is to be recommended that the applicant's landscape conservation statement, dated 17th August 2016, provides the basis for suitable planning conditions and in supporting the removal of residential permitted development rights.

The CCB are grateful for the opportunity to submit these comments.

#### Hertfordshire County Council - Highways

**PARKING** - Two off street parking spaces are to be provided as well as two cycle stores, on an extended hard standing to the front of the plot.

I notice from drawing no "2121(11) - 500 rev D - Proposed Block Plan" that the measurements for minimum parking space size have been met, while document "Proposed Landscaping Plan Revision C" indicates that the new on site vehicular areas will be surfaced in acceptable and permeable material.

**ACCESS** - The site has an existing vehicular and pedestrian access onto Bradden Lane. No changes to vehicular or pedestrian access are proposed and no works are required in the Highway.

Bradden Lane is an unclassified local access road with a speed limit of 60 mph, so vehicles are not required to enter and exit the site in forward gear. However, there is adequate manoeuvring space on site to allow this to be achieved. There have been no accidents in the vicinity of the site in the last 5 years.

**CONCLUSION** - Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

#### Hertfordshire Ecology

Thank you for sending the modifications to the landscaping which I consider to be acceptable from a biodiversity perspective.

Traditionally orchards were protected with hedgerows to provide some shelter and wind break and further planting may be required in due course to provide this along the SE boundary of the former manege, depending on the direction and strength of the prevailing wind. Whilst I have no reason to insist on this ecologically, such measures would also provide additional landscaping and ecological benefit to the site, although this will be achieved with the current proposals to a satisfactory extent ecologically.

#### Historic England

In this instance I consider that the scheme is unlikely to have an impact upon heritage assets and I therefore have no specific comment to make upon it.

## Contaminated Land Officer

The former agricultural use of the site represents a potentially contaminative land use. The site is also located within the vicinity of a potentially contaminative former land use (old chalk pits). Consequently there may be land contamination issues associated with this site. Due to the sensitive nature of the proposed land use, I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

## Response to Neighbour Notification / Site Notice

Joint response from 1 and 2 Bucklands Field, Bradden Lane - Objection

The proposed development requires significant rebuilding and extensions in order to create a new dwelling and would clearly not be a conversion or appropriate reuse of a substantial building as required by local policy. No structural survey has been submitted or details relating to the extent of the proposed works. The introduction of this dwelling and creation of an additional residential curtilage would have a significantly greater impact on the visual amenity of the surrounding landscape than the small scale stables. The proposal is contrary to local and national policy and cannot be approved.

The proposed dwelling and associated residential curtilage would not be compatible with the rural context of this site and would significantly detract from the visual amenity of this Area of Outstanding Natural Beauty.

The proposed development would harm the visual and residential amenity of the adjoining occupiers.

This narrow country lane is not suitable for a high volume of traffic or large construction vehicles. The site also has poor access to public transport networks and local facilities and services. New residential development should be directed towards existing towns and villages.

The revisions are minor and have not addressed the key issues or the concerns of the adjoining occupiers.

The proposal clearly constitutes an unsustainable form of development and the Council is respectfully requested to refuse the application accordingly.

## **Considerations**

### Policy and Principle

Paragraph 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 55 seeks to avoid new isolated homes in the countryside unless there are



special circumstances. One of the special circumstances is as follows:

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;

Furthermore, Core Strategy Policy CS7 permits limited extensions to existing buildings and small-scale development including the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside.

The site is previously developed land, and the proposal is for a limited extension to an existing building, as such, it is considered that the principle of conversion of the existing stable building and associated change of use would be acceptable.

Furthermore paragraph 58 identifies that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; requiring development to be visually attractive as a result of good architecture and appropriate landscaping

Paragraph 63 identifies that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Core Strategy Policy CS1 advises that development that supports the vitality and viability of local communities, causes no damage to the existing character of a surrounding area and is compatible with policies protecting the Chilterns Area of Outstanding Natural Beauty (AONB) will be supported.

Local Plan Policy 110 is saved and is a material consideration in the assessment of the application. This policy requires a sequential approach when considering the appropriateness of alternative uses of agricultural buildings. However, the NPPF and Policy CS7 of the Core Strategy do not require such a test to be undertaken; this represents a clash in the policy requirements. As the latter provisions are given greater weight, in this instance it is not considered reasonable to carry out the sequential test. The proposal is not considered to conflict with the objectives of saved Policy 110 in terms of reuse of a rural building, in particular:

- (a) the proposal does not result in the loss of a tenanted agricultural building needed for the satisfactory functioning of a farm, displacement of an essential local service/facility or the requirement for new building;
- (b) the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction;
- (c) the use of the building serves the local area and would not lead to the dispersal of activity on such a scale as to prejudice the vitality of a nearby town or village or encourage a significant amount of car travel by employees or business visitors;
- (d) the traffic generated can be safely accommodated by the site access and the local road network;
- (e) its form, bulk and general design are in keeping with its surroundings;

(f) no new fences, walls or other structures associated with the use of the building or the definition of its curtilage are erected which would harm the visual amenity of the countryside; and

(g) no activity or storage takes place outside the building (other than limited parking or servicing to meet the essential needs of the use).

Saved Local Plan Policy 97 provides advice on development in the Chilterns Area of Outstanding Natural Beauty. The prime planning consideration being the conservation of the beauty of the area. It advises that any development proposal which would seriously detract from this will be refused. It advises that wherever development is permitted, it will be on the basis of its satisfactory assimilation into the landscape.

The Chilterns Building Design Guide at 3.26 deals with the scale and form of new buildings and establishes that 'It is important to consider how the scale and form of a proposed new building will affect its visibility in the landscape, and its relationship to nearby buildings. It is essential that the building is designed to fit the site'.

The Hertfordshire County Council 2003 Landscape Character Assessment at page 127 identifies the need to 'ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are be screened from view where possible and native species are used for hedging and tree planting to the perimeter'.

On the basis of this policy background, the principle of conversion of the building and associated change of use to create one new dwelling is acceptable. The main issues of this case relate to the impact of the proposal on the open character of the Rural Area and the natural beauty of the AONB.

#### Effects on appearance of building

The design of the proposal has been developed using the guidelines from the Chilterns Buildings Design Guide. The proposal aims to provide a contemporary dwelling whilst complementing its rural location.

The new dwelling will be formed within the footprint of the existing stables with an infill of 69 square metres (Policy CS7).

The applicant has provided a construction statement which details how the existing stable building will be converted to a residential dwelling. This identifies that the existing blockwork structural walls of the stables will be retained and will form the basis of the structure of the new dwelling.

The proposals seeks to retain, refurbish and upgrade the existing structure. The existing stables building being a single storey structure that steps down the site with the gradient of the land.

Due to the additional insulation requirements the finished floor levels will be higher than the existing. In addition, the level change across the building has also meant that a flat roof spanning across the former yard would not be possible, therefore the angle of the southern roof slope has been continued up to form the new roof and would

result in a small increase in the overall roof height.

The existing roof will be entirely removed and replaced by a new lightweight insulated timber structure that will bear onto both the existing walls and the new internal walls being built within the existing courtyard. Any new structure is contained within the existing courtyard.

The table shows the height comparison of the existing and proposed structure;

Type	Highest Point of Roof	East Eaves	West Eaves
Existing Height	3010mm	3210mm	2575mm
Proposed Height	4041mm	3710mm	3070mm

The design of the proposals has been developed using the guidelines from the Chilterns Building Design Guide 2010 which is welcomed. Materials proposed include locally sourced timber cladding (on the existing structure) with a Standing Seam Zinc roof and powder coated aluminium frame windows. There are three roof lights proposed.

The stables building will continue to be screened from Bradden Lane by the mature hedgerow and an additional area of proposed hedgerow.

To the rear (facing east) a timber decked area is proposed with bi-fold doors. This is to be screened with a timber privacy screen to the north. All the proposed new windows on the north elevation will be obscure glazed. There is an entrance to the utility on the north elevation, however this is largely screened by the existing hedge.

The feed store building is largely retained for the use of a studio associated with the new dwelling, with the retention of the existing door openings and the windows to the west elevation, again this is to be timber clad with a standing steam zinc roof. There is no proposed change to the scale of the feed store building.

It is therefore considered that the appearance of the new building, positively enhances the rural area by using more appropriate and attractive materials. The net addition of 69 square metres of floorspace is a relatively minor infill and the increase in height of 1 metre (at the highest point) is a relatively modest addition to the existing building.

#### Impact upon the Rural Area

The proposal would include limited infilling (as detailed above) which does not extend beyond the existing north facade of the existing building. There are external alterations to the existing fenestration and an increase of the height of the building by one metre (at the highest point). The existing unsympathetic walls and roof would be replaced by wood cladding and zinc which are considered to assimilate well with the surroundings. The dwelling will be screened from Bradden Lane by the retained mature hedgerow, the height of which blocks views of the proposal. The proposal therefore has little impact on the skyline.

Given that the proposal will not encroach beyond the building line of the existing front elevation the extension will not harm the pattern of development along Bradden Lane.

In these circumstances, there would be no significant impact on the character and appearance of the countryside and therefore the proposal would maintain the character and appearance of the wider countryside and AONB.

The proposal would therefore accord with Policy CS7.

In accordance with NPPF paragraph 58, the applicant has provided a landscape improvement plan which seeks to improve the character of the surrounding landscape. These are identified in four areas;

1. Removal of unsightly domestic facilities, specifically the heaps and poly tunnel
2. 798 m<sup>2</sup> of the site being returned to grassland, with an additional 139 m of the existing hardstanding being converted
3. 4 new native trees will be planted for wildlife and improving privacy and screening from the AONB, diminishing the current impact
4. 5 new areas of hedgerow will be planted to improve privacy and screening from the AONB

In addition to these improvements afforded by the new trees, hedgerows and grassland mix, following the advice from Hertfordshire Ecology, three bat boxes are proposed for the site. It is proposed that these boxes will be positioned in existing trees at least 4m above ground level. The boxes have been located in trees close to the existing established hedgerow, and orientated for good sun exposure.

Both Chilterns Conservation Board and Hertfordshire Ecology have been consulted on the landscape proposals and are happy with the improvements suggested and the proposals are considered to address the landscape setting improvement requirements.

As such the proposals meet the criteria set out in paragraph 58 of the NPPF, in that the proposals respond to local character of the area, are visually attractive as a result of good architecture and appropriate landscaping has been proposed.

#### Effect on Street Scene and AONB.

Due to the existing and proposed screening from Bradden Lane the site it is not visible from the highway. Although the proposals are visible from a public footpath (east of Bradden Lane), the landscape improvements proposed would enhance the view from the South to this part of Bradden Lane.

For these reasons and the reasons given above, it is considered that the improved appearance of the site will therefore improve its appearance within the AONB, be in keeping with the typical vernacular and would conserve the landscape, therefore complying with saved Policy 97.

#### Residential Amenity

Appendices 3 and 5 are relevant together with Policies CS10, 11, 12 and 13. Normal requirements with regards to parking, access, amenity space, bins etc. apply.

The details on plan are considered acceptable.

Sufficient amenity space has been provided which is bounded by a mix of new and retained hedgerows and retained post and rail fencing.

It is considered that sufficient provision has been made for bin storage.

With regards to parking, it is considered that the proposal meets maximum parking standards as contained within Saved Appendix 3 of the Dacorum Borough Local Plan. These arrangements have been softened by the landscape plans and are acceptable.

#### Impact on Trees and Landscaping

There has been a detailed landscaping plan submitted (as detailed above). Hertfordshire Ecology's advice fully informed the evolution of this plan, consequently Hertfordshire Ecology considered it to be acceptable from a biodiversity perspective.

#### Impact on Highway Safety

The site is accessed from an existing egress off Bradden Lane. Bradden Lane is an unclassified local access road with a speed limit of 60 mph, so vehicles are not required to enter and exit the site in forward gear. However, there is adequate manoeuvring space on site to allow this to be achieved. There have been no accidents in the vicinity of the site in the last 5 years. Hertfordshire County Council as Highway Authority therefore considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways.

#### Impact on Neighbours

The objections received are from the neighbours of the site at numbers 1 and 2 Bucklands Field.

Their objection states that;

*' The existing stables are located adjacent to the common boundary with number 1 Bucklands Fields and are visible from this property. The proposed dwelling would have a significantly higher roof level than the existing stables and would extend the full depth of the garden serving 1 and 2 Bucklands Field. The increase in the scale and bulk of the building would result in a more dominant impact on the occupiers of these properties than the existing situation. The stables are also located to the south of these properties and as such the proposal would cause a degree of overshadowing, contributing to the adverse impact of the proposal. The owners of the adjoining property are seriously concerned with the impact of these changes on their visual and residential amenity.*

*The proposed dwelling includes a series of openings and a raised platform serving the utility room on the elevation directly adjacent to the common boundary with number 1 Bucklands Field. In addition to this, a large balcony is proposed to the rear of the dwelling providing a raised amenity area for the future occupiers. The openings and raised platforms would have privacy and overlooking implications on adjoining occupiers to the detriment of their amenity and living conditions. The proposed ancillary accommodation provided at the end of the garden would also have views directly towards the gardens and rear elevation of these semi-detached dwellings. Furthermore, the existing post and rail fencing would not be sufficient in restricting*

*views into these properties, seriously detracting from the privacy of the occupiers. Given the sensitive rural setting of the application site, it would not be appropriate to construct close board fencing to restrict views given its domestic appearance.*

*It is acknowledged that a screen has been provided adjacent to one of the proposed raised platforms. However, this minor alteration would be insufficient in addressing the concerns raised above and could be removed after the granting of permission.*

*The adjoining occupiers, numbers 1 and 2 Bucklands Field, value their privacy and the quiet nature of this rural area. They have concerns that the introduction of this five bedroomed dwelling with ancillary accommodation would significantly increase noise and general disturbance, eroding the quiet environment they currently enjoy. They have also expressed serious concerns about light pollution resulting from the numerous new openings.*

*The revised scheme would still therefore have implications of the visual and residential amenity of the adjoining occupiers and have not addressed their concerns.'*

1 and 2 Bucklands Field, a semi-detached pair, are located to the north of the proposal site a minimum of 15.7m. 2 Bucklands Field being some distance away. Directly on the boundary, on the land surrounding 1 Bucklands Field are various sheds, a greenhouse and vegetable gardens. The boundary is punctuated by a high hedge where you can just make out the existing roof of the stables at Pampard House. The actual house of 1 Bucklands Field is set further north on the other side of this paraphernalia further towards Braden Lane some distance away. The proposed new dwelling will retain the same distance from the boundary with this property and at its highest point, will be 1 metre taller than the existing building. The proposal seeks to plant an additional hedgerow to follow the boundary with 1 Bucklands Field to the end of the proposed garden area therefore reinforcing the division of the two properties.

The objection maintains that their privacy will be disturbed by the raised platform to the rear of the proposed stables. However the applicant has sought to insert a privacy barrier on the north side so that there is now minimal potential for overlooking. In addition all the windows on the north elevation will be obscure glazed. Owing to the levels on this site, the privacy screen and the proposed hedgerows it is considered that there is only a minimal potential for increased overlooking into 1 Bucklands Field.

The objections also relate to the potential for overshadowing. Given the separation of the proposed new dwelling to the house at 1 Bucklands Field and the limited increase in height of the existing building by 1 metre, this would not result in any material harm.

Therefore it is considered that there is no material harm to neighbouring properties due to the separation of the properties, therefore the proposals comply with saved Policy CS12.

### Sustainability

A CS29 checklist has been provided.

### Other Material Planning Considerations

It is considered appropriate to remove the majority of permitted development rights by condition to ensure that there are no further impact on the AONB.

To include;

Schedule 2 Part 1 Classes A, B, C, D, E, F, G and H and Part 2 Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### Conclusions

The proposal facilitates the use of previously development land with limited infilling and it is therefore considered that the principle of the development is acceptable. The design proposed, conserves the open character of the rural area whilst using good quality, local materials. The proposal as a whole, including the enhanced landscaping proposals would lead to an enhancement to the landscape. Therefore there would be no material harm to the rural area and the AONB. There is no significant impact on neighbours.

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/documents:**

Design and Access Statement

2121(10)500E,

2121(10)501E,

2121(11)500F,

2121(20)500A,

2121(20)501A,

2121(21)500D,

2121(21)501C,

2121(20)700B,

2121(21)700C,

2121(31)500C,

2121(31)501D,

2121(31)700C,

2121(41)500A,

Existing Landscaping Plan, Proposed Landscaping Plan RevC, Landscape Conservation Statement Rev.B

CS29 Checklist RevA

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with Adopted Core Strategy CS12

- 4 **All structures (including those structures not substantially completed), other than those shown for retention on the approved plans or permitted by this permission, shall be demolished and the materials arising from demolition removed from the site prior to the implementation of the development hereby permitted.**

Reason: In the interests of maintaining the open character of the Rural Area in accordance with Adopted Core Strategy CS7

- 5 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**



**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy

- 6 All remediation or protection measures identified in the Remediation Statement referred to in Condition (5) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 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, D, E, F, G and H  
Part 2 Classes A and B**

Reason: To enable the local planning authority to retain control over the

development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Adopted Core Strategy Policy CS7 and Saved Local Plan Policy 97

### **Informatives**

Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

### **Article 35 Statement**

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

Item 5g

4/01851/16/FHA - TIMBER AND GLASS SIDE CONSERVATORY. NEW DORMER WINDOWS AND CONSERVATION ROOF LIGHTS

CAPRI, 3 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY



Item 5g

4/01851/16/FHA - TIMBER AND GLASS SIDE CONSERVATORY. NEW DORMER WINDOWS AND CONSERVATION ROOF LIGHTS

CAPRI, 3 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY



**4/01851/16/FHA - TIMBER AND GLASS SIDE CONSERVATORY. NEW DORMER  
WINDOWS AND CONSERVATION ROOF LIGHTS.  
CAPRI, 3 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY.  
APPLICANT: Mr Rennie.**

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[Case Officer - Tass Amlak]

### **Summary**

The application is recommended for approval. The proposal is for a timber and glass side conservatory, a new dormer window and conservation roof lights. Overall it is considered that the proposed development will be in keeping with the character and appearance of the application property, the street scene and the wider Berkhamsted Conservation Area.

### **Site Description**

the application relates to a two storey semi- detached property located on the western side of Park View Road which is residential in character. The application property is also located within the Berkhamsted Conservation area.

### **Proposal**

The application seeks permission for a timber glass side conservatory, a new rear dormer window and conservation roof lights..

### **Referral to Committee**

The application is referred to the Development Control Committee due to the applicant being an employee of the Council

#### Relevant history

None relevant.

### **Constraints**

CIL 1  
Conservation Area  
Article 4 Directions  
Area of Archaeological Importance

#### Relevant policies

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS13- Quality of Public Realm  
CS27-Quality of the Historic Environment  
CS28 - Carbon Emission Reduction  
CS29 - Sustainable Design & Construction  
CS31 - Water Management  
C32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking

## **Summary of Representations**

Conservation

### Initial Comments

Capri is part of a semi-detached symmetrical pair of early 20<sup>th</sup> century properties fronting Park View Road, they are of brick construction with stone dressings and projecting gables with timber and render in the upper part. The pair make a strong positive contribution to the street scene and character of the Berkhamsted Conservation Area. B properties retain their original timber sash windows and the shared glazed timber framed canopy over the front entrances. The rear of the property is visible from Boxwell Road.

The application proposes a timber and glass side conservatory; this is of traditional design and materials and is of an appropriate scale.

The application also proposes two dormers. One dormer will be sited in the rear roof slope of the main range. Is this actually required for the loft conversion – could an additional roof light suffice instead. If the applicants still want a dormer could this be reduced in size and incorporate a 2-light casement window instead of a 3-over-3 sash.

A dormer is also proposed within the roof slope of the shared rear wing. This dormer is disproportionately large / bulky and again should be reduced in width to a 2-light casement and the bathroom reconfigured to account for this.

The roof lights should be of a conservation type and sit flush with the roof slope.

The window to the upper part of the front gable is of an appropriate size and design.

Recommend the application is amended as set out above

### Comments following amendments

The reduced dormer sizes make them more proportionate and they relate better to the windows below - I now consider the proposal acceptable and recommend approval.

Berkhamsted Town Council

Noted

## **Considerations**

### Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

Policy CS27 of the Core Strategy (Quality of the Historic Environment) states that the integrity, setting and distinctiveness of designated heritage assets will be protected, conserved and if appropriate enhanced.

Policies CS10, 11, 12 and 13 of the Core Strategy seek a high quality of design in all development proposals.

DBLP 120 - Development in Conservation Areas; new development or alterations or extensions to existing buildings in the conservation area will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, In particular infilling proposals will be carefully controlled; use materials and adopt design details which are traditional to the area and complement its character; be of a scale and proportion which is sympathetic to the scale, height and overall character of the building to be extended; and in the case of alterations and extensions be complementary and sympathetic to the established character of the building to be altered or extended.

The main issues in this case concern the effect of the proposal on the character and appearance of the application site, the street scene and the wider Berkhamsted Conservation Area.

### Effect on appearance of building

The property is a two storey semi-detached property and the application seeks permission for a single storey side conservatory which infill the land adjacent to the wing extension. This is considered to be acceptable and would be a proportionate addition to the existing property. Therefore the proposed extension would be in keeping with the character and appearance of the existing property.

The proposal includes the insertion of a dormer window to the rear elevation of the property. There were some initial concerns regarding the bulk and fenestration of the proposed dormer windows and as a consequence the dormer window on the two storey wing projection has been changed to a roof light and in addition to this the rear dormer window has been widened and proportions amended. In addition to this the proposed the proposal will also include additional conservation style roof lights to rear elevation of the property. This is considered to be acceptable and would be in keeping with the character and appearance of the application property.

The development is considered appropriate in terms of the character of the main dwelling and the proposal is considered acceptable in terms of Policies CS11,CS12

and CS27 of the Dacorum Core Strategy and saved Dacorum Borough Local Plan Appendix 7 - small scale house extensions.

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

The proposed single storey side extension will infill the land adjacent to the two storey wing extension and will be designed with traditional materials. This is considered to be acceptable and would not be harmful to the character and appearance of the street scene and wider Conservation Area.

The proposal will include the insertion of a new window to the front gable of the property facing the main road however this would be in keeping with the character and appearance of the street scene.

However, with regards to the rear dormer window; the rear elevation of the property is visible from (to the rear) Boxwell Lane, so the proposed dormer will be visible from public viewpoints. However, there are a number of properties with rear dormers within the road and in addition to this there are many examples of rear dormers within the Conservation Area and therefore it is considered that the amended dormer windows would be in keeping with the character and appearance of the general locality.

Therefore the proposal is in accordance with the Saved Local Plan policy 120 and Core Strategy Policy CS27. In addition to this the proposal is also in accordance with the dormer window guidance within Appendix 7 of the Local Plan.

#### Effect on Amenity of Neighbours

There is no direct overlooking of any window in the neighbouring properties and it is considered that no material loss of privacy will result. In this regard, the proposal is considered acceptable in terms of Policy CS11 and CS12 of the Dacorum Core Strategy and saved Dacorum Borough Local Plan Appendix 7 - small scale house extensions.

#### **Conclusions**

The proposed alterations are considered acceptable and would not have an adverse impact on the appearance of the street scene and the wider Berkhamsted Conservation Area. There would be no significant adverse impacts on neighbouring properties. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS12, CS17 CS13, and CS27 of the Core Strategy.

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 constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy.

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

LOCATION PLAN  
EXISTING PLANS  
EXISTING ELEVATIONS  
PROPOSED PLANS REV A  
PROPOSED ELEVATIONS REV B  
DESIGN AND ACCESS STATEMENT

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

Article 35 Statement

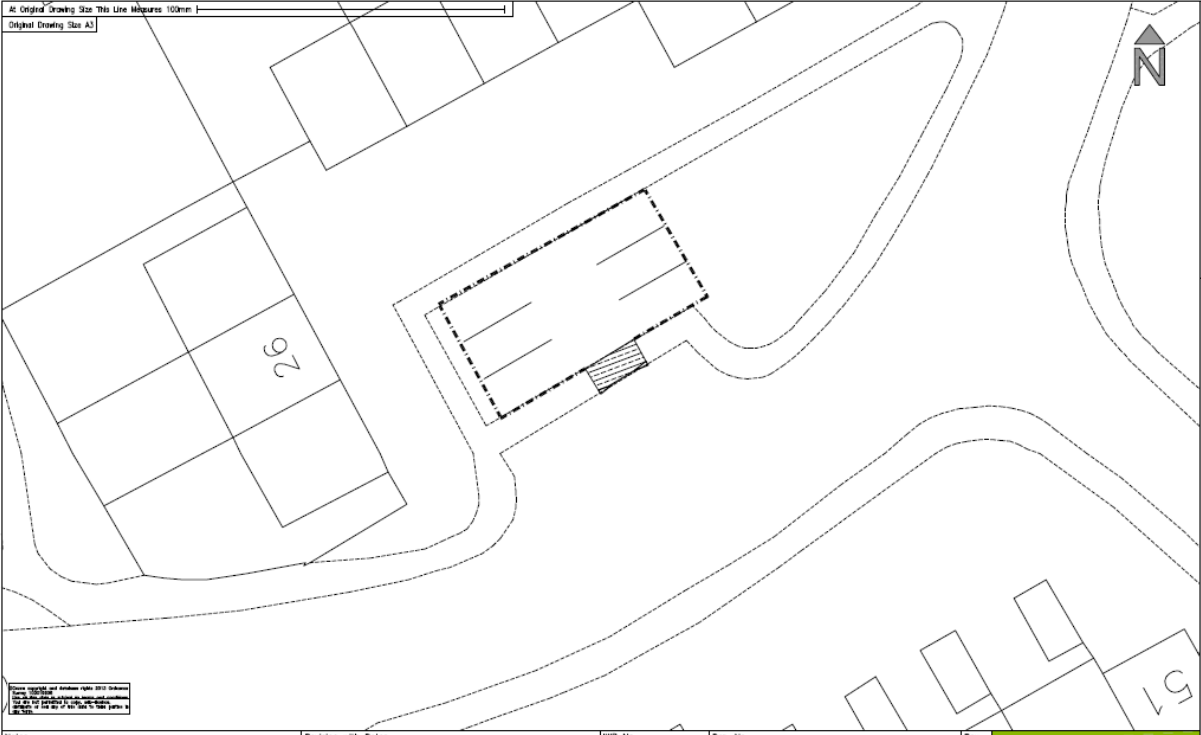
Planning Permission has been granted for this proposal. Discussions took place with the applicant which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

# Agenda Item 5h

## Item 5h

### 4/02201/16/FUL - INSTALLATION OF SIX PARKING BAYS

### AMENITY LAND ADJ 28, NORTHEND, HEMEL HEMPSTEAD, HP3 8TL



**4/02201/16/FUL - INSTALLATION OF SIX PARKING BAYS.  
AMENITY LAND ADJ 28, NORTHEND, HEMEL HEMPSTEAD, HP3 8TL.  
APPLICANT: Resident Services - Gill Martinez.**

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[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The creation of additional car parking is acceptable in principle in this location. The proposed parking area would not have an adverse impact on the appearance of the street scene and would not harm significant trees. The development would not have an adverse impact on the residential amenity of neighbouring properties. There would no detrimental impact on highway safety.

The proposal is therefore in accordance with Policies CS4, CS8, CS11 and CS12 of the Core Strategy and saved Policies 58 and 99 of the Local Plan.

### **Site Description**

The application site comprises an amenity green located on the northern side of Northend, in front of three (four-dwelling) terraces in an L-shaped arrangement. The application site contains some vegetation particularly surrounding an existing parking lay by. A number of the trees on the green appear mature and are attractive features within the street.

### **Proposal**

Planning permission is sought for the conversion of part of the green and provision of hardstanding and a vehicle crossover to provide six off-road parking spaces and associated access off Northend.

Two spaces within the existing layby would be lost to facilitate access (vehicle crossover) to the spaces created on the amenity green.

The proposal would result in a net gain of four car parking spaces.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is Dacorum Borough Council.

### **Planning History**

Pre-application advice was given on the proposal to provide six spaces on the amenity green, as follows:

Planning permission will be required. This proposal should be acceptable as it would not have a detrimental impact on character and appearance of local area. It is noted that some existing spaces will need to be lost to achieve this scheme, so in the event of a planning application, it would be useful to know the net gain in parking spaces. In addition, the views of Highways will need to be sought to check for any issues

regarding visibility around the bend.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### Core Strategy

Policies NP1, CS1, CS4, CS12, CS13, CS25, CS29 and CS31

### Dacorum Borough Local Plan (saved policies)

Policies 58 and 99  
Appendix 5

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA26 Northend  
Area Based Policies (May 2004) - Development in Residential Areas

## **Summary of Representations**

### 24 Northend

I support the installation of six additional car parking spaces as they are badly needed as people who have driveways tend to use the car parking spaces.

### Strategic Planning and Development

#### The Application

The applicant is Resident Services DBC applying to convert part of the amenity space along Northend in Hemel Hempstead into 6 parking spaces. The Council has an ongoing Verge Hardening Programme to create parking spaces from underused verges and communal grass areas. The programme addresses areas where a lack of parking is having a detrimental impact on DBC Services, emergency services and community safety.

The application suggests that the 6 new parking bays will be provided however it appears from Google Maps that there already exist 6 parking bays bordering the amenity space through which cars would have to pass to access the new parking bays provided on the amenity space. Therefore whilst 6 new parking bays will be provided on the amenity space as a minimum 2 spaces will have to be lost from the parking bays that border the amenity space to allow access to the new spaces. The existing provision is therefore 6 spaces. With the new amenity space the additional parking provision is 4 spaces (not 6 as stated in application) since 2 are lost from existing to provide access (6 existing – 2 spaces lost for access = 4 plus 6 added = 10 thus additional = 10 new minus 6 existing =4).

## The Policies

A meeting was held on 5<sup>th</sup> July 2016 between Philip Stanley (Team Leader DM), Laura Wood (Team Leader Strategic Planning and Regeneration) and Stephane Lambert (Strategic Planning and Regeneration Officer) concerning the second phase of the Council's Verge Hardening Programme. The meeting discussed the policy implications of the project with particular focus on the impacts on the 'openness' of urban areas. The outcome of the discussions was that whilst 'openness' should be protected a judgement needs to be made as to whether additional parking will resolve a parking problem in the area and thus the loss of 'some' green space can be justified. If this can be justified then it was agreed that it was a matter for the case officers to judge the overall merit of any application in light of other site specific issues such as loss of amenity space, spoiling of the visual aesthetics of an area, need for on-street parking and so forth. If the site in question had been designated as Open Land under saved Local Plan Policy 116 then a stricter level of 'merit' should be applied to taking away amenity space for use as parking. In this case the site is not Open Land.

## Conclusion

On the site specific merits of the application there could be a case made to provide these 6 parking bays to reduce inappropriate on-street parking on verges and so forth given the high demand for parking in the area. However consideration also needs to be given of the environmental impact of the loss of amenity open space.

## Trees and Woodlands

The proposal will result in the loss of approximately 50% of the grass area but this is acceptable provided the applicant agrees to mitigating measures recommended by the LPA. There are 2 young Norway Maple trees close to the proposed parking bays. The nearest tree is only 1.2 m away (it has a Root Protection Area of 3m) and even if it survives the impact of the development, its canopy will cover the first couple of parking spaces as the tree grows to maturity causing nuisance by dropping honeydew on parked cars. I recommend that this tree is removed and a replacement tree is planted on the same grass verge at a reasonable distance from the parking bays. The applicant is required to pay for removing the tree and grinding the stump and costs of purchase, planting and maintenance of the tree (maintenance for 3 years only).

## Hertfordshire Highways

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 (HCC) as a Highway Authority does not object to the proposed amenity verge parking area. The proposal would not have a material impact on the highway network and may reduce some of the on street parking that occurs at present. However, the following informatives should be included within the decision notice should the Local Planning authority wish to grant planning permission. The highway authority recommends inclusion of the following Advisory Notes (AN) to

ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

Construction standards.

New or amended crossover – construction standards AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials AN2) 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.

Obstruction of the highway AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Conclusion

The assessment does not indicate any significant issues with the proposal to create a single width vehicle cross over serving 6 off street parking spaces on amenity land

adjacent to 28 North End. The applicant may wish to consider marking on the carriageway some form of 'Keep Clear' or an H bar marking so that the access to the parking spaces is kept free at all times if persistent blocking of the access occurs. The highway authority would not wish to restrict the grant of planning permission subject to the above informatives.

#### Hertfordshire Highways - further comments based on amended plan

We do not normally mark up the highway into parking bays . I am assuming that the carriageway, layby in this case does indeed form part of the adopted highway. I would rather leave that out and let the local residents work it out for themselves. If left like this we may have cars sticking out into the carriageway , which would be dangerous in my opinion. Worst, the highway authority would be seen to be encouraging such a poor way of parking. Of course this already happens to some degree and again from what I recall from going to site and looking on mapping the bend of the road is heavily parked upon but again the HA would not want to formalise this parking.

The VXO leading to the new amenity seems slightly narrower? The egress would benefit from a 'keep clear' marking or an 'H' bar road marking but again that may need to be looked at a latter date if inconsiderate parking occurs that results in the access being blocked. Again the locals will empower all of this for themselves.

Further comments confirm that the proposed access arrangements are satisfactory.

#### Contaminated Land

I have no additional comments to make in respect to contamination.

### **Considerations**

#### Policy and Principle

Under the saved Area Based Policies, Development in Residential Areas Supplementary Planning Guidance, the terminology section defines amenity spaces and greens as small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space but do not qualify as larger areas of structural open land defined in saved Policy 116 of the Local Plan.

Policy CS4 of the Core Strategy states that appropriate residential development in residential areas is encouraged. The application site is located within a residential area within the town of Hemel Hempstead. The proposed development involves the creation of parking spaces to serve local residents to Northend and surrounding streets and therefore would not raise any policy objections.

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

In considering the appropriateness of part of the amenity green to be covered by hardstanding, it is important to note the significance of the green space within its environment.

Amenity space has been planned within the HCA26 - Northend neighbourhood layout,

although not extensively provided. The Residential Character Area statement goes on to state that amenity space adds to a sense of some spaciousness within the area. The retention of amenity land is encouraged under HCA26, however the guidance only discourages the inclusion of such land within domestic residential curtilages. As such, the character area guidance does not specifically discourage other development on amenity space including the provision of car parking.

This part of Northend contains a number of amenity greens which vary in shape and size. This one in particular in front of No. 28 has a wide street frontage, and currently accommodates a lay by for the parking of five cars.

The proposed car parking area would be largely screened by existing parking within the lay by from the perspective immediately opposite the site on Northend (to the south).

The provision of additional hardstanding to accommodate parking would compromise some of the hedges surrounding the existing lay by and potentially the large tree positioned centrally along the frontage of the green. If planning permission is granted it would be reasonable to attach a condition requiring planting elsewhere on the green to offset the loss of vegetation. This would also assist in softening the appearance of the new parking area from the east on Northend.

The use of a tarmac surface would significantly contrast with the green however in the interests of providing a safe and useable access this would not unduly harm the character and appearance of the amenity green.

The proposal is therefore in accordance with Policies CS12, CS13 and CS25 of the Core Strategy and saved Policies 99 and 116 of the Local Plan.

#### Impact on trees

As suggested by Trees and Woodlands the loss of the tree should be replaced on the green and as such any permission shall be subject to a landscaping condition.

#### Impact on neighbouring properties

The close proximity of cars relative to dwellings is not considered to result in unreasonable levels of disturbance. Specifically, the cars would be parked a minimum of 7m from the frontages of the nearest dwellings at Nos. 26 and 28 Northend. The proposed car parking area would be further be screened by existing boundary fencing to these properties.

The proposal is therefore in accordance with Policy CS12 of the Core Strategy.

#### Impact on car parking

The proposal would not raise any highway safety concerns noting comments from Hertfordshire Highways above.

#### Drainage

In order to meet the objectives of Policy CS31 of the Core Strategy with respect to



minimising run off from the proposed development area, it is considered reasonable to require details of surface water disposal by condition.

**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 **No development shall take place 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:**

- **the provision of a replacement tree on the green, including planting plan and written specifications, noting species and plant size; and**
- **details of surface water drainage from the development.**

**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 Dacorum Core Strategy 2013 and to minimise water run off in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

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

**DBC/016/001 (proposed layout plan) received 5 October 2016**

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

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Construction standards.

New or amended crossover – construction standards AN1) Construction

standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials AN2) 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.

Obstruction of the highway AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

## Item 5i

4/02153/16/FUL - INSTALLATION OF AIR CONDITIONING UNIT

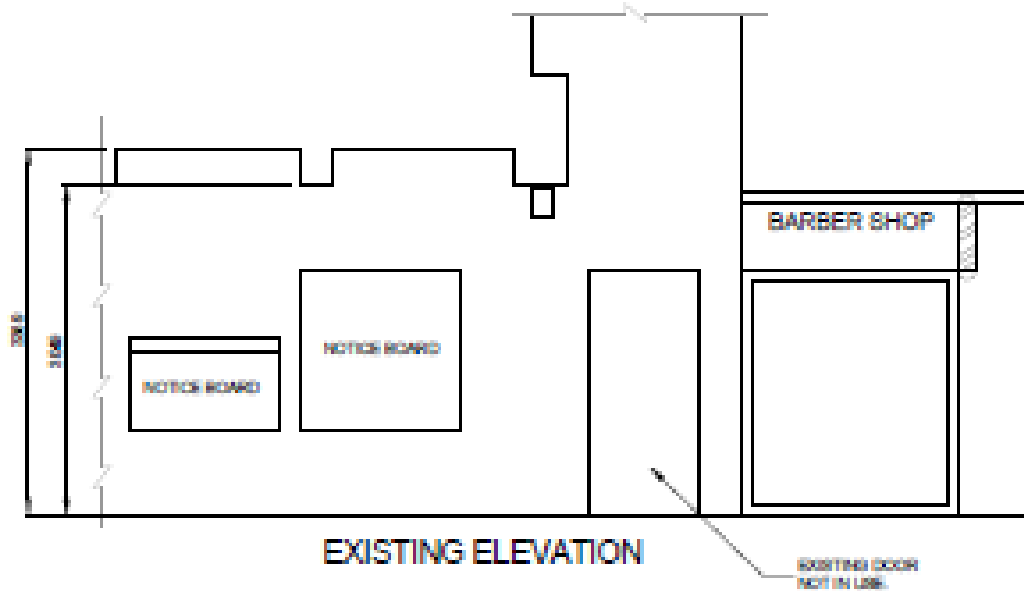
26A BENNETTS GATE, HEMEL HEMPSTEAD, HP3 8EW



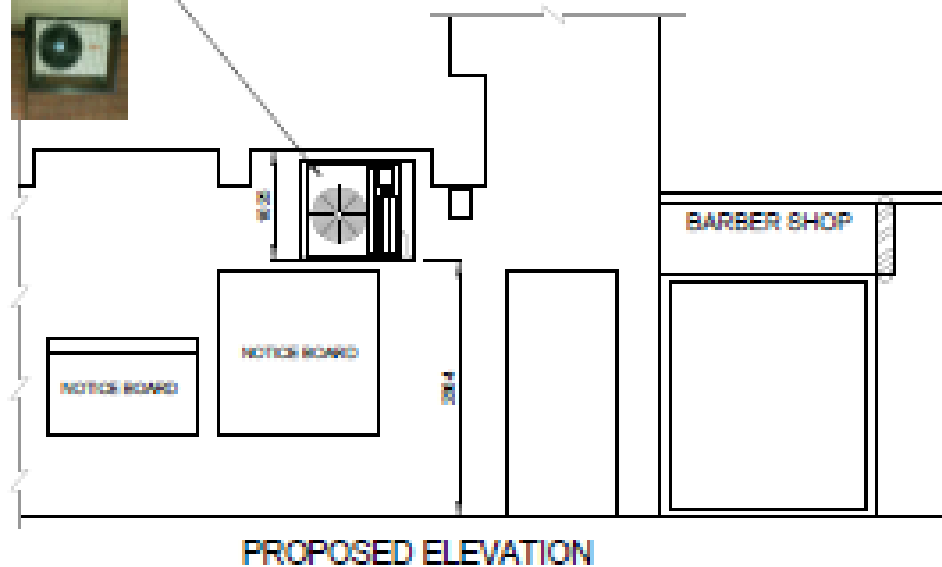
Item 5i

4/02153/16/FUL - INSTALLATION OF AIR CONDITIONING UNIT

26A BENNETTS GATE, HEMEL HEMPSTEAD, HP3 8EW



MITSUBISHI ELECTRIC  
AIR CONDITION UNIT  
MODEL: SLD-R400VM  
REFER TO MANUFACTURE FOR FULL  
SPECIFICATION



JOB: BARBER SHOP 26a BENNETT GATE HEMEL HEMPSTEAD HP3 8EW
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JOB NUMBER:	60130
SCALE:	1:50@A4
DATE:	14.08.2016

## **Summary**

The application is recommended for approval.

No. 26A Bennetts Gate is a ground floor barbers unit within the long established Council owned 3 storey Bennettsgate Local Centre. The Centre features ground floor retail/ commercial units with residential units above.

The proposed air conditioning unit is necessary to operate the barbers. The proposal is visually compatible with the shopping precinct. Based upon the Council's Environmental Health Unit's advice there will be no harm to the residential amenity of the adjoining flats/ maisonettes and the other commercial units in terms of noise from the proposed unit. The proposal thus accords with Core Strategy Policy CS12.

## **Site Description**

Bennettsgate is a long established Local Shopping Centre. This three storey development features street level retail/ commercial units with dwellings above at first and second floors.

The ground floor no. 26 A barbers unit is located within the central part of the precinct at a right angle to its main elongated main south west - north east terrace. It adjoins the arched first and second floor link connecting the southern and northern parts providing a wide paved footpath within the void below. There is a first floor residential unit with a balcony immediately above the footpath void with a further unit at second floor level which extend above no. 26 A.

No. 26 A's north west flank wall abuts the footpath. This wall features a blocked up door opening and window and notice board. Boots Chemists is positioned at right angles to no. 26 A with residential units at first and second floors.

## **Proposal**

This is for the installation of a 1.2 m high air conditioning unit for no. 26A. It will be attached to its north western flank wall at 2.36m above the footpath level immediately on top of the notice board and below the base of the over sailing first floor flat and its balcony.

The applicant has confirmed:

- 1.The premises system is not sufficient for the purpose they are being used for.
- 2.For winter time, two 3kW thermo convector heaters and two 2FT 0.12kW tube heaters have been installed. However, these do not heat the premises enough due to

lack of insulation to the building and are also causing a build up of mould and damp in places. The premises had a full redecoration only two years ago including new plaster boards and plaster. This will now have to be touched up again in the places affected.

3. In the summer, there are two 16 inch fans and the door open. However, the fans occasionally do blow out warm air due to the premises facing the sun during most of the day. The big glass windows at the front create a green house effect. Blinds have been put up but this does not help block the heat but the direct sun light. This causes an uncomfortable environment to work in. The proposed unit will give out cold cool air which will circulate within the premises.

4. The premises do not have a consistent temperature that allows the staff to work in a comfortable environment throughout the day. This also affects customers who are either waiting or getting their hair cut and becoming very uncomfortable.

### **Recent Site Planning History**

The proposal was subject to pre application advice.

### **Referral to Committee**

The application is referred to the Development Control Committee as the site is owned by the Council.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework

#### Dacorum Core Strategy

Policies CS1, CS10, CS11, CS12, CS13, CS16, CS29 and CS32

#### Dacorum Borough Local Plan

Saved Policies 13, 43 and 48

Saved Appendix 3

#### Supplementary Planning Guidance

Environmental Guidelines

Advice Note on Achieving Sustainable Development through Sustainability Statements

### **Summary of Representations**

#### Building Control

Comments awaited. At pre application stage it was advised that the unit is outside the remit of Building Regulations.

## Town Centres

Comments awaited.

## Noise and Pollution

Comments awaited.

Note : The final pre application advice confirmed:

Notice is hereby given that the Environmental Health Department has now reviewed the additional information submitted on 21<sup>st</sup> June 2016.

The 20<sup>th</sup> June letter from the applicant with the attached Noise Criteria Curves data for the proposed air conditioning unit (NC 35 curve cooling and NC 39 curve heating) has provided the additional detailed information that NP required to make an assessment. NP accept that the proposed air conditioning unit is quiet and taking into account the daytime hours of operation NP consider that it is unlikely to have an adverse effect on the existing nearby residents.

The additional information provided has addressed NP's concerns and no further information in respect of noise reports is required.

NP recommend that the proposed air conditioning unit be approved.

(The original advice was :

Notice is hereby given that the Environmental Health Department is concerned that noise from the proposed air conditioning unit has the potential to affect the residential amenity of nearby residents.

In particular, i) the stated sound pressure level in the technical data sheet of 65 dBA in the cooling phase, ii) the location within a concrete walk through and potential for reverberation noise, iii) vibration isolation mounting will be necessary to prevent sound transmission via concrete to residents above and iv) proximity of nearby residents.

Until noise has been assessed and appropriate noise mitigation measures agreed EHD would not like to see this application approved. Submission of a noise survey will be necessary (see recommendation below). The applicant can find an appropriately experienced noise consultant via [www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk). EHD would be grateful if this information could be passed on to the applicant.

1 Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA.

*Reason: to protect the residential amenities of existing residents).*

## Food Health & Safety

Comments awaited.

## Response to Neighbour Notification

None to date.

## **Considerations**

The main issues are:

- The principle.
- The visual implications.
- The effect upon the residential amenity of the locality.

## Policy and Principle

Bennettsgate Local Centre is subject to Dacorum Core Strategy Policy CS16 (Shops and Commerce) and saved Dacorum Borough Local Plan Policy 43 ( Shopping Areas in Local Centres).

Part 13 of Dacorum Core Strategy explains the importance of the retail sector as part of the local economy.

Under the Borough's established Retail Hierarchy its identified Local Centres play a complementary role in meeting the overall retail needs of Dacorum. Their focus is providing services and facilities to serve their local communities. The availability of such accessible shops and services is vital and the Council will support their provision and retention where it can. Paragraph 13.4 confirms that development proposals in local centres should where possible aim to add to the range , variety and choice of shopping uses, improve the shopping environment, refurbish and reuse existing buildings.

In this context Dacorum Core Strategy Policy CS16 (Shops and Commerce) expects that local centres will be strengthened by encouraging appropriate retail development and retaining sufficient existing shops.

The barbers forms an important part of the vibrant Bennettsgate Local Centre. The proposed air conditioning unit is necessary to enable its ongoing use. There are no objections to upgrading of the essential operational needs of the barbers.

The proposed location of the unit was chosen following consideration of various options by the Applicant and Estates Department before the pre application stage.

## Visual Implications

There will be a compatible relationship with the immediate precinct environment.



### Impact upon the Residential Amenity

This is with regard to the expectations of Core Strategy Policies 12 and 32 and the saved DBLP Appendix 3.

Based upon the Environmental Health Unit's pre application further advice there will be no harm to the surrounding residential units.

### Other Material Considerations

Due to its position the unit will not affect the pedestrian use of this part of the precinct. A protective cage could be installed if the unit is subject to vandalism.

### **Conclusions**

Subject to the imposition of conditions there are no objections.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, 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 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 air conditioning unit hereby permitted shall be only operated when no. 26 A is open to customers .**

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and C32 of Dacorum Core Strategy.

- 3 **The development hereby permitted shall be carried out in accordance with the following plans subject to the requirements of the other conditions of this planning permission:**

**Site Location Plan  
Elevations : Existing and Proposed  
Noise Criteria Curves**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

### ARTICLE 35 STATEMENT

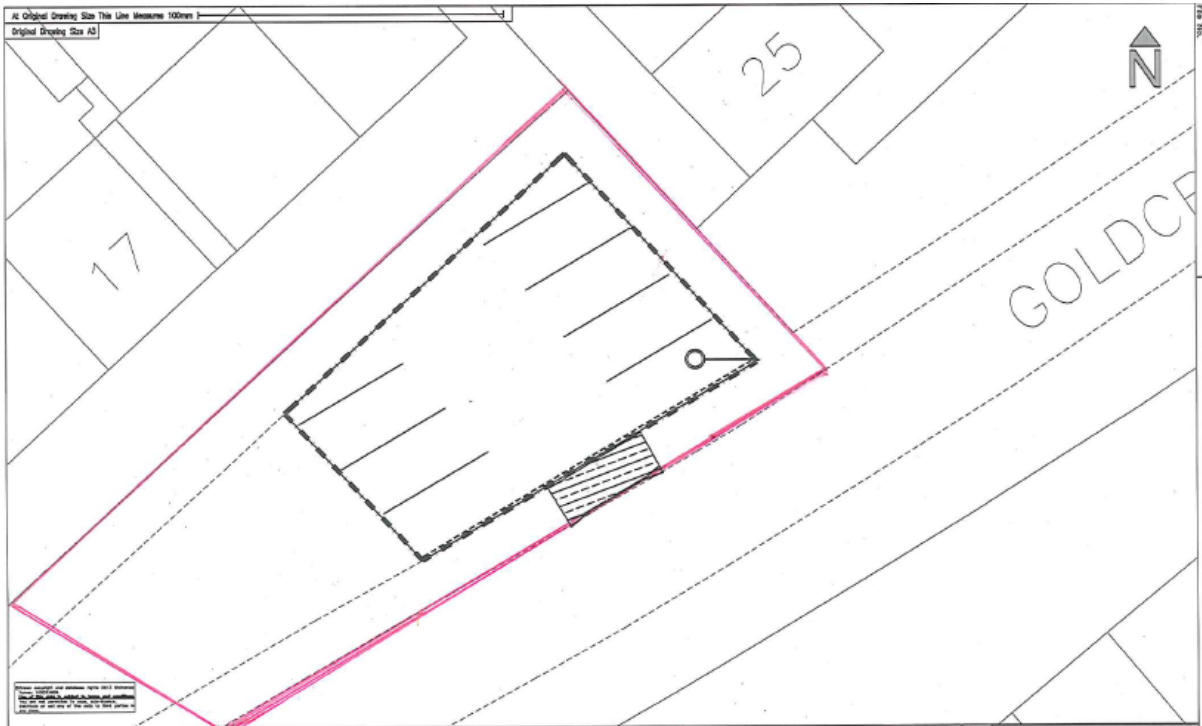
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-

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.

## Item 5j

**4/01866/16/FUL - TO INSTALL 7 PARKING BAYS ON THE AMENITY GREEN**

**AMENITY GREEN , ADJ 17-21 GOLDCROFT, HEMEL HEMPSTEAD**



**4/01866/16/FUL - TO INSTALL 7 PARKING BAYS ON THE AMENITY GREEN.  
AMENITY GREEN , ADJ 17-21 GOLDCROFT, HEMEL HEMPSTEAD.  
APPLICANT: DACORUM BOROUGH COUNCIL Resident Services.**

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[Case Officer - Jason Seed]

### **Summary**

The application is recommended for approval.

The proposed development forms part of the Council's 'The Verge Hardening Project' that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

It is evident from both the aforementioned and the Officer's site visit that there is a clear need for additional off-street parking in the area. This application provides 7 net additional parking bays and this would be achieved in a way which retains some greenery within the road. It is considered that an appropriate balance is struck between meeting the parking needs of the area and protecting the visual amenity of the neighbourhood and as such, it is considered that the application complies with Policies CS11 and CS12 of the Core Strategy.

### **Site Description**

The amenity green which is the subject of this application is approximately 94 sqm in area and is located on the northern side of Goldcroft, Hemel Hempstead. The amenity green is situated within close proximity to the residential properties 17-25 Goldcroft which are located to the north and north-east of the proposal area. A mature Weeping Willow tree is situated to the south-west of the proposal site yet positioned within the same amenity green as the proposed parking area. The tree is not the subject of a Tree Preservation Order.

The site is not covered by any relevant planning designations.

### **Proposal**

It is proposed to convert part of the existing amenity green into a parking area comprising 7 bays. Vehicular access is proposed to be achieved via a new vehicle crossover which is to be provided immediately adjacent to Goldcroft. The new parking bays are to be laid in bituminous macadam with a soakaway proposed to be situated within the easternmost corner of the site.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is the Borough Council.

### **Planning History**

None

## **Relevant Planning Policies and Guidance**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 - Water Management

### Saved Policies of the Dacorum Borough Local Plan

Policies 57, 59 and 116  
Appendix 5 (Parking)

## **Summary of Representations**

### Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. However, due to the nature of the application, a contamination investigation is not required.

### Strategic Planning

On the site specific merits of the application there appears to be justification for the parking albeit with consideration of the impact on residents however thought needs to be given to whether this might set a precedent for other conversion of amenity spaces into parking areas.

### Highway Authority

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. The highway authority recommends the inclusion of Advisory Notes to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

### Trees and Woodlands

The proposal will result in the loss of approximately 50% of the grass verge. There is a large Weeping Willow on this verge and although its Root protection Area (RPA) will

be slightly encroached by the development, the impact will be small. However, if the tree survives, its crown will be overhanging the newly constructed parking bays and there will be frequent requests to cut the branches back. The tree is also completely covering a street light and its branches are leaning on several telephone wires. I have discussed the proposal with the applicant's colleague and suggested that I would have no objections if the applicant funded the removal of the Weeping Willow and 2 replacement trees on the remaining green. He agreed.

I therefore make the following recommendations:

No objections to the loss of part of the grass verge if Housing management are in agreement. The Weeping Willow will be removed and 2 young trees (*Ligustrum lucidum* 'Variegata' 16-18 cm diameter) will be planted on the remaining green as replacement. The removal of the tree and planting of replacement trees will be funded by the applicant. The proposed parking bays on the North Eastern side only face one property, number 25. There are no other properties affected by light spillage from vehicle headlights I therefore do not recommend any barrier planting (these would be difficult to maintain adjacent to parked vehicles and footpaths).

## **Considerations**

### Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy CS4 of the Core Strategy.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

In accordance with policies CS11, 12 and 13, any scheme is expected, inter alia, to integrate with the streetscape character, preserve and enhance green gateways, avoid large areas dominated by parking, retain important trees or replace with suitable species if their loss is justified, avoid harm to neighbouring residential amenities and not compromise highway safety.

Furthermore saved Policy 116 of the DBLP seeks the protection of open land in towns from inappropriate development. In particular, the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting, while the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Saved Appendix 5 of the DBLP states that "achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking are undesirable. All parking must be adequately screened and landscaped".

### Impact on Street Scene

The creation of 7 parking spaces within this amenity green would result in a change to the appearance of the area through the introduction of additional hard surfacing and the reduction in the size of the amenity green, in addition to the loss of an existing mature tree.

However, there are several factors which should be noted:

- An area of amenity green to the frontage would remain and the proposal will result in the introduction of two new trees on the remaining green. This will ensure that the visual impact of the proposal when experienced from Goldcroft is minimised;
- Sustainable drainage will be incorporated;
- Although clearly providing a local amenity to the immediate area of Goldcroft, it is not considered that the amenity green is of such importance within the wider locality to warrant its retention in full when weighed against the benefits of the proposal. This view has been reached for two reasons. Firstly, the proposal area is already used informally for parking due to parking pressure within the immediate area. The formalising of this parking area will not result in any greater harm arising than the current situation which also risks increased damage to the grass and resultant adverse impact within the street scene. Secondly, whilst the loss of the existing tree is noted, the tree is completely covering a street light and its branches are leaning on several telephone wires. The proposal would remedy these problems and as such, is considered to provide a positive benefit in this respect, and the two new trees will assist with mitigating the visual impact of the proposal.
- Whilst accepting that the existing amenity green creates a pleasant outlook for adjoining residential occupiers, this must be balanced against the benefit of providing additional parking for residents, with an associated reduction in on-street parking and congestion, and an improvement in visibility, safety, manoeuvrability and access, as well as the general appearance of the street scene.

#### Impact on Trees and Landscaping

As previously discussed, there is a mature Weeping Willow tree within close proximity to the site's boundary which could be affected or potentially affected by the proposals. Policy CS12 and saved Policy 99 seek to retain trees in new development or replace them with suitable species if their loss is justified under Policy CS12 and saved Policy 100.

The Trees and Woodlands Officer has been consulted on the application and has stated that the Root protection Area (RPA) of the Weeping Willow will be slightly encroached by the development. They further state that they have no objection to the loss of part of the grass verge or the existing Weeping Willow provided that it is replaced by 2 young trees (*Ligustrum lucidum* 'Variegata' of 16-18 cm diameter).

The Tree Officer also states that they had discussed the proposal with a member of the Project Team and suggested that they would have no objections to the application if the applicant funded the removal of the Weeping Willow and 2 replacement trees on the remaining green, and states that the member of the Project Team has agreed to these measures.

It should be noted that the land outside of the application site where the tree is situated is within the same ownership as the application site (Dacorum Borough Council).

Furthermore, the Weeping Willow tree is not protected and could be removed without the need for any consent. Taking all of these circumstances into consideration, it is considered that matters in respect of existing and replacement trees do not require any further consideration under this application and can be addressed by the relevant aforementioned parties.

#### Impact on Highway Safety

The Highway Authority have been consulted on the application and have raised no objection and have recommended a number of informatives to be placed upon the decision notice in respect of construction standards, storage of materials, obstruction of the highway and road deposits.

#### Impact on Neighbours

The Council's Environmental Health Officer has been consulted on the application and has stated that they do not consider that the potential impacts regarding light intrusion are significant enough to warrant the requirement of specific mitigation measures as part of the development. The Council's records were consulted and it was found that there have been no record of any complaints received relating to light intrusion from the informal use of the parking area to date, although it acknowledged by this Officer that the proposed parking space orientation is not identical to that which is currently evident.

It is noted that in advance of the submission of this application, the Council consulted with local residents during January 2016 about the proposed development and it was fully supported within the responses provided by the occupants of Nos. 15, 18, 21, 22, 24, and 30 Goldcroft.

Furthermore, with regards to this planning application, all of the properties which are situated within close proximity to the site were consulted in writing, in addition to a site notice being placed adjacent to the site. No objections have been received by any of those who were consulted.

As such, it is considered that the proposal will not result in an unacceptable impact upon neighbouring properties.

#### Sustainability

Sustainable drainage in the form of a soakaway is proposed within the easternmost corner of the site.

Under Policy CS29 and Para. 18.22 of the Core Strategy, completion of a sustainability statement online via C-Plan is a normal requirement. Whilst no statement has been submitted, given the nature of the development it is not considered that much further value would be added from the submission of such a statement in this case.

#### **Conclusions**

The proposed parking spaces would provide much needed local parking which has the support of the local community and would be achieved in a way that would not



significantly compromise the visual amenity of the area. As such, the proposal is considered to comply with the relevant planning policy environment as detailed within the report.

**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:**

**DBC/015/017 Rev B**

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and application forms:**

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

#### 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.

#### **INFORMATIVES**

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

commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway (road deposits): It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

## 6. APPEALS UPDATE

### A. LODGED

4/01364/16/LDP Pritchard  
CONSTRUCTION OF 2 DETACHED OUTBUILDINGS WITHIN  
THE CURTILAGE OF THE PROPERTY.  
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3  
0BU  
[View online application](#)

4/01629/16/OUT SWIERK  
OUTLINE APPLICATION FOR THE DEMOLITION OF THE  
EXISTING DWELLING (11 COVERT CLOSE) AND THE  
DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-  
BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND  
COMMUNAL AMENITY SPACE.  
THE CHILTERNES, 11 COVERT CLOSE, NORTHCHURCH,  
BERKHAMSTED, HP4 3SR  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

4/02187/15/FUL CASH  
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN  
SITE FOR 8 GYPSY FAMILIES - EACH WITH TWO CARAVANS  
WITH CONSTRUCTION OF A UTILITY BUILDING AND  
ASSOCIATED HARD STANDING.  
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD  
ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3  
[View online application](#)

4/02222/16/ENA RUSS  
CHANGE OF USE FROM ANCILLARY PARKING TO CAR

SALES / CAR WASH.  
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL  
[View online application](#)

#### **D. FORTHCOMING HEARINGS**

None

#### **E. DISMISSED**

None

#### **F. ALLOWED**

4/02578/15/FUL  
AND  
4/02579/15/LBC

Mr Hazell  
ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY  
WALLING AND CONSTRUCTION OF NEW FENCING TO  
FORM NEW LANDSCAPED AREA FOLLOWING THE  
REMOVAL OF 1 NO. COMMON ASH TREE  
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4  
8JP  
[View online application](#)

#### Decisions

1. The appeals are allowed and planning permission and listed building consent are granted for removal of nominal section of curtilage listed wall and common ash tree; overhaul and re-landscaping of the site at Blue Court, 1 Church Lane, Kings Langley, Hertfordshire WD4 8JP in accordance with the terms of the applications Ref 4/02578/15/FUL and 4/02579/15/LBC, dated 7 July 2015, and the plans submitted with them, subject to the following conditions:

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include materials, levels, walling, fencing and a programme. The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.
- 3) A replacement tree of not less than extra heavy standard size (girth 14-16 cm) shall be planted before the end of the first planting season following the felling of ash tree in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the felling of the tree.

4) The development hereby permitted shall be carried out in general accordance with the following approved plans:

MKBS467; Drawing No.01  
MKBS467; Drawing No.02  
MKBS467; Drawing No.03  
MKBS467; Drawing No.04  
MKBS467; Drawing No.05  
MKBS467; Drawing No.06  
Design & Access Statement  
Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Kings Langley Conservation Area; and the effect of the proposal on the architectural character and historic interest of Blue Court, which is a listed building at Grade II.

Reasons

3. The development plan includes the Dacorum Core Strategy of 2013 (CS) and saved policies of the Dacorum Borough Local Plan 1991-2011 (LP). CS polices CS13 and CS27 seek to protect the quality of the public realm and the quality of the historic environment. Policy CS12 says in part at (d) that important trees should be retained, or replaced with suitable species if their loss is justified. Policy 99 of the LP seeks the preservation of trees, hedgerows and woodlands; it states amongst other things that:

'Encouragement will be given to the preservation of trees, hedgerows and woodlands (including old orchards) throughout the Borough.'

and

'A tree preservation order will be made to ensure the retention of visually important trees in urban and rural locations, particularly where they are threatened by development. Consent to lop or remove trees protected by a tree preservation order will not be given unless the Council is satisfied that it would be necessary to overcome a serious safety hazard, nuisance or detriment to local character. Where removal is permitted, appropriate replacements will be required...'

4. Policy 120 advises that there is a presumption against the demolition of any building that contributes to the character of a conservation area. Consent to demolish will not be granted unless it can be proved that the building or structure is incapable of satisfactory repair to ensure a continued and viable use and that replacement which satisfactorily contributes to the character of the conservation area is secured. This is relevant insofar as the retaining wall lies within the curtilage of the listed building.

5. The listed building was originally built as a substantial late Georgian detached house. It later became the Blue Court Hotel and is now offices. It lies on the corner of the High Street and Church Lane opposite All Saints Church at the southern end of the Kings Langley Conservation Area. The area north and north east of Blue Court has been redeveloped with 'The Orchard', an unremarkable estate of 20th century housing; but only the part of the estate facing the High Street lies in the conservation area. A tarmac car park lies immediately to the east of Blue Court. This and other buildings in Church Lane are within the conservation area.

6. The ash tree in question is self-sown and lies between the southernmost house in The Orchard, No. 46, and the car park. Although of substantial size (and bearing in mind the crown has been reduced recently) the tree is difficult to see from the High

Street behind buildings and does not obviously contribute to its character or appearance. Although visible from Church Lane across the car park, it is closer to the modern house at No.46 than the listed building. Although within its curtilage, the architectural and historic interest of the listed building does not benefit significantly from the tree, the car park having been constructed in recent times. Its value lies in the crown that can be seen above the roof tops in longer views and from The Orchard and Church Lane. The area is generally rich in mature trees but The Orchard is lacking in this regard. For this reason, the tree is understandably held in considerable esteem by those living locally.

7. However, the tree is rooted in soil which in general terms is well above the level of the adjacent car park. A brick retaining wall, built in the 1980s when the tree would have been much smaller, has been severely damaged by its growth and is temporarily propped. The enlarging and spreading roots have raised the level of paviers in the car park in the vicinity of main drains, evidenced by two inspection chambers. The tree is in relatively good health and has not yet reached maturity; and is very likely to cause further damage in the future. The proposal is to replace the tree with a smaller, less vigorous variety in a planted bed and regularise a long standing discrepancy in the boundary line by replacing part of the brick retaining wall and erecting a new timber fence with new railings for the benefit of the occupants of No.46.

8. Whilst recognising the amenity value placed on the tree, confirmed by its designation under a Tree Protection Order in 2015, all trees need management and control for the sake of their continuing health and the amenity of nearby occupiers. The cost and inconvenience dealing with potential problems such as rebuilding nearby walls, relaying surface materials, repairing drains and continuing maintenance of the tree has to be balanced against its amenity value. In this case, the tree has established itself in a position where competing interests have subsequently encroached. Now, to allow for the future growth of the tree, new pile and beam foundations for the wall would be required which by their nature are likely to affect the health of the tree to some extent. New fence posts would also be necessary, further interfering with the root system. Given careful digging and execution, a successful outcome might be possible, as acknowledged by the appellant, but there is a significant risk to the stability and health of the tree. I give little weight to the damage to the car park surface; repairs to loose laid paviers can be made from time to time when necessary.

9. The remaining significant difficulty in this case arises in the potential for damage to sub-surface drains which lie well within the root protection area within which the major tree roots are active. Displacement of brickwork in one of the 2 inspection chambers near the tree is evident. In my view it is inevitable that root activity will pose a future risk to the on-going stability of these drains, possibly requiring major repair works and further potential damage to the root system.

10. Removal of the tree would have a temporary negative impact on the amenity of local occupiers in The Orchard, but in the meantime high quality mature trees in All Saints Churchyard on the opposite side of Church Lane would be more visible. In time, in my view, the proposed replacement birch would provide similar amenity value to the existing ash, which is not a species of particularly high value or rarity. In saying this, I have taken account of the likely spread of 'ash dieback', but no evidence has been provided on the local prevalence of the disease. The balance lies in favour of its replacement.

Other matters

11. I have taken into account all the other matters raised including the remarks made by third parties in connection with retaining adequate access to houses at Nos. 44 and 46, the relocation of wheelie bins and the maintenance by others of land belonging to the appellant. I am satisfied on the evidence presented that the boundary line is in the location indicated by the appellants; and that in the details of the proposal, arrangements can be made to provide adequate access for the existing occupiers. A condition is imposed requiring details of the levels and materials to be used for landscaping the access.

#### Conclusion

12. I conclude that the limited amenity value of the ash tree in the conservation area and its very limited value in contributing to the setting and architectural interest of the listed building is outweighed by the potential for harm to its health and wellbeing that would be caused by substantial works that are necessary in a very constrained location to ensure the safety of users of the car park and to prevent damage to sub-surface drains. The replacement of the ash tree with a more suitable species will provide a similar level of amenity in time. The proposed replacement walling and fencing together with new planting including a replacement tree does not conflict with the development plan, read as a whole, but in particular the relevant aims of LP policy 99 or CS policy CS12(d). Nor would there be any conflict with the aims of the National Planning Policy Framework.

#### Conditions

13. Details of hard and soft landscaping need to be approved in order that the replacement wall, fencing and planting are appropriate in the curtilage of the listed building; the wheelie bin storage arrangements are adequate and the access to No. 46 is safe and of sufficient width for normal domestic purposes. A replacement tree is necessary of an appropriate size to rapidly provide a point of interest in The Orchard. The development needs to be constructed in accordance with the application drawings for the avoidance of doubt and in the interests of good planning.

14. For all the above reasons the appeal should be allowed.