



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 15 DECEMBER 2016 AT 7.00 PM
COUNCIL CHAMBER**

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

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:

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

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

5. PLANNING APPLICATIONS

- 4/00930/16/FUL - REPLACEMENT DWELLING - WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG (Pages 5 - 16)
- 4/02875/16/FUL - TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS - 2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT (Pages 17 - 30)

- (c) 4/02707/16/FHA - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION AND AN OUTBUILDING - 2 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA (Pages 31 - 39)
- (d) 4/02620/16/ROC - VARIATION OF CONDITIONS 2 (EXTERNAL SURFACES) AND 3 (APPROVED PLANS) OF PLANNING PERMISSION 4/01710/16/FHA (TWO STOREY REAR EXTENSION) - PINWOOD, KILFILLAN GARDENS, BERKHAMSTED, HP4 3LU (Pages 40 - 46)
- (e) 4/02750/16/FUL - INSTALLATION OF 5 PARKING BAYS - LAND OPPOSITE 9 BODWELL CLOSE, HEMEL HEMPSTEAD, HP1 3RG (Pages 47 - 52)
- (f) 4/02478/16/FUL - CHANGE OF USE FROM AMENITY USE TO SINGLE PARKING BAY - LAND ADJ TO 4 AND 5 ISENBURG WAY, HEMEL HEMPSTEAD, HP2 6NQ (Pages 53 - 58)
- (g) 4/02757/16/LBC - PROPOSED WORKS TO RE-SLATE ROOF TO FRONT PITCH OVER CAFE AREA - OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE (Pages 59 - 63)

6. APPEALS (Pages 64 - 73)

Item 5a

4/00930/16/FUL - REPLACEMENT DWELLING

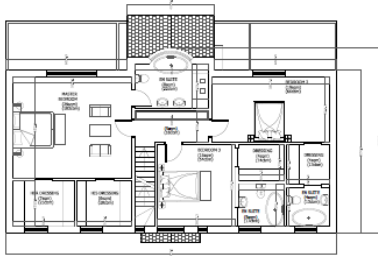
WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG



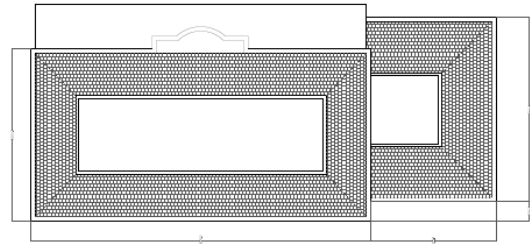
Item 5a

4/00930/16/FUL - REPLACEMENT DWELLING

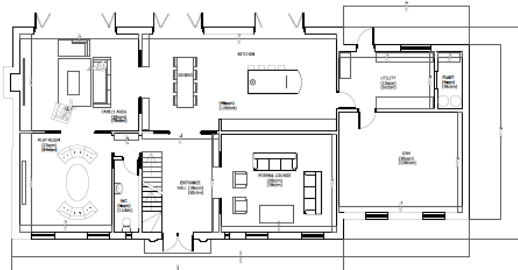
WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG



FIRST FLOOR PLAN
GIFA - 119 m²
GEA - 136 m²



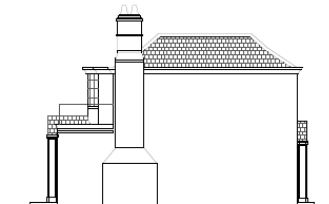
ROOF PLAN



GROUND FLOOR PLAN
GIFA - 203 m²
GEA - 226 m²
Total Area GIFA - 322 m²
Total Area GEA - 362 m²



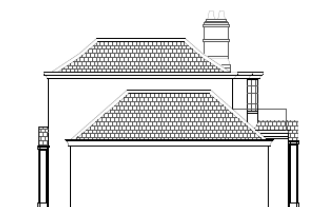
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

**4/00930/16/FUL - REPLACEMENT DWELLING.
WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG.
APPLICANT: Mr Turner.**

[Case Officer - Jason Seed]

Summary

The application is recommended for approval. The proposed replacement dwelling is not materially larger than the existing dwelling. The proposed development complies with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy.

Site Description

The application site comprises a detached two storey dwellinghouse which is situated on the eastern side of Frithsden Copse, Potten End. The existing dwelling, like those within the surrounding area, is located within a spacious plot. The surrounding area comprises detached dwellinghouses within the wider area, a large woodland area to the north and east and the neighbouring properties of Acrefield to the south and Woodstock to the north-west.

The site is subject to the following relevant planning designations: Green Belt, Chilterns AONB, Area of Archaeological Importance.

It should be noted that whilst the proposal site address is Potten End, it is situated outside of the Village Boundary as defined by the Proposals Map.

Proposal

The application seeks full planning permission for the replacement of the existing dwelling. A number of revisions to the original proposal have been submitted since the application was made in response to consultation comments and Officer's concerns, although the focus of this assessment is on those plans which have been most recently submitted and are identified within Condition 2 which is provided at the end of this report.

Referral to Committee

The application is referred to the Development Control Committee due to the exercising of call-in powers by Ward Councillor Douris.

Planning History

4/00785/16/LDP CONSTRUCTION OF AN OUTBUILDING TO FORM INDOOR
SWIMMING POOL AND GAMES ROOM
Granted
17/06/2016

4/00314/16/FUL REPLACEMENT DWELLING
Withdrawn
04/04/2016

4/00500/94/FHA SINGLE STOREY CARPORT/PERGOLA
Granted
25/05/1994

Summary of Representations

Due the number of revisions which have been submitted, the summary below refers only to those comments which were received from technical consultees and local residents in response to the consultation on the final set of submitted plans. The Chiltern's Society original comments have however been provided to illustrate how their initial objections were overcome.

Nettleden with Potten End Parish Council - No objection.

Trees and Woodlands - No objection, subject to conditions.

Strategic Planning and Regeneration - No comments to make.

Herts and Middlesex Wildlife Trust - Following the submission of an adequate bat survey HMWT is happy to withdraw its original objection and considers the issue of European protected species to be adequately considered.

Herts Ecology - I do not consider there are any other ecological constraints. The application may be determined having taken bats sufficiently into account. No further comments in respect of additional information provided.

The Chiltern Society - The Society does not object in principle to the replacement dwelling as numerous precedents have already been set in Frithsden Copse (Objected to the detached garage which was originally proposed and has since been removed).

Highway Authority - No objection.

Historic Environment Unit - No objection, subject to conditions.

Building Control - I have taken a look at the above application my comments are as follows: confirm width access to the property for fire department is within approved Document B.

Herts Infrastructure Officer - 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.

Castle Planning - We note that there have been amendments and clarifications in relation to this proposal which have responded to some of our previous comments. We do however retain concerns in relation to the proposed development and seek that your Authority carefully considers these and the most appreciate means of addressing these matters in your ongoing consideration of this planning application.

High Beech - The original size by these plans is no bigger than 250 sq m, whereas on the Dacorum site the developer has advised in April 2016 265 sq m, and then in September 2016, the latest application stated that the original dwelling was 346 sq m. The original dwelling size included 2 garages, the new property has NO garages, my personal opinion is that the original dwellings garages should be excluded from the calculations as they are not habitable spaces.

I also feel that the first floor of 119 sq m on the plans looks a similar size to the ground floor which is stated as 203 sq m, I assume you check these measurements are correctly stated and that they are external dimensions and not internal.

The latest scheme is more suitable for the site, and once the above original dwelling information is correctly stated I will not have any further comment, however I expect if you were to pass this application that you would condition it by taking away all PD rights, and ensure that the total current extended building is TOTALLY demolished.

Fordons - Although the amended plans for the proposed replacement dwelling at Winchwicks show a better relationship to the two neighbouring houses by proposing a location in the middle of the garden, similar to the location of the existing house, I would wish to see specific conditions attached to this proposed development, as follows:-

Condition 1: As the amended scheme includes the swimming pool/games building recently granted as Permitted Development, no further Permitted Development should be allowed. The total amount of new building within this site would be significantly greater than the size of the house as it was prior to 2016.

Condition 2: If replacement is granted, any part of the existing buildings not incorporated in the replacement building should be fully removed.

Condition 3: For the landscaping of the garden, the Planning Design and Access Statement states in Section 5.5 that "the development would not result in the loss of the existing mature trees which form part of the character of the site". To ensure that such trees are safeguarded, if the amended scheme were to be granted, a detailed landscaping plan should be part of a condition of the permission.

Unless such conditions form part of the proposed development plan, I request that consent is not granted for this amended scheme.

It should be noted that the various dimensions, floor area totals, and the comparisons between "existing" and "proposed" situations are very confusing and, in my opinion, require extra careful interpretation by the Council when considering the details of this application.

Considerations

Policy and Principle

Paragraph 89 of the National Planning Policy Framework (NPPF) states that local planning Authorities should regard the construction of new buildings as inappropriate in Green Belt. However, certain exceptions to this are permitted, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Core Strategy Policy CS5 concurs with this, stating that within the Green Belt, small-scale development will be permitted: i.e. the replacement of existing buildings for the same use, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

It is therefore considered that the principle of the replacement dwelling is acceptable, subject to the satisfying of the above criteria.

Impact on Green Belt

In considering the impact of the proposal upon the Green Belt, it is important to assess a number of factors such as, footprint, floor area, volume, height and positioning. The calculations below provide details in respect of comparative footprints, floor area, volumes and heights. For clarity, the figures below do not include any dimensions / volumes associated with any of the outbuildings / other structures present at the site or the outbuilding approved under application reference 4/00785/16/LDP, although it is noted from the site layout plan that a number of existing structures are to be removed which will reduce the overall quantum of built development at the site and thereby increase openness generally.

Existing Dwelling

| Footprint (m²) | Floor Area (m²) | Volume (m³) |
|----------------------------------|-----------------------------------|-------------------------------|
| 280 | 346 | 1320 |

Proposed Dwelling

| Footprint (m²) | Floor Area (m²) | Volume (m³) |
|----------------------------------|-----------------------------------|-------------------------------|
| 226 | 322 | 1320 |

Difference Between Existing & Proposed Dwelling

| Footprint (m²) | Floor Area (m²) | Volume (m³) |
|----------------------------------|-----------------------------------|-------------------------------|
| -54 | -24 | 0 |

Percentage Difference

| Footprint (m²) | Floor Area (m²) | Volume (m³) |
|----------------------------------|-----------------------------------|-------------------------------|
| -19 | -7 | 0 |

Heights

- Existing house height: 7.8m
- Proposed house height :7.5m
- Difference: -0.3m

On evidence of the figures above, the replacement dwelling would not be materially larger in any dimension than the one which it proposes to replace. The new dwelling is proposed to be located more centrally within the plot than the existing, although it is proposed to be set back from the build line of the properties immediately adjacent (as the existing property is) and as such, it is considered that its positioning will not result in any greater impact upon the Green Belt than the existing property.

The use of the site will continue as residential, and it considered that this, combined with the presence of a number of residential properties of a similar size within the immediate locality and the existing suburban character of the site and surrounding area, the proposal will not result in any adverse impact upon the character and appearance of the countryside.

The proposal will support the rural economy by providing opportunities for construction jobs and the procurement of goods and services from within the Borough.

It is therefore considered that the proposed development is considered to be an appropriate form of development within the Green Belt when assessed against the relevant criteria.

It should be noted that as the 'original' house has been extended, it is considered appropriate to remove permitted development rights for further extensions (including those to the roof) and porches to ensure that the objectives and requirements of the NPPF are met.

Impact on Street Scene and Chilterns AONB

The Frithsden Copse street scene is characterised as spacious, tree lined and featuring large detached properties of varying architectural styles which are generally well set-back from the road adjacent.

The proposed two storey dwelling would not appear incongruent or damaging to this environment and is therefore considered not to adversely impact upon the street scene.

With regards to the site's Chiltern's AONB designation, Policy CS24 of the Core Strategy states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

Saved Policy 97 of the Dacorum Borough Local Plan does not prohibit the erection of new buildings, but states that every effort will be made to discourage development and operations that would adversely affect the beauty of the area. Colours and materials used for a development must fit in with the traditional character of the area.

The application forms state that the materials to be used in the construction of the new dwelling are to be 'as existing'. It is however considered that given the site's AONB designation, it is appropriate to require further details in respect of materials to ensure that the proposal accords with the objectives and guidance contained within the Chilterns Design Guide in so far as is practicable. The agent for the application has confirmed their acceptance of this measure.

Impact on Trees and Landscaping

The application site currently benefits from a substantial volume of trees which are located predominately around the site's perimeter although a large number of these trees are concentrated at the front portion of the site. Several trees are to be lost as a result of the proposal. As such, the application has been accompanied by a Tree Survey and Arboricultural Impact Assessment.

The Council's Trees and Woodlands Officer has been consulted on the application and has raised no objection to the proposal subject to the imposition of conditions relating to the protection of root protection areas of the retained trees as identified within the Tree Survey, the installation of special surfacing to minimise root compaction / encroachment and the requirement of a landscaping scheme to include tree planting proposals.

Ecology

As part of the applicant's submission, a Preliminary Roost Assessment has been undertaken followed by a presence / absence survey. No evidence of bats was found but a low roost potential identified. The subsequent re-entry activity survey found no evidence of bats using the building, and it was concluded that bats are not present in the building. Bats were confirmed as using the site. Bird droppings were present in the building but the report does not indicate any old nests were present. These may have simply reflected occasional roosting behaviour.

Hertfordshire Ecology has been consulted on the application and considers the surveys and conclusions to be sound and recommend informatives in respect of the following:

- Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.
- Nesting birds - constraint to timing of building demolition or check by suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

Impact on Highway Safety and Parking

It is proposed that the access to the property will remain unchanged and this has been confirmed in writing by the applicant. The Highway Authority has been consulted on the application and has stated that they do not wish to restrict the grant of planning permission. Frithsden Copse is not a road maintainable at public expense. The replacement dwelling is not thought to impact on the highway network.

The proposal will not result in a demand for off-street parking due to the generous area which is situated to the front of the proposed dwellinghouse. It is therefore considered that the proposal is acceptable with respect to highway and parking matters.

Impact on Neighbours

It is considered that the proposed dwelling will have no great impact on neighbouring properties than that which presently exists, with sufficient separation distances proposed between the new dwelling's flank elevations and the two closest neighbouring properties (Acrefield to the south and Woodstock to the north-west). There are no properties present at the rear of the site to consider.

The proposed dwelling does not contain any windows within its side elevation and as such, the privacy of neighbouring properties is maintained. It is noted that there is a large ground floor roof area which could potentially be accessed via the Master Bedroom and Bedroom Two within the first floor which may result in the creation of a roof terrace. Whilst it is considered that such terraces should not be encouraged within new developments, it is acknowledged that a similar arrangement already exists at the current property and as such, it would not be justifiable to refuse planning permission for such a reason due to the relatively similar degree of overlooking which already exists from both the existing terrace and windows above ground floor level.

Archaeology

The application site is situated within an area designated as an Area of Archaeological Importance. As such, the Historic Environment Officer has been consulted on the application.

The Officer has stated that the site contains very significant archaeological remains of prehistoric and Roman date, in particular. These include to the north west of the development site the remains of a Romano-British villa [Historic Environment Record 1377], a linear earthwork or dyke of Late Iron Age or Roman date [HER 318] and a rectangular enclosure which may be a Romano-Celtic temple or a shrine, all of which are Scheduled Monuments. Two bowl barrows (burial mounds) of prehistoric or Roman date also lie to the north west of the site [HER 6959, 6980], and a length of Grim's Ditch crosses Berkhamsted Common to the south of Frithsden Copse [HER 49]. These are also Scheduled Monuments.

It is therefore recommended that conditions pertaining to a field evaluation and archaeological investigation, and analysis of the results of such investigation in the form of a written report.

Sustainability

It is noted that no details have been submitted with regards to the sustainability requirements of Policy CS29 of the Core Strategy. However, given the limited scale of the proposal, it is considered that such matters will be fully addressed through Building Control requirements.

Flood Risk Assessment

The site is not situated within Flood Zones 2 or 3 as defined by the Environment Agency Flood Maps and as such, residential development is appropriate within this location.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The site is situated within CIL Charging Zone 1 where a CIL Rate of £250 (per square metre) is applicable.

Conclusions

It is considered that the proposed replacement dwelling will not be materially larger than the one which it replaces and will not have an unacceptable adverse impact upon the Green Belt (as appropriate development), Chilterns AONB or the street scene, subject to the provision and approval of further information concerning external materials. The proposal will not result in an unacceptable loss of tree and enhancements in this respect will be secured via planning condition.

Furthermore, the proposal will not adversely impact on local wildlife / protected species, highway safety or the amenity and / or privacy of neighbouring properties.

It is therefore considered that the proposal accords with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy and as such, the application is recommended for conditional approval.

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

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

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

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

TH.05B Rev B
TH.06 Rev C
TH.07B Rev B
TH.09
Planning Statement
Preliminary Roost Assessment
Arboricultural Impact Assessment
Application Form

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

- 3 Notwithstanding the information that has already been submitted, no development (excluding demolition) 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: In the interests of the visual amenities of the Chiltern AONB in accordance with Policy CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

4 Within 6 months of the date of this decision, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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 and the Chilterns AONB in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

5 Within three months of the date of this decision, an Arboricultural Method Statement will be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that damage does not occur to the trees during building operations and to ensure that the visual amenity of the site and the Chilterns AONB is maintained in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policies 97 and 99 of the Dacorum Borough Local Plan.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, and D.

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, the Chilterns AONB and the Green Belt in accordance with Policies CS24 and CS5 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

7 No 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 an 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, and;**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

8 Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.

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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

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 2015.

INFORMATIVE

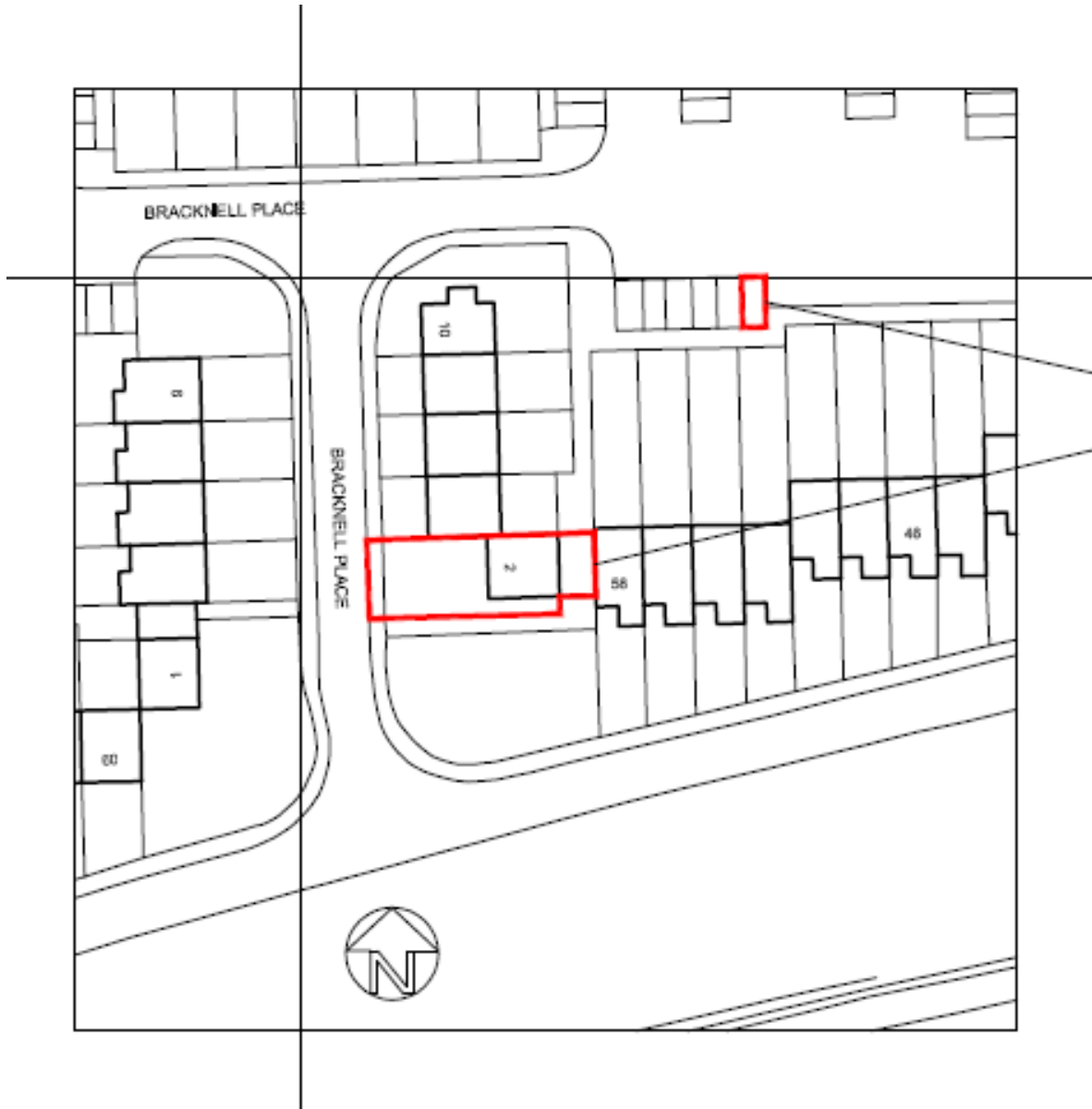
Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.

Nesting birds - You are advised to carry out a check of the building (and any relevant areas within the development site) by a suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

Item 5b

4/02875/16/FUL - TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS

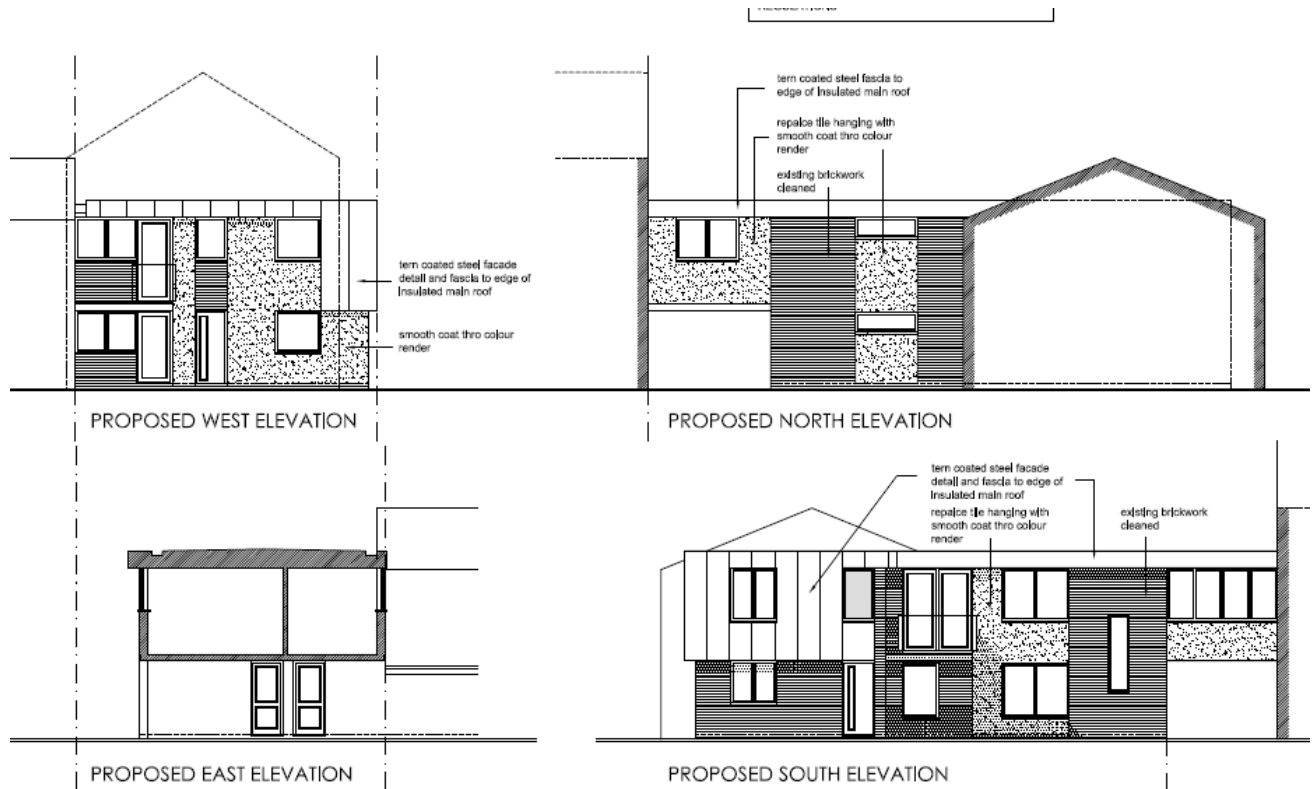
2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT



Item 5b

4/02875/16/FUL - TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS

2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT



4/02875/16/FUL - TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS. 2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT. APPLICANT: MR WEIR-RHODES WATTS.

[Case Officer - Rachel Marber]

Summary

Planning consent is recommended for approval.

The principle of residential development in this location is considered acceptable. The proposed two storey side and front extension and conversion of property to form four flats would not result in detrimental impact to the visual amenity of the street scene. In addition the proposed is not considered to have an undue impact upon the residential amenity of the neighbouring residents or safety and operation of the adjacent highway. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS1, CS4, CS8, CS11 and CS12 of the Core Strategy (2013), saved policies 18, 19, 58 and appendices 3, 5 and 7 of the Local Plan (2004), and the Grovehill (HCA32) Character Area Appraisal (2004).

Site Description

The application site is located within the Grovehill (HCA32) residential area of Hemel Hempstead and comprises a two storey dwelling which is located to the east of Bracknell Place, fronting onto Crawley Drive. The dwelling sits (corner) between two terraced blocks. There is an undercroft walkway, which is publicly accessible, running behind the property.

Bracknell Place is characterised by two storey, terraced dwellinghouses of relatively similar period (dating 1960s-70s), architectural style, size and build line.

Proposal

The application seeks to extend granted within planning application ref: 4/03123/15/FUL for the conversion of the existing dwelling into two flats and single storey front extension.

This permission expands upon this approval, seeking consent for the conversion of the dwellinghouse into four flats, 2xone bed and 2xtwo bed. Alterations to the external appearance of the property are also proposed to include the construction of a two storey front and side extension.

The current proposal has been amended to address local residents concerns. The proposed front external amenity provision has been reallocated as hardstanding, and a crossover proposed in order to accommodate three off street parking spaces.

Referral to Committee

The application is referred to the Development Control Committee due to being called in by Cllr Bhinder.

Planning History

4/03123/15/FUL CONVERSION OF EXISTING TWO STOREY DWELLING INTO TWO SELF-CONTAINED FLATS ALONG WITH SINGLE STOREY EXTENSION TO GROUND FLOOR AND CONSTRUCTION OF A BRICK WALL TO REAR BOUNDARY OF SITE AND NEW FOOTPATH TO FRONT DOOR AT GROUND FLOOR LEVEL
Granted
08/12/2015

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 13 - Planning Conditions and Planning Obligations
Policy 18 - The Size of New Dwellings
Policy 19 - Conversions
Policy 58 - Private Parking Provision
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance (2004)

HCA32 (Grovehill)

Constraints

No specific policy constraints, established residential area of Hemel Hempstead

Summary of Representations

Comments received from consultees:

Herts Property Services

No Comment

"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 3 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)."

HCC Highways

No Objection

"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. No works shall commence on site until a scheme for the refuse collection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate refuse collection that meets the needs of occupiers

2. 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.

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

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

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

Highway Comment

The above scheme is for the conversion of existing two storey dwelling home into four self-contained flats, two two-bed and two one-bed.

The proposed development site is close to the junction of Crawley Drive but set well back into Bracknell Place. Bracknell Place is a L2 local distributor road (cul-de-sac) and is a 30mph enforced road. The development site resides within the Grove Hill area of Hemel Hempstead.

ANALYSIS

The application is below the threshold contained in the Hertfordshire County Council (HCC) Roads in Hertfordshire Design Guide 3rd Edition, for a Transport Statement or a design and access statement.

Road Safety No accident data has been provided to support the application. Highway Layout Access Arrangements The applicant has not submitted details of this within the application so the highway authority cannot comment.

Refuse Storage The applicant will need to identify space provided for refuse storage.

Parking

Car Parking Layout The parking provision (if required) will need to accord to The Dacorum Borough Council Parking Standards and it will be for the Dacorum Borough Council to determine the appropriateness of the level of parking provided. There is one garage in the curtilage of the current property. No parking proposals were submitted with the application.

Cycle Parking No details regarding cycle parking are provided. Cycle parking is required to be provided at 1 space per unit in order to adhere to the Dacorum Borough Council standards and guidance.

Accessibility

Public Transport There are many bus stops Close to the Redbourn Road that links the town centre Hemel Hempstead railway station providing access into central London, Clapham junction, Milton Keynes and interconnecting trains with these larger stations providing UK wide access is just over 5km away.

Pedestrian and Cycle Access There are some dedicated cycling facilities on the interconnecting roads and in particular access to the 'Nicky Line' off Pennine Way is close by. There are also suitable pedestrian footways located in the surrounding area providing access to local amenities and the main shopping areas such as the Henry Wells Square Grove Hill, Aldi off Redbourn Road and J Sainsbury at Woodhall Farm.

The accessibility of the site is considered to be good for a residential development.

Planning Obligations/ Community Infrastructure Levy (CIL) It is not considered that any planning obligations are considered applicable to the proposed development.

Summary Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed development. The proposals would not have a material impact on the highway network."

Contaminated Land

No Comment

DBC Clean Safe and Green

No Comment

Comments received from local residents:

9 Bracknell Place

Objection

"I would like to take this opportunity to raise a major concern regarding the proposed development.

Although I am aware of the need for extra housing in the Hemel Hempstead and building on unused land is a simple and cost effective method of dealing with the housing shortage I would like to raise the point about Parking on and around Bracknell Place.

Car use in the area has increased massively in the last few years and many of the occupants have had to build driveways to increase the parking availability. Adding a minimum of 4 car in the area, especially at the junction between Bracknell Place and Crawley drive which I believe is already dangerous will add to major problems getting in and out of the junction.

Number 2 Bracknell Place only has one Garage Space and possible only one space at the rear of the block so I can foresee problems with car parking.

I would hope that this is taken into account when the decision is made."

10 Bracknell Place

Objection

"Further to your site visit on Monday 14th November we wish to inform you of our objection to the development of No2 Bracknell Place.

One of our main objections is in regard to the parking in Bracknell Place which is used as access to Livingston Walk and the additional demands possibly 8 more cars parking in a very short road (10 houses in total) would make.

In addition the development of these flats would significantly alter the profile of the residential area from family homes to potentially single occupancy accommodation.

Some of the consequences of this type of accommodation and the tenants/owner's it may appeal to could include parties, loud music, late night car noise etcetera. This we find extremely worrying as this has been a quiet family road since the houses were first built.

We hope our objections are acknowledged and considered when making your decision on this application."

57 Livingstone Walk

Objection

"I write in connection with the above planning application. I have examined the plans and I know the site. I wish to object strongly to the development of these flats in this location. The redevelopment of this site from a single dwelling to four dwellings consisting of a pair of two bedroom flats and a pair of single bedroom flats is excessive.

This proposed site is a quiet side road that leads to a wider development in Grovehill. The additional dwellings could, potentially, lead to another ten vehicles needing parking spaces in an already very congested area. The road immediately outside the proposed development grants access to well over fifty dwellings already, many with multiple vehicle families. This, along with access needed for delivery, utility and emergency vehicles, makes this a quite strategic thoroughfare.

I would also wish to know if the proposed development is in compliance with Dacorum Councils "C-plan" Sustainability and Energy statement and will follow national guidance for Code Level and Building Regs. Part L.

I do not feel the local community have been sufficiently appraised of the proposed plans, certainly in respect to the additional resident vehicles which may need parking, and they do not seem to comply with the Dacorum Statement of Community Involvement (adopted July 2016) in either "Who we consult" or "How we consult". I understand it is not possible to apprise all the people this development may affect but it is my contention that the development, as proposed, would have a greater impact than has been considered by the planning office."

5 Bracknell Place

Objection

"1. The proposal reduces the amount of legitimate car parking at the site to an unacceptable level.

2. Would further aggravate vehicles over hanging the verge/road along Crawley Drive and Bracknell Place to the detriment of other road users and pedestrians.

3. There is already reduced vision when exiting Bracknell Place due to excessive cars and a lorry, with potential risk factors (Health & Safety)."

4 Bracknell Place

Objection

"I feel that four flats would impact greatly on the look of the area and would alter the layout of the area.

Four flats would generate a lot more traffic in what is already a small road and parking is already a problem here. Four flats has the potential to bring around eight or more cars to the road. The garage area which serves Crawley Drive is accessed through Bracknell Place and has already been turned into a busy, unofficial carpark with people parking wherever they like. There is no room there for any more cars and the number of cars using Bracknell Place to access it is already excessive.

The increase in the number of cars in Bracknell Place would be dangerous for cars coming out of the road. It is already difficult to see around the cars and lorries that are parked in Crawley Drive and this increase would only make the situation worse.

The value of our house would significantly decrease if four flats are built adjoining our property. I am very concerned that when the building work commences that my husband's health will be affected. He suffers with Dementia and he will be extremely agitated and confused with the building work that will be required for four flats next to our house.

This development will have a detrimental effect to our quality of life. The property currently is only attached by one corner and is not noticeable in our everyday lives. This proposal means that the property would be attached by almost the entire side of our house and it would no longer be an end of terrace, it will become a mid-terrace. This will be confusing for my husband with his Dementia and will make us feel like we are being crowded out.

The addition of four homes attached to ours will mean a lot more noise than we are used to because there will potentially be between four and twelve more people living next door to us (in four flats with six bedrooms)."

56 Livingstone Walk

Objection (as summarised)

"Where will they park their cars? Not a parking space has been provided. There is one road to all the houses and flats in Bracknell, Crawley Drive and Livingstone Walk. If they park outside property none of us will be able to get to our houses or garages. At 7pm whole area is jammed with cars and vans."

Key Considerations

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below.

Within the Core Planning Principles outlined in the NPPF (2013) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF (2013) stresses this further seeking to boost the supply of housing provided that there are no strong economic reasons why such development would be inappropriate This is supported further through DCS Core Strategy policy CS1 (2013) which focuses the bulk of new homes towards Hemel Hempstead.

Similarly, saved policy 19 of the Local Plan (2004), which deals specifically with the conversion of buildings into self-contained flats, also states that the conversion of houses to flats would be permitted in Hemel Hempstead (towns) subject to the following:

Significant proportion of houses are retained as single family dwellings: Within Bracknell Place only No.1 has been subdivided into separate flats (5/00544/06/FUL);

Traffic movement is not hindered: No objection received from HCC Highways and off street car parking provision provided (addressed in more detailed below); and

Terraced house no larger than 110 sq.m (unless contain 3+ bedrooms) shall be converted: The application house comprises 121sq.m existing internal floor space however, existing dwelling size is also 3+ bedrooms.

Thus, the proposed location of the dwellinghouse satisfies the eligibility criteria of saved policy 19 of the Local Plan (2004), NPPF (2012) and Core Strategy (2012). Thus, the main issues to the consideration of this application relate to the impact of the proposal upon the character and appearance of the immediate area, residential amenity of neighbouring properties and highway and parking implications.

Impact on Visual Amenity

Saved appendix 7 and policies 18 and 19 of the Dacorum Local Plan (2004), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

The Area Character Appraisal for HCA32 Grovehill promulgates that the conversion of dwellings into smaller units may be acceptable in certain parts where larger dwellings are found.

In accordance with the submitted application the proposed extension would be of simple, traditional design, comprising of facing brickwork and rendered walls, 3 layer high performance felt flat roof, white UPVC windows and painted timber doors. These materials are considered acceptable and in-keeping with the existing dwellinghouse and street scene; complying with policy CS12 of the Core Strategy. The proposed fenestrations would also reflect and complement the existing dwellinghouse with several longer windows proposed to give the property a more modern appearance.

The proposed two storey front extension would extend the property to fall short of the front elevation of No.4 Bracknell Place by 0.9 metres. Moreover, the architectural style of the front extension would retain the appearance of the existing property; reflecting the height and design of the existing flat roof and fenestration placement. For this reason the proposed front extension would pull the property in line with Nos. 4 – 10 Bracknell Place and thus would appear as a congruous terraced property within this street scene.

The proposed two storey side extension would extend the property up to the boundary of the application site, immediate adjacent to the public footpath for a depth of 5.5 metres and width

of 1.7 metres. This element would reflect the build line and front projection feature of properties Nos. 58- 52 Crawley Drive. As such, due to the orientation of this feature facing Crawley Drive, it would also appear congruous with this build line and architectural style of the Crawley Drive properties.

The Planning Officers have no objection to the conversion of the property into self-contained flats. Moreover, the proposed units would be for small householders needing 1 or 2 bedrooms and self-contained units, as sought in saved policies 18 and 19 of the Local plan (2004).

Overall, it is considered that the architectural style of the proposed front and side extension, in order to facilitate the conversion of the property into four flats, would not result in a detrimental impact upon the visual amenity of the immediate area or existing property. Therefore, the proposed adheres with policies CS11 and CS12 of the Core Strategy (2013), saved appendix 7 and policies 18 and 19 of the Local Plan (2004), the NPPF (2012) and supplementary area character guidance HCA32 Grovehill (2004).

Impact on Residential Amenity

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy. Moreover, saved appendix 7 of the Local Plan (2004) advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed front and side extension would not breach the 45 degree line as drawn from the rear habitable windows of No.4 Bracknell place or No. 58 Crawley Drive. As a result the proposed extensions would not result in a significant loss of daylight or outlook serving neighbouring properties.

The north elevation ground and first floor side facing windows serving the kitchens' of flats 3 and 2 have been conditioned as obscure glazed in order to preserve the privacy of the rear garden at No.4 Bracknell place. The Juliet balcony to the front elevation would reflect existing site circumstance and the Juliet balcony to the south elevation would not overlook any neighbouring properties, as it would face the adjacent Green.

Saved policy 19 of the Local Plan (2004) states that residential conversion should have sufficient access to outdoor amenity space. Saved appendix 3 of the Local Plan (2004) outlines that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. The proposed development would not feature any external amenity provision except for the Juliet balconies serving Flats 1 and 4. Nonetheless community recreational facilities are available at Grovehill/Woodhill Farm adventure playground and Margaret Lloyd Park, with open countryside also available nearby. As a result this lack of provision can be justified and offset by local outdoor amenity space.

As a result the proposal is considered acceptable in regards to impact upon the residential amenity and privacy of neighbouring residents; complying with the NPPF (2012), saved

appendices 3 and 7 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

Impact upon Parking Provision and Access

Parking arrangements have a major impact on the quality and consequence of a development. The Council's Parking Standards within saved policy 58 and appendix 5 of the Local Plan (2004) requires 1 off street parking spaces one bed units and 1.5 for two bed units within Residential Zone 1 - 2.

The application seeks to provide 2x one bed flats and 2x two bed flats, which would require five off street parking spaces. The application has been amended to feature three off street parking spaces to the front of the property, and one within the allocated garage. As a result the proposal would result in a shortfall of 1 car parking space. Given the sustainable town centre location, on street parking available on both Bracknell Place and Crawley Drive and DBC policy guidance for maximum parking provision only, this shortfall is not considered to warrant a refusal.

Hertfordshire Highways were consulted on the scheme and raised no objection, provided the recommended conditions and informative be attached the grant permission. As a result the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with policies CS8 and CS12 of the Core Strategy (2013), saved policy 58 and appendix 5 of the Local Plan (2004).

Community Infrastructure Levy (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.

Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Insufficient Car Parking Provision- The scheme has been revised to accommodate four off street parking spaces; the assessment of which is outlined above.

Noise from multiple occupancy- Building Control approval will ensure that sufficient sound insulation is installed when the dwelling is converted into separate units. Nonetheless, it is not considered that the addition of four units would result in significantly further noise detriment than the previously approved two units.

Alter visual appearance of residential area- No significant external change to the property would result from the conversion into flats, please see visual amenity assessment above. Furthermore, No.1 Bracknell Place has also been converted into two separate self-contained flats.

Decrease in property value- This is not a material consideration when determining and assessing a planning application.

Disruption as a result of construction work- Construction works are limited to the hours of Monday to Saturday - 7:30am to 6:30pm and no noisy activities are permitted on Sundays and bank holidays. Such matters fall within the remit of Environmental Health.

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.**

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

- 3 No development shall take place until details of the materials proposed to be used on the surfaces of the footpaths and driveways 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 development, in accordance with policy CS12 of the Core Strategy (2013).

- 4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development; in accordance with policy CS12 of the Core Strategy (2013).

- 5 No development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To accord with saved policy 129 of the Dacorum Borough Local Plan (2005) and policy CS12 of the Core Strategy (2013).

- 6 Both windows serving the kitchens of flats 2 and 3 at ground and first floor level (north elevation) of the residential conversion hereby permitted shall be**

permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.

Reason: In the interests of preserving privacy to the rear garden of No.4 Bracknell Place; in accordance with Policy CS12 of the Core Strategy (2013) and saved appendix 3 of the Local Plan (2004).

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

0632/03 Rev D
0632/04 Rev B

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

Informative 1 - 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.

Informative 2 - Highways

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

b. 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.

c. 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

Informative 3 - Hours of Construction Work

Construction works are limited to the hours of Monday to Saturday - 7:30am to 6:30pm and no noisy activities are permitted on Sundays and bank holidays.

Item 5c

**4/02707/16/FHA - PART TWO STOREY, PART SINGLE STOREY REAR
EXTENSION AND AN OUTBUILDING**

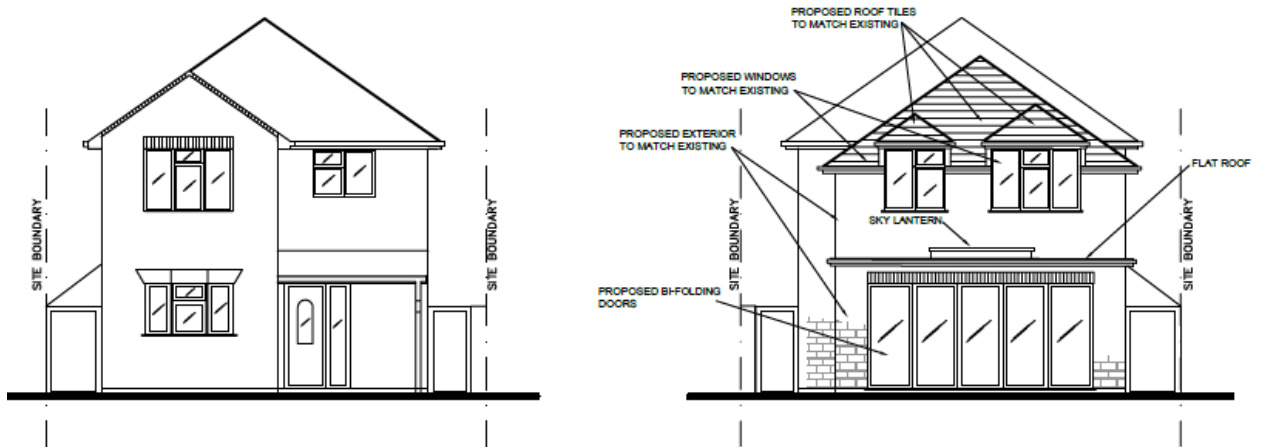
2 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA



Item 5c

4/02707/16/FHA - PART TWO STOREY, PART SINGLE STOREY REAR
EXTENSION AND AN OUTBUILDING

2 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA



**4/02707/16/FHA - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION AND AN OUTBUILDING.
2 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA.
APPLICANT: Mr Gill.**

[Case Officer - Rachel Marber]

Summary

The proposed part single, part two storey rear extensions and rear outbuilding through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposal would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendices 3, 5 and 7 of the Dacorum Local Plan (2005) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Application Site and Surrounding Area

The application site is located to the north west of The Cart Track, Hemel Hempstead. The site comprises of a two storey detached property which was granted permission in 2005 (4/02725/04/FUL). The property has an isolated location on a private road, situated between the linear build lines of Belswains Lane and Pinecroft.

Proposal

The application seeks planning permission for a part single, part two storey rear extension and rear outbuilding. The proposal would increase the dwellinghouse size from a three bed into a four bed property.

The proposal has been amended to try and mitigate some neighbouring residents concerns; the amendments made are as follows:

- Set in of first floor rear extension by 0.7 meters from the property boundary with Pinecroft;
- Reduction of first floor rear extension depth by 1 metre; and
- Change of single storey rear extension roof form, from crown to flat roof.

Referral to Committee

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

Relevant Planning History

4/00634/06/DRC DETAILS OF HARD AND SOFT LANDSCAPING AND FINISHED FLOOR LEVELS REQUIRED BY CONDITIONS 6 AND 7 OF PLANNING PERMISSION 4/02725/04 (DETACHED DWELLING)
Granted
23/05/2006

4/00667/05/DRC DETAILS OF MATERIALS REQUIRED BY CONDITION 2 OF PLANNING PERMISSION 4/02725/04 (DETACHED DWELLING)

Granted
11/05/2005

4/02725/04/FUL DETACHED DWELLING
Granted
20/01/2005

4/00384/04/OUT NEW DWELLING
Refused
02/04/2004

Constraints

No specific policy constraints, established residential area of Hemel Hempstead

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendix 3 - Gardens and Amenity Space
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

Summary of Representations

Comments received from consultees:

DBC Building Control

No Comment

Nash Mills Paris Council

Objection

"Councillors object to the scale of the proposal which creates a visual intrusion; particularly for the residents of Pinecroft and in general terms consider that the site would be overdeveloped."

Comments received from local residents:

8 Pinecroft

Objection

"Please see the reasons for our strong objection to the planning application listed below.

" The proposed plans will severely limit the amount of daylight that we currently have in our garden and also our home. We will be horribly overshadowed by this grossly oversized plan of extension for the property in question.

" If extended to the full extent of the proposed plans, the property will completely overlook our garden and also our home, which would be a huge loss of privacy.

" One can only assume that by extending said property by such vast degree, that a much larger family will be living in it, thus bringing more noise and therefore disturbance to our current life.

" The enormous proposed extension will be extremely unsightly, and be a big visual intrusion on our lives.

In our opinion the proposed extension would make the house far too big for the plot. This and all the elements listed above lead us to object firmly to this planning application."

6 Pinecroft

Objection

"Loss of light and overshadowing.

Since the existing house was built we have experienced a material reduction in the quality of light within our property. The existing property already overshadows the majority of our garden and severely limits the amount of daylight that we currently enjoy in our garden and the ground floor of our property during autumn and winter. If extended to the scale of the proposed plans, this will make it even worse.

Loss of privacy, Visual intrusion

An extension of such magnitude, and to the extent that it would overlook our property, would cause a loss of privacy, particularly if any of the windows were clear glass.

Noise and disturbance

The addition of a Games room at the end of the plot indicates the possibility of noise and disturbance resulting from use."

2 Pinecroft

Objection

"I am objecting to this very large extension and outbuilding, which more or less doubles the current footprint of the house. It will overshadow our garden and cause a reduction in light. Also there will be a reduction in privacy
I consider it to be a visual intrusion."

1 The Cart Track

Support

"The proposed development will have no adverse effects on the surrounding properties, and is intended to allow the two children living in the house to have their own bedrooms rather than have to share a bunk bed as they grow up."

7 Pinecroft

Objection

"The objection was to the previous plans, but since these have been superseded I may as well comment on the amended plans instead. The objections are pretty much the same, however:

This is a huge increase in the footprint of the house, pretty much double. The plans represent a loss of light and overshadowing, even the scaled down version is still a massive increase in size and will block light into our garden and the back of our house.

I believe it will also result in a loss of privacy.

Plus the increased house size is likely to mean a bigger family living there, meaning more noise and disturbance.

I also believe it to be unsightly and a mean a visual disturbance.

In short, I would like to lodge my objection to these proposed plans in the strongest terms."

Key Considerations

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Impact upon the Existing Dwelling House and Street Scene

Saved appendix 7 of the Dacorum Local Plan (2005), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of materials to match the existing dwellinghouse. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

The application site is not overtly visible from the public highways, Belswains Lane or Pinecroft. As a result no aspect of the proposed extensions (rear extension or outbuilding) would be obviously visible from the street scene. Thus, there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

Furthermore, due to no uniformed architectural style within The Cart Track and the already isolated nature of the buildings it is not considered that a particular architectural style or dwelling appearance should be maintained.

Thus, it is not considered that the proposal would detriment the appearance of the parent dwellinghouse or street scene; accordingly the proposed coheres with the NPPF (2012), saved

appendix 7 of the Dacorum Local Plan (2005) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Impact upon Residential Amenity

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2005) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed rear extension would breach the 45 degree line as drawn from the rear habitable windows of Nos. 7-6 Pinecroft and Nos. 159- 165 Belswains Lane. Nonetheless, the flank wall of the proposed rear extension would be located 36.5 metres (approximately) away from the properties at Belswains Lane and 17.5 metres (approximately) away from properties at Pinecroft. It is important to note that DBC have no side-to-rear separation distance policy guidance. Furthermore the proposed rear extension would retain the existing site relationship in terms of separation distance to neighbouring properties, extending this further in depth by 3 metres at first floor level. Moreover, the roof of the first floor rear extension is set down from the existing ridge height in order to appear subordinate in relation to the parent property and result in minimal further visual intrusion. By virtue of the proposed 3 metre depth of the first floor element, coupled with the separation distances to neighbouring properties is not considered to result in significantly further detriment to the daylight or outlook serving neighbouring properties.

The proposed 8 metre deep rear extension is not considered to result in visual detriment to neighbouring properties due to a marginal 2.75 metre (approximate) roof height which would not be overtly visible above the 1.8 metre height boundary treatment and 2 metre high garden shed to the rear of property No. 7 Pinecroft.

In similar regard the proposed outbuilding would be similar in scale and height to the existing garden shed, with a maximum 3.8 metre high structure which would be pitched away from neighbouring properties, measuring 2.5 metres from eaves level.

The rear extension, including proposed outbuilding, would retain a garden depth of 12 metres (approximately). This would remain compliant with the 11.5 metre garden depth outlined within saved appendix 3 of the Local Plan (2005). Although, the garden depth would be relatively narrow this is not considered to discord with the immediate area, where narrow long gardens are prevalent on Belswains Lane.

The first floor proposed side facing window has been conditioned as obscure glazed in order to preserve the privacy of residents in the properties at Pinecroft.

Thus, the proposal would not further impact upon the residential amenity or privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendix 3 of the Local Plan (2005) and policy CS12 of the Core Strategy (2013).

Impact upon Car Parking Provision

The Council's Parking Standards within saved appendix 5 of the Local Plan (1991) requires two off street parking spaces for four bed dwellings within Residential Zones 1- 2. The application seeks to increase the properties' size from a three bed property into four. This would not however, require an increase in parking provision. As a result, it is not considered that the proposal would impact on the safety and operation of the adjacent highway.

Consultation Responses

Several concerns were received as a result of the application. The main concerns are addressed below:

Loss of daylight and overshadowing to rear gardens and properties- It is not considered that an additional 3 metre deep first floor rear extension would result in significantly further loss of daylight or overshadowing to the rear gardens at Pinecroft. Furthermore, the height of this rear extension has been set down to minimise impact further.

Loss of privacy – The first floor side facing window has been conditioned as obscure glazed. All other windows would face the rear garden retaining existing site circumstance.

Larger family living in property resulting in increased noise levels- The property is increasing in size by 1 bedroom; this is therefore not considered to result in significantly higher noise levels.

Visual intrusion – Visual intrusion has been assessed in the residential amenity section above. To summarise, given the depth of the proposed first floor rear extension, height of the single storey element and separation distance to neighbouring properties it is not considered that significant further detriment to the existing visual outlook of neighbouring properties would result.

Games room at garden would result in noisy use – It is not considered that the proposed garden games room would result in higher noise levels than children playing in the rear garden of the application site.

Overdevelopment- The site would remain as an individual unit and therefore would not increase density or intensification of surrounding area and as a result would not constitute overdevelopment. Moreover, the proposed development would not be overtly visible from public vantage and has been designed to remain subordinate in relation to the parent property and adhere to policy separation distance guidance.

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.

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

- 3 **The family bathroom window at first floor level in the side elevation of the dwellinghouse shall be non-opening and shall be permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.**

Reason: In the interests of the amenity of adjoining residents, in accordance with policy CS12 of the Core Strategy (2012) and saved appendix 3 of the Local Plan (2005).

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

16/92/03 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 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.

Agenda Item 5d

Item 5d

4/02620/16/ROC - VARIATION OF CONDITIONS 2 (EXTERNAL SURFACES) AND 3 (APPROVED PLANS) OF PLANNING PERMISSION 4/01710/16/FHA (TWO-STOREY REAR EXTENSION)

PINEWOOD, KILFILLAN GARDENS, BERKHAMSTED, HP4 3LU



Item 5d

4/02620/16/ROC - VARIATION OF CONDITIONS 2 (EXTERNAL SURFACES) AND 3 (APPROVED PLANS) OF PLANNING PERMISSION 4/01710/16/FHA (TWO-STOREY REAR EXTENSION)

PINEWOOD, KILFILLAN GARDENS, BERKHAMSTED, HP4 3LU



FRONT ELEVATION
SCALE 1:50

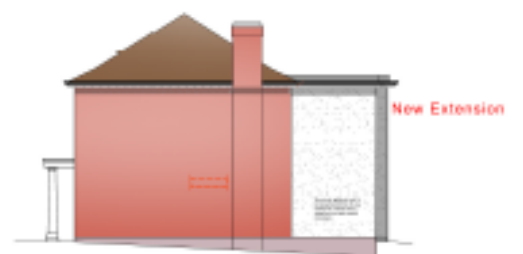


SIDE ELEVATION
SCALE 1:50



New Extension

REAR ELEVATION
SCALE 1:50



New Extension

SIDE ELEVATION
SCALE 1:50

4/02620/16/ROC - VARIATION OF CONDITIONS 2 (EXTERNAL SURFACES) AND 3 (APPROVED PLANS) OF PLANNING PERMISSION 4/01710/16/FHA (TWO-STOREY REAR EXTENSION).

PINEWOOD, KILFILLAN GARDENS, BERKHAMSTED, HP4 3LU.

APPLICANT: Mr & Mrs Collins.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The application is for a minor material amendment to the planning permission for a two storey rear extension. A more modern design approach is proposed with a flat roof and use of render. The design is cohesive in approach to this rear element of the dwelling and would not be visible from the street scene or any other public viewpoints. As such the proposed amendments are considered to be consistent with adopted Core Strategy Policy CS12.

Site Description

The application site is a two storey detached dwelling with attached garage located at the eastern end of Kilfillan Gardens. The dwelling is the last in the cul-de-sac and forms one of a pair of identically designed properties constructed in the early 1980's. The pair of dwellings share an access drive and are set back from the end of the cul-de-sac.

The dwelling is constructed in red brickwork with a hipped roof. It features a front porch and canopy supported by feature pillars that link the porch to the garage.

Kilfillan Gardens to the west of the site is characterised by large detached dwellings within medium sized plots. To the east adjoining the site is a larger development of flats; to the northwest are detached dwellings in back land sites. The area is verdant with established vegetation and mature trees; further west many sites are subject to Tree Preservation Orders.

Proposal

Planning permission was granted on 16th August 2016 for a two-storey rear extension measuring 3.231m in depth and 7.4m in width (ref. 4/01710/16/FHA). The application originally proposed a flat roof with some elements of timber cladding to the front and rear. Given that the streetscene comprises a uniform set of properties and following comments received from neighbours, the application was revised so that the original/existing appearance to the front of the dwelling is retained. This was on the basis that the alterations to the front elevation were considered to have a negative impact on the streetscene. The flat roof to the rear was subsequently replaced with a crown roof and all timber cladding removed from the proposals.

This application seeks to amend the proposals to revert back to a flat roof to the two storey rear extension. Based on a more modern design approach, render is proposed to the rear extension with minor alterations to the fenestration to the rear and side elevation. The existing window to the flank elevation that currently serves a bathroom is to be blocked up.

This application seeks to vary condition 2 of the permission (materials) and condition 3 (approved plans).

Referral to Committee

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

Planning History

4/01710/16/FHA TWO-STOREY REAR EXTENSION
Granted
16/08/2016

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

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
CS13 - Quality of Public Realm

Saved Policies of the Dacorum Borough Local Plan

Appendix 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Berkhamsted Town Council

Objection.

The pitched roof and brickwork (not blocks) must be retained. The granting of these variations would result in a dwelling that would be out of keeping with the street scene and a reversion of the original recommendations which respected good design and were in keeping with the neighbouring area.

CS 12 (g) iv and vii Appendix 7 (i) (d)

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Comments received from residents of 7 Kilfillan Gardens:

Thank you for your letter, dated 6 October, informing us of an application to relax certain conditions which were imposed to the original application in order to secure its approval.

The conditions in question relate to the two storey rear extension where approval is sought to revert from a pitched roof to a flat roof and from brickwork to render. The reason given is budgetary constraints.

We are not aware of any changes in what are 'material planning considerations' which could be used to justify any relaxation of the conditions and indeed none are brought forward by

those seeking the proposed changes.

When the original application was made we communicated our objections to the planning officer, Martin Stickley, these included the proposed flat roof and the use of an alternative finish to brickwork. In his reply Mr Stickley confirmed that he had already obtained the agreement of the architect to a number of changes including the introduction of a pitched roof and the use of brickwork.

Mr Stickley's reply was dated 15 July, and as work on site did not start until 9 September the applicants had ample time to consider the cost implications of these changes. This present application represents a belated attempt to change the ground rules and as such is without merit.

The requirement for a pitched roof and for brickwork seeks to maintain the standard of design and construction which has been used hitherto in the neighbourhood. We contend that the size and scale of the rear extension are such that the requirements set out in Dacorum's planning statements, that relating to Site Design Policy CS12 are pertinent and particularly paragraph (g) which sets out the need to 'respect adjoining properties' in terms of g(iv) bulk and g(vii) materials.

We trust that this application will be rejected and that the original conditions will be maintained.

Comments received from residents of 6 Kilfillan Gardens:

I notice the windows on the front elevation have changed on the latest plan. As mentioned on an earlier comment I believe the front windows should be consistent with the colour and style of windows on the neighbouring house no 7 Kilfillan Gardens.

Considerations

A two storey rear extension to this dwelling has been established in principle by planning permission ref. 4/1710/16/FHA. The considerations for this application therefore relate to the proposed amendments, namely a flat roof in place of a crown roof; render to the elevations of the extension; and a slight variation in fenestration to the extension.

Effects on appearance of building

A more modern approach is being sought for the two storey rear extension with the use of a flat roof and render. Whilst it is noted that the flat roof, materials and fenestration does not replicate the existing dwelling it is considered that the design is acceptable. Generous fenestration is proposed to the rear elevation which adds visual interest to the dwelling and is considered an improvement to the existing fenestration.

The use of render distinguishes the rear extension from the principal dwelling. Whilst the flat roof departs from the existing hipped roof form it contributes to the modern aesthetic to the rear of the dwelling. It also significantly reduces the bulk at roof level thereby ensuring that the extension is a subservient addition. Eaves will match existing with a slight overhang to reduce weathering to the render.

The original appearance is maintained to the front elevation with all of the alterations proposed to the rear.

Impact on Street Scene

It is noted that the occupants of the neighbouring properties have raised concerns about the uniformity of the street scene and any potential harm that the alterations to the dwelling would

have on this. Whilst the amendments seek a departure from the design of the original dwelling, this element is located to the rear and would not have any impact on the streetscene.

Bordering the site to the rear is a car park area serving the flatted development to the southeast fronting Graemesdyke Road. Rear gardens surround the site and the nearest dwelling to the rear is located over 40m from the proposed extension. As such the proposals would not be visible from any other public viewpoints; they would also not be visually intrusive or adversely affect the outlook of any neighbouring properties.

Overall it is considered that the character and appearance of the surrounding area would not be adversely affected by the proposed amendments.

Impact on Neighbours

The existing first floor window to the north elevation does not directly overlook No. 7 Kilfillan Gardens however it does overlook part of the garden serving this property. This window is not obscured and the proposals seek to block this window. The proposed first floor window to the north elevation would be in obscured glazing and a condition would be imposed to this effect. On this basis the amendments would result in an improvement in terms of privacy impacts to No. 7.

There are no other nearby properties that would experience any impact on their amenities as a result of the proposals.

Other Material Planning Considerations

The proposal would not create any additional bedrooms or affect the existing car parking layout. Therefore, the car parking arrangements are satisfactory as required by saved Appendix 5 of the DBLP.

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.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

- 3 The window at first floor level in the north elevation of the extension 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.

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

2016/0081/02 Rev C.

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.

**4/02750/16/FUL - INSTALLATION OF 5 PARKING BAYS.
LAND OPP. 9 BODWELL CLOSE, HEMEL HEMPSTEAD, HP1 3RG.
APPLICANT: DACORUM BOROUGH COUNCIL - MISS G BARBER.**

[Case Officer - Amy Harman]

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. The programme addresses areas where a lack of parking is having a detrimental impact on DBC Services, emergency services and community safety.

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 4 net additional parking bays and this would be achieved in a way which retains the mature oak trees and 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 grass which is the subject of this application is approximately 100 sqm in area and is located on the northern side of Bodwell close, Hemel Hempstead. The amenity green is situated within close proximity to the residential properties 1-9 Bodwell Close which are located to the north and north-east and south of the proposal area. A mature oak 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.

Proposal

It is proposed to convert part of the existing amenity green into a parking area comprising 4 bays. The application was originally for 5 bays however this has since been reduced to 4 in order to allow an 11 metre distance from the base of the oak tree to the nearest parking bay.

Vehicular access is proposed via existing concrete slab immediately adjacent to Bodwell Close. The new parking bays are to be laid in dense bituminous macadam.

Referral to Committee

The application is referred to the Development Control Committee as the applicant is the Borough Council.

Planning History

None

Policies

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

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 proposal would not have a material impact on the highway network and may reduce some of the on street parking that occurs at present.

The highway authority recommended the inclusion of Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

Trees and Woodlands

After considering the revised proposals for 4 parking bays and having re-measured the diameter of the oak tree affected. The applicant has confirmed that they will allow a distance of 11 m from the base of the oak tree to the nearest parking bay. This is sufficient to protect the Root Protection Area (RPA) of the oak tree. No further comments.

Contaminated Land Officer

No comment

Response to Neighbour Notification / Site Notice / Newspaper Advertisement
None received

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 and CS4 seek 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. In this case the site is not designated as Open Land.

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 4 new parking spaces on an amenity green would result in a change to the appearance of the area. In particular the use of a hard surface would create a slightly harsher feel to the locality.

However, cars already park in the area to the front of the application site, which diminish the visual amenity of the area.

Therefore, on balance, it is considered that the proposed application represents the most appropriate way of achieving the parking spaces that are in very short supply in this locality. In addition it is considered that the provision of these spaces would not unduly harm the character and appearance of the area and as such the proposals comply with Dacorum Core Strategy Policies CS10, CS11 and CS12, as well as saved Policy 116 of the DBLP.

Impact on Trees and Landscaping

As previously discussed, there is a mature oak tree within close proximity to the proposed parking bays 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. As such the application has taken into consideration the existing mature oak trees and has reduced the number of proposed bays from 5 to 4 to provide the appropriate 11 metres distance from the nearest bay to the trees.

In this case, the verge is not designated as open land, however the majority of the grass verge is to be retained. Therefore the proposal is considered to accord with saved Local Plan Policy 116/Policy CS4.

Impact on Highway Safety

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, therefore it is considered that these proposals would improve highway safety in the street.

Impact on Neighbours

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.

The proposals would expand an existing parking area, it is not considered that any harm caused to neighbouring residential amenities would be so significant to warrant refusing this application.

Sustainability

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 minor 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. However, further details have been requested regarding the sustainable drainage strategy for the parking area to minimise the impact of surface water run-off.

Conclusions

The proposed parking spaces would provide much needed local parking to provide these 3 parking bays to reduce inappropriate on-street parking on verges and so forth given the high demand for parking in the area. It 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 as detailed within the report.

Recommendation

That planning permission be GRANTED subject to the following conditions:

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:**

DBC/015/001

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

Informatives

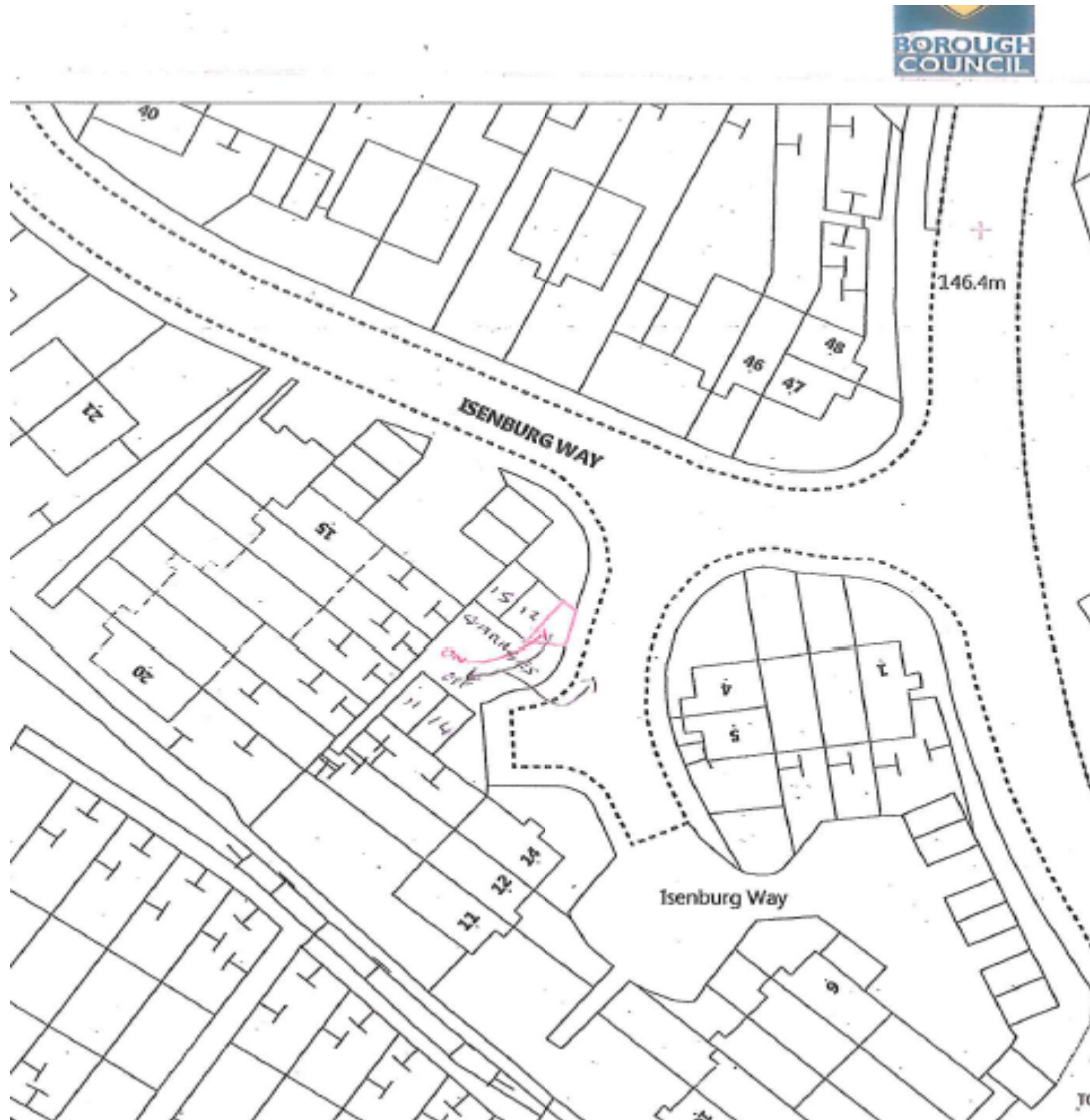
Storage of materials AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If 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 AN2) 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.

Item 5f

4/02478/16/FUL - CHANGE OF USE FROM AMENITY USE TO SINGLE PARKING BAY.

LAND ADJACENT TO 4 & 5 ISENBURG WAY, HEMEL HEMPSTEAD, HP2 6NQ



**4/02478/16/FUL- CHANGE OF USE FROM AMENITY USE TO SINGLE PARKING BAY.
LAND ADJACENT TO 4 & 5 ISENBURG WAY, HEMEL HEMPSTEAD, HP2 6NQ.
APPLICANT: Mr Ian Fraser.**

[Case Officer - Matt Heron]

Summary

Subject to the imposition of relevant conditions, it is considered that the development would not result in significant harm to the character of the area or the living conditions of the occupants of surrounding residential units.

Notwithstanding the above, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety. As this matter goes to the 'heart of the permission' and must be considered during the course of an application, it is not considered that relevant information could be provided through condition. Taking this into account, a proper assessment against policies CS8, CS9 and 51 is not possible and, in the absence of information demonstrating the proposal would not have an unacceptable impact on highway safety, the application is unacceptable.

Site Description

The application site is located within a residential area of Hemel Hempstead. It forms a piece of amenity land, adjacent to an existing single storey garage block.

Proposal

This application seeks full planning permission for that change of use of this land to provide a single off-road parking bay.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Herefordshire County Council Transport, Programmes and Strategy – Objection on the grounds that insufficient information has been received to perform an appropriate assessment in terms of highway safety.

Comments received from local residents:

None received.

Key Considerations:

1. The quality of the design and the impact on the character and appearance of the area
2. The potential impact on the living conditions of the occupiers of surrounding residential units.
3. Highway Safety and Parking Provision

1. The quality of the design and the impact on the character and appearance of the area

Core Strategy Policies CS11 and CS12 state that development within settlements

should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Though the piece of soft landscaping does contribute to softening built form within the residential area, it is not considered that the loss of this space for a single off-road parking bay would result in significant and demonstrable harm to the character of this residential area. Furthermore, it is not considered that the proposal would result in significant harm to any vegetation that is of significant amenity value to protect, in accordance with Policy 99.

Taking all of the above into account, and as a condition could be imposed if minded to grant permission requiring the submission of exact specifications of materials to be used for the proposed hard surface, the proposal would be visually acceptable and would comply with identified local and national policy in this regard.

2. The potential impact on the living conditions of the occupiers of surrounding residential units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Given the nature and positioning of the proposed development, it is not considered that the proposal would result in significant harm to the living conditions of the occupiers of surrounding residential units, in terms of overlooking, overbearing, loss of light and noise and disturbance. As such, the proposal complies with identified policy in this regard.

3. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12.

The proposal would create one additional parking space and, in an area with historic on-street parking problems, this would weigh in favour of the development.

However, Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

Only a Site Location Plan has been provided with this application and this does not show the exact layout of the proposed parking bay. As such, limited information has been provided by the applicant with regards to the proposals integration with and impact upon the adjacent highway network.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy, it is not considered the sufficient information has been submitted to assess whether or not the proposed parking bay would be sufficient in scale to accommodate a vehicle in line with the minimum requirements outlined in guidance within the Manual for Streets. Given the limited space of the application site and the potential for vehicular and pedestrian conflict, this information must support this application and a proper assessment in this regard cannot take place in its absence.

Furthermore, the applicant has failed to provide information showing the alignment of the proposed parking bay with the existing access. As such, given the potential that a vehicle exiting this bay may cause interference to the safe and free flow of the adjacent highway, it is not possible to consider whether or not the proposed bay would result in a vehicle leaving the space safely and conveniently.

Taking all of the above into account, and on discussion with Hertfordshire County Council Transport, Programmes and Strategy, it is considered that the applicant has failed to demonstrate that the proposed parking bay would be of a suitable size to accommodate a vehicle in accordance with guidance within the Manual for Streets. Furthermore, in the absence of details showing the exact alignment of the bay with the existing access, it is not possible to consider whether a vehicle entering or exiting the bay would interfere with the safe and free flow of traffic on the adjacent highway.

As such, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety and an assessment against policies CS8, CS9 and 51 is not possible. This information could not be requested through condition and the application is unacceptable on these grounds alone.

Conclusion

Subject to the imposition of relevant conditions, it is considered that the development would not result in significant harm to the character of the area or the living conditions of the occupants of surrounding residential units.

Notwithstanding the above, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety. As this matter goes to the 'heart of the permission' and must be considered during the course of an

application, it is not considered that relevant information could be provided through condition. Taking this into account, a proper assessment against policies CS8, CS9 and 51 is not possible and, in the absence of information demonstrating the proposal would not have an unacceptable impact on highway safety, the application is unacceptable.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

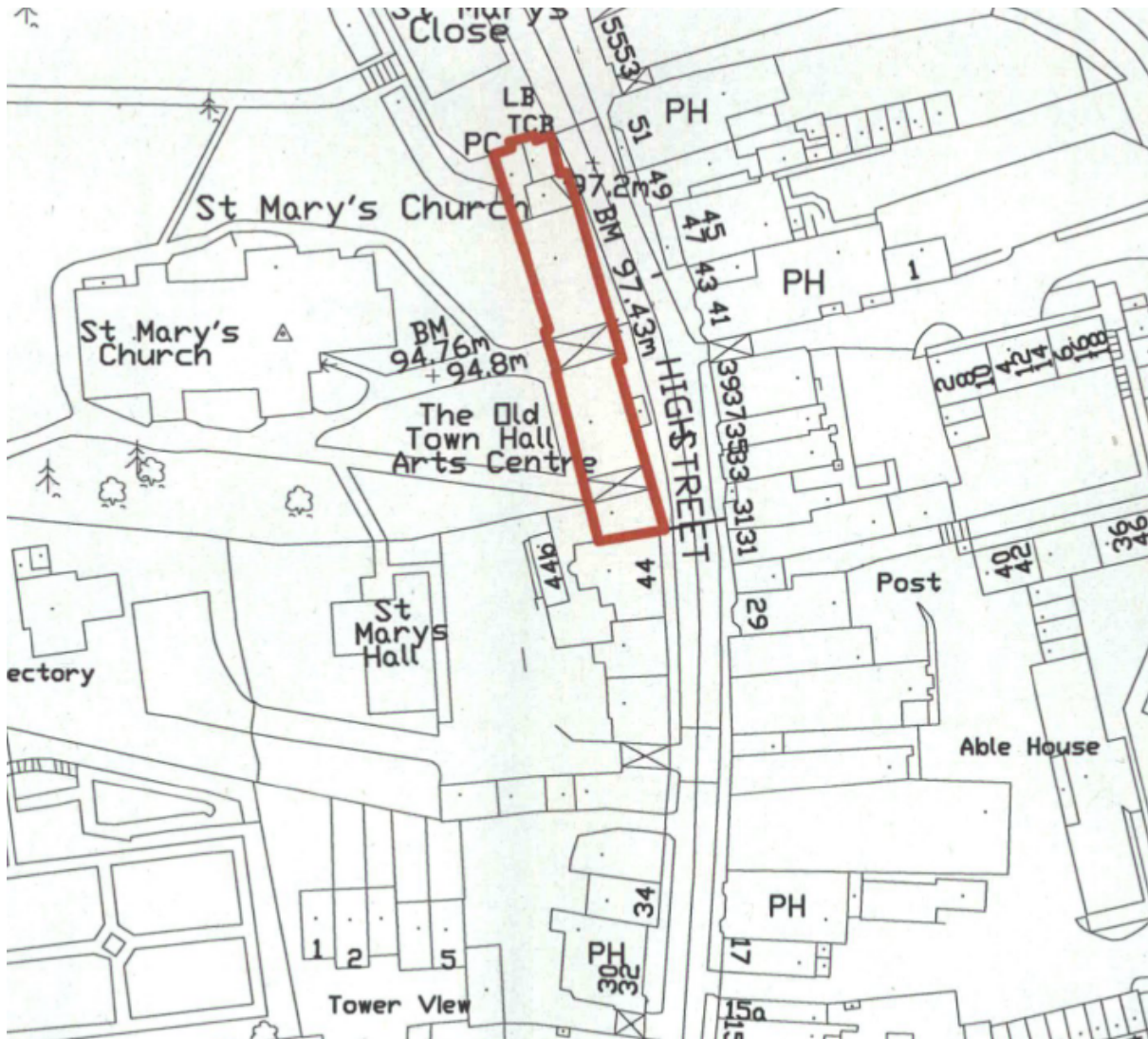
- 1 Insufficient information has been provided within the application to establish whether the proposed parking bay would be sufficient in scale to accommodate a vehicle in line with the minimum requirements outlined in guidance within the Manual for Streets. Furthermore, in the absence of details showing the exact alignment of the proposed parking bay with the existing access, it is not possible to consider whether a vehicle entering or exiting the way would interfere with the safe and free flow of traffic on the adjacent highway. As such, it is not possible to establish whether the proposal would have an unacceptable impact upon highway safety. The proposal therefore cannot be properly considered against Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.**

As soon as comments were received by Hertfordshire County Council Transport, Programmes and Strategy outlining that insufficient information had been provided, the Local Planning Authority (LPA) forwarded these on to the applicant and requested the submission of relevant information. No such information was received during the course of the determination of this proposal. As such, and as the Planning Department would be receptive to a meeting to discuss these matters prior to any re-submission, the Council has 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) Order 2015.

Item 5g

4/02757/16/LBC - PROPOSED WORKS TO RE-SLATE ROOF TO FRONT PITCH ONLY OVER CAFE AREA

OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE



4/02757/16/LBC - PROPOSED WORKS TO RE-SLATE ROOF TO FRONT PITCH ONLY OVER CAFE AREA.

OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE.

APPLICANT: DACORUM BOROUGH COUNCIL.

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The Old Town Hall is a Grade II listed building constructed in 1851 with several additional extensions up until 1868. The extensions of 1857 and 1861 on the right were built as a Corn Exchange. The building was designed by George Low in the Jacobean style of red brick dressed with stone, a Welsh slated roof with parapets and 3 curvilinear gables. It is situated in the Conservation Area.

Proposal

Listed Building Consent is sought to re-slate the front roof over the cafe area.

Referral to Committee

The application is referred to the Development Control Committee as the building is owned by Dacorum Borough Council

Planning History

4/00759/14/LB ATTACH TWO HERITAGE PLAQUES TO WALL

C

Granted
04/06/2014

4/00756/14/DR DETAILS OF RECORDING OF HISTORIC DESIGN, NEW SERVICES, HISTORIC MATERIALS, LIFT DETAILS, FIRE DETECTION/PREVENTION, TIMBER GANGWAY, VENTILATION AND APPROVED PLANS AS REQUIRED BY CONDITIONS 2, 3, 4, 5, 9, 10, 11, 12, 13 OF PLANNING PERMISSION 4/00123/13/LBC (PARTIAL REFURBISHMENT INCLUDING WORKS TO BASEMENT PERFORMANCE ARTS VENUE AND FIRST FLOOR KITCHEN AREAS. PROVISION OF PLATFORM LIFT AND NEW STAIRCASE)

C

Granted
20/01/2015

4/01820/13/LB ATTACH HIGHWAY REGULATORY SIGNAGE TO BUILDING WALL

C

Withdrawn
18/11/2013

4/00123/13/LB PARTIAL REFURBISHMENT INCLUDING WORKS TO
C BASEMENT PERFORMANCE ARTS VENUE AND FIRST FLOOR
KITCHEN AREAS. PROVISION OF PLATFORM LIFT AND NEW
STAIRCASE
Granted
25/03/2013

4/02046/12/LB TO PROVIDE MEANS OF ACCESS TO THE ATTIC OF BUILDING
C

27/12/2012

4/01953/01/ INTERNAL ALTERATIONS COMPRISING THROUGH FLOOR
LIFT, STAIR LIFT AND REMOVAL OF STAIRS AT
GROUND/FIRST FLOOR LEVEL, DISABLED WC,
REPOSITIONING OF BAR/SERVING AREA AND ALTERATIONS
TO THEATRE SEATING AT FIRST FLOOR LEVEL

06/12/2005

4/00886/99/4 ALTERATION TO DOORS

05/08/1999

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

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
CS27 - Quality of the Historic Environment

Summary of Representations

Conservation and Design

This grade II listed building was the former town hall which was constructed in the 19th century in a Jacobean style. The area of works are the welsh slate roof to the street

frontage. The proposed reroofing works reusing the existing slates where possible and using a matching slate would be acceptable. We note the mortar mix for the chimney. Whilst it is stronger than we would generally support given the location of the chimneys and the difficulties with access we would not object to the proposals.

Recommendation The proposals would appear to be in keeping with the character of the building and the wider conservation area. Slates to match existing.

Considerations

The key relevant policy is CS 27 of the adopted Core Strategy. The Policy states that 'The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. It is considered the proposal will protect and conserve the heritage asset. Given that it is proposed to re-use the existing materials where possible or to match the existing, the overall character and appearance of this important building will not alter as a result of the proposed works, in addition the re-roofing will have a positive impact in terms of the buildings longevity and future security. The works are necessary for its future upkeep after a number of recent roof leaks resulting in slight damage.

The proposal will not affect the building's character or special architectural interest and as such complies with Policy 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 works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The new roof shall match exactly the materials, dimensions and profiles of existing original work except where otherwise shown in the drawings hereby approved.**

Reason: To safeguard the character and appearance of the Listed Building and to comply with Policies CS12 and 27 of the Core Strategy.

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

15/01/x33/01 - Location Plan

15/01/x33/02 - Block Plan

15/01/x33/03 - Building Elevations

Heritage Statement - dated 6th Oct 2016

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

Article 35:

Listed building consent 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.

Agenda Item 6

A. LODGED

4/01801/16/FUL BRAYBEECH HOMES LTD
CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)
LAND REAR OF 27-33, GROVE ROAD, TRING
[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

4/00269/16/ENA MR N MARTIN
APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE
WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD,
HP1 3BB
[View online application](#)

This appeal related to the serving of an Enforcement Notice requiring the cessation of the commercial scaffolding business at Woodlands, Noake Mill Lane.

There were preliminary discussions before and during the first day of the Public Inquiry (25 May 2016) regarding the wording and attached map of the Enforcement Notice with the end result being that the allegation was altered to be a change of use of the site from residential to a mixed use of residential and commercial scaffolding business. The map was similarly varied so that the Notice not only attacked the

area where the scaffolding use took place (originally hatched green) but the entire land within the planning unit (outlined in red). The Public Inquiry resumed on 09 August 2016. Due to the need to adjourn the Public Inquiry the Inspector awarded a partial award of costs to the appellant for their work in preparing for and attending the first date.

The Inspector agreed with the Council that the appellant's business in relation to the storage and distribution of golf equipment at no point reached a scale whereby it became a primary use of the planning unit. As such the Inspector considered the description of the alleged breach (as amended in May) to be correct.

The appellant did not dispute that the operation of the commercial scaffolding business has occurred and is part of a mixed use. Accordingly, the appeal on ground (b) failed. The ground (d) appeal also failed as the appellant could not demonstrate 10 years continuous usage for the alleged use (mixed use residential / commercial scaffolding business).

In terms of the ground (c) appeal the assessment to be made related to the change, if any, in the definable character of the use of the land between the primary residential use and the commercial scaffolding business. The Inspector was not persuaded that, on the balance of probability, outside storage was a regular feature of the appellant's business for the storage and distribution of golf equipment. The evidence indicated that, on the balance of probability, a significant percentage of the appellant's business for the storage and distribution of golf equipment took place entirely off-site and that the stock which was delivered to Woodlands was largely stored within the outbuildings. In contrast, the scaffolding business results in a significant amount of outside storage in the yard, a visible presence from outside of the site, frequent deliveries by large vehicles and the generation of noise through the handling of metallic products. In the Inspector's view, as a matter of fact and degree, the character of the use of the appeal site for a mixed use of residential and commercial scaffolding business is materially different from the use of site for residential with an ancillary business use for the storage and distribution of golf equipment. As such the Inspector concluded that the introduction of the scaffolding business has resulted in a material change in the definable character of the residential use of the land, that a material change of use has occurred, and that the ground (c) appeal had to fail.

The ground (f) appeal was also unsuccessful as the Inspector agreed with the Council that the Notice did not attack an office use ancillary to the residential use of the site and that varying the Notice was unnecessary. Finally the Inspector extended the period for compliance from 2 months to 4 months, balancing out the need for the appellant to find alternative premises and the harm the scaffolding use causes to the neighbouring property.

4/00379/16/FUL SWIERK
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 x 3 BED
HOUSES WITH INTEGRAL GARAGES AND AMENITY SPACES
THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED,
HP4 3SR
[View online application](#)

Application for costs dismissed

Visual Appearance:

The Appeal A scheme would involve four terraced properties fronting onto Covert Road with a footprint that would go significantly beyond the building line of the existing property towards Covert Close and Covert Road. The current landscaping to the side of the existing property would be greatly eroded by both the new properties and hardstanding for parking. While some soft landscaping would be retained in front of the properties, it would be a fraction of the existing greenery.

Terraced dwellings would be incongruous for the area.

Development would be very prominent and thus visually intrusive within the surrounding area.

Appeal B scheme front Covert Close would be more in keeping with the area and building line front and back would largely mirror the building line of the existing property.

However, the Plot 3 dwelling would be positioned mostly beyond the side building line of the existing property, greatly eroding the current open space and landscaping.

The amount of private external spaces would be very restricted.

The development proposed in Appeal B would be cramped, very prominent and visually intrusive.

In both schemes, the density and form of development would not be compatible with the surrounding area. The effect of both appeal schemes on the character and appearance of the area would be harmful and thus would not accord with Policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy.

Residential Amenity

Due to the proximity of the existing property and the north-east orientation of the front elevation of No 10, the amount of daylight and sunlight to the front elevation of No 10 is already restricted.

Views from No.53 are screened by vegetation and are at an angle rather than face on.

There is a considerable gap between the Dell Road properties and the existing property, with little effect on light levels as a result.

Scheme A The dwellings would occupy much of the width of the appeal site between Covert Close and the side boundary of No 53. This would result in a longer and bulkier rear elevation facing towards No 10 and No 53 than the side elevation of the existing property. The view from the front elevations of No 10 and No 53 would be more dominated by built development, which would only be partially offset by screening and the position of the dwellings. The view from No 53 would be oblique and less harmed than the direct views from No 10, but there would be harm to living conditions of occupiers of both properties in terms of outlook.

Scheme B The Plot 1 dwelling would be marginally nearer to the shared boundary with No 10 than the existing property, but would be markedly taller and deeper. The view from the front elevation of No 10 would thus be more dominated by built development than it currently is, while the proximity and greater size would worsen effects on daylight if not sunlight due to the orientation.

Concluding on this main issue, both appeal schemes result in harmful effects to the living conditions of occupiers at 10 Covert Close, 53 Covert Road and 1A, 1B, 1 and 3 Dell Road. Therefore, both appeal schemes would not accord with Policy CS12 of the Core Strategy which, amongst other things, requires development to avoid visual intrusion, loss of daylight and loss of privacy to surrounding properties. The schemes would also be contrary Appendix 3 of the Local Plan which seeks a good layout and design of residential areas, and would not meet the aims of the NPPF which seeks a good standard of amenity for existing occupants of land and buildings

4/01012/16/FUL

MRS A SWIERK

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 X 4 BED HOUSES INTEGRAL GARAGE AND AMENITY SPACE (AMENDED SCHEME)

THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR

[View online application](#)

Application for costs dismissed

Visual Appearance:

The Appeal A scheme would involve four terraced properties fronting onto Covert Road with a footprint that would go significantly beyond the building line of the existing property towards Covert Close and Covert Road. The current landscaping to the side of the existing property would be greatly eroded by both the new properties and hardstanding for parking. While some soft landscaping would be retained in front of the properties, it would be a fraction of the existing greenery.

Terraced dwellings would be incongruous for the area.

Development would be very prominent and thus visually intrusive within the surrounding area.

Appeal B scheme front Covert Close would be more in keeping with the area and building line front and back would largely mirror the building line of the existing property.

However, the Plot 3 dwelling would be positioned mostly beyond the side building line of the existing property, greatly eroding the current open space and landscaping.

The amount of private external spaces would be very restricted.

The development proposed in Appeal B would be cramped, very prominent and visually intrusive.

In both schemes, the density and form of development would not be compatible with the surrounding area. The effect of both appeal schemes on the character and appearance of the area would be harmful and thus would not accord with Policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy.

Residential Amenity

Due to the proximity of the existing property and the north-east orientation of the front elevation of No 10, the amount of daylight and sunlight to the front elevation of No 10 is already restricted.

Views from No.53 are screened by vegetation and are at an angle rather than face on.

There is a considerable gap between the Dell Road properties and the existing property, with little effect on light levels as a result.

Scheme A The dwellings would occupy much of the width of the appeal site between Covert Close and the side boundary of No 53. This would result in a longer and bulkier rear elevation facing towards No 10 and No 53 than the side elevation of the existing property. The view from the front elevations of No 10 and No 53 would be more dominated by built development, which would only be partially offset by screening and the position of the dwellings. The view from No 53 would be oblique and less harmed than the direct views from No 10, but there would be harm to living conditions of occupiers of both properties in terms of outlook.

Scheme B The Plot 1 dwelling would be marginally nearer to the shared boundary with No 10 than the existing property, but would be markedly taller and deeper. The view from the front elevation of No 10 would thus be more dominated by built development than it currently is, while the proximity and greater size would worsen effects on daylight if not sunlight due to the orientation.

Concluding on this main issue, both appeal schemes result in harmful effects to the living conditions of occupiers at 10 Covert Close, 53 Covert Road and 1A, 1B, 1 and 3 Dell Road. Therefore, both appeal schemes would not accord with Policy CS12 of the Core Strategy which, amongst other things, requires development to avoid visual intrusion, loss of daylight and loss of privacy to surrounding properties. The schemes would also be contrary Appendix 3 of the Local Plan which seeks a good layout and design of residential areas, and would not meet the aims of the NPPF which seeks a good standard of amenity for existing occupants of land and buildings

4/01501/16/FHA

MR & MRS LLOYD-TOWNSHEND
DETACHED GARAGE
HASTOE HILL HOUSE, HASTOE HILL, HASTOE, HP23 6LR
[View online application](#)

Decision

1. The appeal is dismissed.

Main issues

2. The parties appear to agree that the proposal would be inappropriate development in the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless for one of the stated exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

3. Policy CS5 of the Core Strategy (2013) (CS) allows for small scale development including limited extensions to existing buildings and Policy 22 of the Dacorum Borough Local Plan (2004) (LP) states that extensions to dwellings in the Green Belt should be limited in size, taken as less than 130% of the floor area of the original dwelling. The Council has clarified that curtilage buildings are treated as an extension to the dwelling and that having regard to extensions that have taken place or been permitted at the property, the limit set by LP Policy 22 has already been exceeded. The proposed garage would be a disproportionate addition and therefore inappropriate development. Paragraph 88 of the Framework clarifies that substantial weight is to be given to such harm.

4. Therefore, the main issues are (a) the effect on Green Belt openness and Chilterns Area of Outstanding Natural Beauty (AONB) and (b) whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations

Reasons

5. The appeal site occupies an isolated and elevated location in open countryside some 2 km from the town of Tring. The existing large detached house is Appeal Decisions APP/A1910/D/16/3159701

currently undergoing extensive refurbishment. The site lies in the Green Belt and Chilterns Area of Outstanding Natural Beauty.

Effect on Green Belt openness and Chilterns AONB

6. The proposed garage would be constructed of black painted timber boarded elevations with brickwork plinth and roof tiles to match the main dwelling. It would have a ridge height of around 5.5 metres with depth of 6.3 metres and width of 9.6 metres. It would be sited close to the western, roadside, boundary of the property, which is marked by an existing hedge and would occupy higher ground than the existing house to the north which is separated from the front garden area and driveway by a small grass bank and hedge.

7. Currently, the front garden area of the property is devoid of buildings with open views of the countryside to the east. Although the proposed garage would not be readily visible from Hastoe Lane, its roof would likely be visible above the boundary hedge. Therefore, both in actual and visual terms, the proposed garage would not maintain the openness of the Green Belt. In this regard there would be further conflict with CS Policy CS5 and LP Policy 22 which seek to protect the openness of the Green Belt and maintain the open character of the countryside. Whilst noting the generally subordinate nature of the proposed garage compared to the dwelling, in accordance with paragraph 88 of the Framework, substantial weight is to be given to this harm.

8. However, the traditional design of the building and materials to be used in its construction are sympathetic to the character and appearance of this rural part of the Chilterns AONB. Therefore, I find that it would comply with LP Policy 97 which seeks to ensure that the beauty of the AONB is conserved and that any development is satisfactorily assimilated into the landscape and sympathetically sited and designed.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

9. The appellant has clarified that the garage is required to provide secure storage for two high value cars. It is a requirement of the insurance company that the vehicles are garaged overnight whilst at the home address in view of the high risk of theft. Whilst I agree that security is an important matter, such circumstances are not unusual and, in this regard, I note that the refurbishment works to the dwelling include the conversion of what was an existing garage. Furthermore, the proposed building appears to be larger than is necessary to simply accommodate two cars.

10. In my view the harm by reason of inappropriateness and harm to openness of the Green Belt is not outweighed by these other considerationconsiderations and very special circumstances have not been demonstrated.

11. I therefore conclude that this appeal should be dismissed.

F. ALLOWED

4/00069/16/FUL BRAYBEECH HOMES LTD
 CONSTRUCTION OF SIX FOUR BED DWELLINGS
 LAND REAR OF 27-33 GROVE ROAD, TRING
[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for the construction of six dwellings comprising four detached and two conjoined at Land to the rear of 27-33 Grove Road, Tring, Hertfordshire HP23 5HA in accordance with the terms of the application, Ref 4/00069/16/FUL, dated 8 January 2016, subject to the conditions set out at the end of my decision.

Application for costs

2. An application for costs was made by Braybeech Homes Limited against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The site lies towards the northern end of Tring, and is located in a triangle of land between Grove Road and Wingrave Road. The site comprises the partial

back gardens of Nos 27-33 Grove Road. Access would be gained through a new driveway constructed between Nos 27 and 29, where an existing garage stands at present.

5. The character of the area is fairly mixed, with a range of dwellings present. To the south of the site lies Grove Gardens, a fairly modern sinuous estate which uses the same triangle of land between Grove and Wingrave Roads, albeit in a larger area as this is located further from the junction of the two roads. Grove Road itself has a wide range and ages of housing located on it, with Nos 33-35 being semi detached dwellings with flat roofed porches, Nos 29-31 having hipped roofs and double height canted gabled bay windows to front, and No 27 being an older detached property. The age and variety of houses continues along the street, with a range of detached and semi-detached dwellings, including modern houses and a detached bungalow. Wingrave Road, at least on its eastern side, is more regularised, with an attractive broken row of terraced properties forming New Mill Terrace.

6. There is a reasonable drop in levels between Grove Road and Wingrave Road. Whilst the rear part of the southern area of the site is set on a similar level to Grove Road, the northern area of the site drops noticeably. Beyond the site the land continues to drop towards New Mill Terrace. These properties are set above the height of Wingrave Road. On my visit I walked the garden of No 26 New Mill Terrace, which climbs appreciably towards the site boundary. The gardens that the site comprises are all reasonably mature and have a range of landscaping present. There are also a range of mature trees on the rear boundary of the site, including some trees within the site itself, and a fair number located on the other side of the boundary line in the ownership of adjacent properties.

7. The Dacorum Borough Local Plan 1991-2011 was adopted in 2004 (the Local Plan). Supplementary Planning Guidance (SPG) in the form of Area Based Policies was adopted around the same time. Appendix 3 of the Local Plan concerns the layout and design of residential areas and states that proposals should be guided by the existing topographical features of the site and its immediate surroundings, respecting the character of the area and ensuring proper space for the proposed development without creating a cramped appearance, whilst introducing variety and imagination in layout and design. SPG4 concerns development in residential areas and is intended to complement and amplify the provisions of the Local Plan.

8. Within SPG4 both parties are in agreement that the appeal site lies within the Tring Character Area (TCA) 13, New Mill West. TCA13 states that the area mainly comprises of small developments of terraced housing of varying ages. Houses are mainly two storeys, staggered in layout, with spacing of less than 2m. The assessment states that the area has a limited opportunity for residential development, where infilling may be acceptable according to the development principles. These development principles state that there is scope for variation and innovation in housing design, that terraced dwellings are encouraged, and properties should not exceed two stories in height and the existing layout structure should be maintained throughout the area. Density would be acceptable in the medium range of 30-35 dwellings per hectare.

9. The proposal seeks to construct 6 dwellings, with 4 detached properties and 2 semi-detached dwellings. The properties would be 2 ½ storeys in height, with rooms in the roof space served by rooflights and small dormers. Subject to appropriate materials, I consider that the design of the dwellings would add to the varied character of the surrounding area, and although larger properties in footprint, would not appear radically dissimilar to the fairly new properties in nearby Sinfield Place, with part gabled frontages and prominent ground floor square bay windows, and dormer windows in the roof to rear. Whilst the height of the dwellings may be higher than some of those in the surrounding area, the site sections demonstrate that such heights would be similar to those of the properties on Grove Road, and due to the levels of the site would ensure that the proposed units would appear subservient to these frontage properties from the main road.

10. The proposed dwellings would be set in a rough line to follow the access road, facing towards the rear of the properties on Grove Road. Spacing between the properties would be less than 2m at the building's façades. Plots 1-4 are

located in a shallower part of the site and back onto the rear of properties on Grove Gardens, whilst Plots 5-6 back onto the rear gardens of properties in New Mill Terrace. As a consequence, Plots 5 & 6 would have longer gardens than Plots 1-4 would have. The density of the site is stated to be 29.41dph, slightly lower than the principle within TCA13.

11. The Council note that long linear gardens are a fundamental part of the character of this area of Tring. To a limited extent I agree with this statement; some of the existing houses on Grove Road and New Mill Terrace do have long gardens. However, this is a reflection of the pattern of development leading off the two roads of Grove Road and Wingrave Road, and the triangle of land that is formed between the roads. As a consequence, whilst gardens in the direct vicinity of the site are fairly long, lengths are reduced the closer you get to the junction of the two roads to the north and within the Grove Gardens development to the south.

12. The gardens of the proposed units would be of a reasonable size and equate to many of the surrounding properties to the south of the site, providing a good standard of amenity to the future residents of the proposal. The ratio of built form to site area is some 25%, according to the appellant's figures. This would appear reasonable given the prevailing character of the area, and would provide each property with acceptable amounts of amenity space, making sure that the site would not appear cramped or overdeveloped. The landscaping set between parking spaces and the amounts of gardens proposed would ensure that hard surfaces would not dominate the site.

13. Distances between the windows on the front of the house and rear windows on the properties fronting Grove Road are in a range from a minimum of just under 20m to around 25m. To the rear, windows are set at a reasonable distance from the closest properties on Grove Gardens. Due to the site levels, there is potential for overlooking to occur from the proposed properties towards those set on lower ground, such as New Mill Terrace. However, these properties are set further away from the site than Grove Gardens, at a distance of some 55 metres away, according to the appellant's figures. At such distances the proposal would have little effect on overlooking or sunlight levels, and this distance would also be softened by the extensive landscaping set on or near the rear boundary of the site, which could be supplemented by condition.

14. Whilst the proposal would introduce a new building line into the area, this would be linear and similar therefore to those fronting Grove and Wingrave Roads, and whilst the proposal may include a slightly higher proportion of detached properties than the surrounding development, this would not be significantly higher and not dissimilar to parts of Grove Gardens. I also note that the building lines in Grove Gardens to the south of the site are also varied and sinuous, and do not follow the linear lines of the development further north. Whilst therefore the proposal may be of a partially different spatial pattern to some surrounding development, this would not be at odds with the overall character and rhythm of the surrounding area.

15. To all intents and purposes therefore the site would be similar to, or match the prevailing character of the area. Density of the site would be at a comparable level to the surrounds, and the design of the properties would also assimilate well into the local character. The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area. Gardens would be of a reasonable size and overall the proposal would not appear as overdevelopment of the site or contrived or cramped.

16. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The proposal would comply with Policies CS11 and CS12 of the Dacorum Borough Council Core Strategy 2006-2031, 2013 (the CS), which together state that development should respect the typical density intended in an area, coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space. The proposal would also comply with SPG4 TCA13, Appendix 3 of the Local Plan, and with the National Planning Policy Framework (the Framework), which states as core planning principles that planning should take account of the different roles and

characters of different areas, and always seek to secure high quality design.

Other Matters

17. Appendix 3 of the Local Plan states that minimum distances of 23m between the main rear wall of a dwelling and main wall of another should be met to ensure privacy. This would be met by the proposed development, with the exceptions of Plot 1 and 2 to the rear extension of No 33 Grove Road and the rear of Plots 1-3 to the back of properties on Grove Gardens. However, the windows in the rear of Grove Gardens that are closest to the proposed properties do not serve habitable rooms. The windows on Plots 1&2 closest to No 33 would serve bathrooms and would therefore be obscured. Such matters could be conditioned.

18. Given the changes in levels between the site and New Mill Terrace, the mass of the proposed houses would have the potential to appear larger when viewed from these properties. On my visit I viewed the site from the rear of No 26 New Mill Terrace and from an upstairs, second floor bedroom window from an adjacent property. It is clear that the proposed houses would be visible from these vantage points. However, when considering the distance between these dwellings and the existing and proposed landscaping I consider that such views would not be overbearing. When combined with the distances stated in paragraph 13 above, I do not consider therefore that the proposal would have an adverse effect on the living conditions of nearby residents in terms of outlook or overlooking. Landscaping would also help to ensure that privacy levels are maintained for the rear gardens of the properties on Grove Road in front of, or close to, the site.

19. My attention is drawn to paragraph 53 of the Framework. This paragraph states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. However, this is not the case in this instance, where I have concluded that the proposal would comply with the relevant development plan policies.

20. Comments are made regarding the mix of proposed housing, and the lack of affordable housing within the scheme. Policy CS19 of the CS states that affordable homes will be provided on sites of 5 dwellings or more, although judgements about the level mix and tenure will have regard to the overall viability of the scheme. At the time of their decision the Council were content with the details contained within a submitted economic viability assessment which demonstrates that the site would not be viable with an affordable housing contribution. Furthermore, in this respect I also note the contents of the Government's Planning Practice Guidance, which states that contributions for affordable housing should not be sought from developments of 10 units or less.

21. An ecological survey¹ was submitted with the application. This survey notes that the site is dominated by amenity grassland with areas of ornamental planting, and considers the site to be of negligible ecological value with a moderate likelihood of supporting breeding birds. The survey recommends that bird boxes are sited on the appeal site, and habitat enhancement measures are carried out. A separate Bat survey² was also carried out to consider if any outbuildings on the site were likely to be used by roosting bats. This survey concluded that one building, the garage that would need demolishing to allow the proposed access to be constructed, has low habitat value and recommended an emergence survey be undertaken between May-September.

22. Subsequently such a survey has been undertaken³. This survey did not detect any bats emerging from the garage or any other structures or features on the site, although bats were detected commuting past and foraging around the site having travelled from other nearby habitats. I therefore conclude that, with the imposition of suitable conditions, the proposal would conserve biodiversity.

23. Concern is raised over matters of drainage. I can appreciate that given the low lying nature of New Mill Terrace in relation to the site that the development of the proposal could lead to adverse impacts in terms of water run off from the site. The application notes that sustainable urban drainage techniques will be utilised. Such matters could be conditioned to ensure that full details are approved by the Council prior to development commencing.

24. The access to the proposed site would be located between Nos 27 and 29 Grove Road. At this location the speed limit is 30mph and visibility is

reasonably good in both directions. Following the submission of further details the highways authority raised no objection to the proposal subject to the imposition of various conditions including visibility splays, a swept path analysis of the access and a Stage 1 safety audit. They are therefore content for such matters to be conditioned, and all such conditions would be both reasonable and necessary to ensure that the proposal has no adverse impact on highway safety and that safe access and egress from the site was created, including for emergency vehicles if necessary, and ensuring that visibility splays are adequate and maintained.

25. The proposal would build 6 houses and provide 3 off street car parking spaces for each property, including an integral garage and two spaces on a driveway. This would be ample parking for such a development located within a reasonably sustainable location. The amount of traffic generated by the scheme would not be significant, and I do not consider that this amount of traffic, particularly when coupled with the low speeds that vehicles would be accessing the proposed dwellings due to the street layout, would adversely impact upon the living conditions of neighbouring residents with regards to noise and disturbance.

26. A near neighbour raises concerns over the lack of enforcement relating to the planting of trees at Sinfield Place, and considers that this situation could occur similarly with the proposal in this case. However, I consider the landscaping proposals to be made in good faith. Such matters would be committed to via condition, and it is the local planning authority's responsibility to ensure that the details agreed under such conditions are fully implemented.

27. Concern is also raised over matters of precedent, with references made to adjoining gardens which could be developed. Reference is also made to a new potential scheme for the same site which has fewer dwellings proposed. However, each case must be dealt with on its own merits. I have considered the proposal on the basis of the information provided to me.

Conditions

28. I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, I have also imposed a condition requiring materials to be used for the external surfaces of the proposal to be agreed by the local planning authority. For the same reason, I have also imposed conditions requiring details of hard and soft landscaping, including full details of all trees to be planted and retained on the site, and proposed boundary treatments to be agreed with the local planning authority prior to development taking place. A condition is also imposed to ensure that any landscaping which fails within 5 years of planting will be replaced. Such conditions are also necessary for biodiversity reasons and in the interests of the living conditions of surrounding residents.

29. The Council's contaminated land officer considers that as the site is located within the vicinity of potentially contaminative former land uses, conditions should be imposed to ensure that any contamination on the site is considered, and dealt with, prior to the development taking place. Given the proposed residential use of the site I consider such conditions to be both reasonable and necessary, in the interests of both the living conditions of the future occupiers of the proposal and the water environment.

30. As stated above, I have also imposed conditions relating to highway issues, in the interests of highway safety, and a condition to ensure that the recommendations of the ecological survey are carried out, in the interests of biodiversity. To ensure that the living conditions of neighbouring residents are protected, I have imposed the Council recommended conditions to ensure that the bathroom windows in plots 1-5 are fitted with obscured glass and retained, although I have amended this condition slightly to remove reference to a bedroom window of Plot 1, which would not be set any closer to the rear of properties in Grove Gardens than Plot 2.

31. The Council have recommended conditions are imposed to withdraw permitted development rights for the proposed properties for various classes of development, as well as to ensure that the garages should be kept for car parking. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises

that conditions restricting the future use of permitted development rights or changes of use 'will rarely pass the test of necessity and should only be used in exceptional circumstances'.

32. The proposed conditions would restrict the enlargement, improvement or other alteration to the proposed houses, roof additions and alterations, the construction of porches, outbuildings, gates, walls and fences, means of access to a highway and the painting of the exterior of any house. The permitted development rights the Council seek to restrict are therefore fulsome and wide ranging. The reasons provided for such conditions are 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.

33. Given the proximity of neighbouring residents I consider that the restriction of Schedule 2 Part 1 Classes B & C concerning roof extensions is necessary in this case. I also consider that there is clear justification for restricting permitted development rights concerning the use of the integral garages, given highway safety matters and the need to ensure adequate parking provision for each property within the overall site. However, I fail to see how the restrictions on the other stated permitted development rights are necessary and there does not appear clear justification for doing so. I have therefore amended the first condition to only such matters. I have also updated both conditions to refer to the 2015 order.

34. Finally, I have imposed a condition requiring details of surface water drainage to be submitted to and agreed by the local planning authority prior to commencement of development. Such a condition was suggested in the Council's Officer's report to committee but not in their list of recommended conditions. Drainage, as referred to above, was raised by various interested parties including the Town Council, and I consider that such a condition is both reasonable and necessary in the interests of the water environment and the living conditions of neighbouring residents.

Conclusion

35. I have concluded that the proposal would not have an adverse effect upon the character and appearance of the area. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

4/00173/16/FUL

MR MILLS

CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE
115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF

[View online application](#)

This appeal related to the construction of a two-bed detached house in an infill plot within the urban area of Hemel Hempstead. The Inspector accepted that the new house would appear noticeably smaller than the majority of the buildings surrounding it, but felt that there would be limited public vantage points where this would be apparent. Furthermore, the buildings small size, as well as its set back, meant that that it would not appear cramped within its surroundings. The Inspector also considered that in its context of adjoining spacious gardens it would not result in a pattern of development which would harm the established character nor appear as one which is over intensive in its setting. The Inspector also accepted that the rear garden would be shorter than the 11.5m depth sought in Appendix 3; however he did not consider this problematic because the small size of the dwelling meant adequate functional amenity space would be provided, especially if marketed as a 'starter home'. Finally the Inspector considered that outlook and light would not be reduced to such an extent that would materially harm the living conditions of No.11. For these reasons the Inspector allowed the appeal, attaching 10 conditions.