

**4/00774/17/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF 5-BED DWELLING.**

**LAND ADJ. 25 HALL PARK, BERKHAMSTED, HP4 2NU.**

**APPLICANT: Mr & Mrs Devlin.**

---

[Case Officer - Matt Heron]

### **Summary**

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

### **Site Description**

The application site is located in a residential area of Berkhamsted. Surrounding units are predominately large, detached properties set in generous grounds and are constructed in a variety of architectural forms from a diverse pallet of materials.

### **Proposal**

This application seeks full planning permission for the construction of a two storey, four bedroom, detached dwellinghouse.

### **Referral to Committee**

The application is referred to the Development Control Committee as Berkhamsted Town Council has objected to the proposal. The Town Councils objection is as follows:

*"The proposals are an excessive overdevelopment of the site and are of poor design which would detract from the street scene in contrary to BCA1. Neighbouring properties would suffer loss of amenity through overlooking and proximity. It is proposed that the remaining trees currently at the site should be made the subject of a TPO.*

*BCA1; CS11; CS12; Appendix 3.6 (i)."*

### **Relevant History**

4/00949/14/FHA CONSTRUCTION OF NEW DETACHED GARAGE WITH GAMES ROOM/STORAGE LOFT  
Granted  
08/07/2014

4/02414/13/FHA DEMOLITION OF EXISTING GARAGE AND WORKSHOP,  
CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSION.  
Granted  
18/02/2014

4/00130/00/4 CONSERVATORY  
Granted  
24/02/2000

## **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  
CS13 – Quality of the Public Realm  
CS17 – New Housing  
CS23 – Social Infrastructure  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS31 – Water Management  
CS32 – Contaminated Land

### Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land  
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  
Policy 129 – Storage and Recycling of Waste on Development Sites  
Appendix 5 – Parking Provision

## **Summary of Representations**

### **Comments received from consultees:**

**Hertfordshire Country Council Transport, Programmes and Strategy** – No objection relevant conditions.

**Dacorum Environmental Health** – No objection, subject to relevant condition.

**Dacorum Trees and Woodland Department** – No objection.

**Affinity Water** – No objection.

**Thames Water** – No objection.

**Comments received from local residents:**

Several objections have been received from surrounding addresses. Comments are summarised as:

- Cramped form of development and an overdevelopment of the plot.
- Design incongruous with surrounding built form.
- Harm to established vegetation.
- Proposal would be visually prominent.
- Harm to living conditions in terms of overbearing, overlooking and loss of light.
- Insufficient hardstanding to front.
- Harm in terms of vehicular and pedestrian safety.

**Key Considerations:**

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
  - i) Contaminated Land
  - ii) Refuse and Recycling Storage
  - iii) Flooding and Drainage

**1. The principle of the development**

The application site is located within Berkhamsted but is not an allocated housing site and so is considered to be a 'windfall site'. Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes. However, Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (henceforth referred to as the

Framework) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Local Plan Policy 10 seeks to optimise the use of available land within urban areas.

The application site is situated within an urban residential area in the existing town of Berkhamsted. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies CS1, CS4, CS17, DBLP Saved Policy 10 and the 'golden thread' of the Framework. There is therefore no compelling objection to the principle of the proposed development.

## **2. 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.

### Spacing and Prominence

There would be a gap of approximately 1.4m between the proposal and the neighbouring unit to the north of the application site and a gap of approximately 1.3m between the proposed unit and the southern flank boundary of the application site. The proposal would therefore be approximately 8.5m away from the main body of the adjacent dwellinghouse to the south. Taking these distances into account, it is considered that sufficient space would be left about the proposal to ensure that the unit would not appear cramped or overdeveloped upon its plot.

The proposed unit would have a ridge height approximately 1.8m greater than that of the adjacent unit No. 25 Hall Park but this ridge height is less than that of No. 27 Hall Park. The gradient of Hall Park (and therefore the ridge height of properties within this streetscene) increases towards the junction with Upper Hall Park to the south of the site. Overall, given the scale of the proposed unit is consistent with the increase in the scale of existing properties as the gradient rises towards the identified junction, it is not considered that the proposal would appear visually prominent or dominant within the streetscene.

It is acknowledged that specific concern has been raised with regards to the impact of the proposal on the Berkhamsted Character Area BCA1. The approach for residential development in this Character Area states that:

*"...infilling may be acceptable according to Development Principles..."*

One such Development Principle states that spacing should be within the wide range of 5m-10m. As illustrated above, there would be a considerable gap between the proposed unit and No. 27 Hall Park (approximately 8m). Though it is acknowledged that the spacing between the proposal and No. 25 Hall Park would fall below the recommended standards for this Character Area, it should be noted that the spacing prescribed for BCA1 is guidance which supports the main body of policies within the Development Plan.

For reasons identified above, and given there are examples of properties to the south at Upper Hall Park with reduced spacing to side, it is considered that spacing left about the unit would be acceptable and the proposal would integrate with the streetscape character in this regard. As such, refusing the application on the grounds that it fails the spacing guidance prescribed within BCA1 alone would not be reasonable.

### Design

Turning to the individual design of the proposed unit, it is noted that the development is of a more contemporary design than surrounding residential properties. However, it is not considered that this contemporary design would introduce such an incongruous feature into the streetscene that would warrant a refusal of permission on these grounds alone. Overall, it is considered that the proposed detached unit, constructed predominately of facing brickwork under a tiled cat slide roof, would not significantly disrupt the rhythm of adjacent built form or the spatial pattern of surrounding development.

However, in the interest of ensuring that the design of the building remains acceptable, it is considered reasonable to impose conditions requesting the submission of exact specifications of materials to be used, a Landscaping Plan (providing details of hard and soft landscaping and boundary treatments) and also removing permitted development rights under Schedule 2, Part 1, Class B (roof alterations including dormer windows).

### Landscaping

Finally, with regards to landscaping, it is noted that the proposal may result in the loss of established vegetation. However, the property is not within a Conservation Area nor is any vegetation at the site protected by a Tree Preservation Order (TPO). As such, the applicant may remove any vegetation within his/her ownership without formal consent. Further, on discussion with Dacorum Trees and Woodland Officers, it is not considered that the proposal would result in any harm to vegetation that is of significant amenity value to protect. As such, it would not be reasonable to refuse this application on harm to established vegetation alone.

Taking all of the above into account, though spacing falls short of that recommended in supplementary guidance documents, the proposed development would integrate with the rhythm of properties in the streetscene which rise in scale towards the junction to the south and would not appear visually cramped upon the plot. As such, it would not result in significant harm to the character of the immediate streetscene and the visual interests of its surroundings. Subject to the imposition of identified conditions, the development would comply with the identified local and national policy in this regard.

### **3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants**

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.

The proposed unit would extend beyond the rear elevation of No. 25 Hall Park by approximately 3.4m and would be approximately 1.5m away from this neighbouring unit. Though the revised layout would result in boundary treatment approximately 3.3m away from the rear elevation of No. 25 Hall Park and the proposed unit would benefit from a raised terraced area to the rear, the applicant has submitted amended plans replacing retaining walls with glazed panels. Overall, on balance, it is not considered that the proposal would result in such significant levels of harm, in terms of overbearing and loss of light, to the extent that would warrant a refusal of permission.

Further, with regards to overlooking, there are no ground or second floor windows within the northern elevation of the proposed unit and rear windows would not afford direct views of private, primary external amenity space that benefits No. 25 Hall Park. It is, however, acknowledged that there would be a patio/terraced area and a first floor balcony which, given the elevated level of the proposed unit, may afford views of the rear amenity space of this neighbouring unit. However, privacy screens are proposed to prevent any views from these proposed external areas. Overall, it is considered that the privacy of No. 25 Hall Park would be preserved.

Turning to No. 27 Hall Park, the proposed unit would be approximately 8.5m away from this neighbouring unit and would be set at a lower level. Taking this into account, it is not considered that the proposal would result in harm to the living conditions of the occupants of this property, in terms of overbearing and loss of light.

With regards to the privacy of this neighbouring property, there would only be a first floor bathroom window on the southern elevation of the proposed unit and proposed rear windows would not afford direct views of private, primary, external amenity space. Further, the proposed rear balcony area would contain a privacy screen at a height of 1.8m preventing direct views from this space. Taking this into account, it is considered that the privacy of No. 27 Hall Park would be preserved.

Taking all of the above into account, and as the proposed unit would have an acceptable relationship with existing units, the proposal is considered acceptable in terms of impacts upon living conditions. It is, however, considered reasonable to remove permitted development rights under Schedule 2, Part 1, Class A (extensions and alterations) to ensure that the proposal remains acceptable in this regard. Subject to the imposition of this condition, the development complies with identified policy in this regard.

#### **4. 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. Policies CS8 and Saved DBLP Policies 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 afford three off-road parking spaces. This level of parking provision is considered acceptable.

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

On discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) it is considered that the proposal, subject to the imposition of relevant conditions, would not result in an unacceptable impact in terms of highway safety. As such, the proposal is acceptable in this regard.

Notwithstanding the above, it is noted that HCCTPS has requested additional conditions ensuring that all materials associated with construction are to be stored within the curtilage of the site and that best practice is taken to ensure that debris is not distributed upon the highway.

Given that it is an offence under highways legislation to obstruct the free flow of a highway and legal permission must be sought by the applicant to store any material on land outside of his/her ownership, the above mentioned additional conditions are not considered reasonable or necessary with regards to the tests for conditions within the Planning Practice Guidance. Informatives in this regard are considered more appropriate.

## **5. Other Material Planning Considerations**

### *i) Contaminated Land*

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

The site is located within the vicinity of an old chalk pit, situated approximately 200m to the west. This feature is on the site of 9 Upper Hall Park. Historic maps indicate the chalk pit to be present until approximately 1932/53; the dwelling was present on-site from approximately 1962/79. A review of satellite imagery does not clarify whether the pit has been infilled or if a depression is still evident.

Should this pit have been infilled with putrescible material, there is the potential for ground gas generation and migration, which could impact upon the site. As such, on discussion with Dacorum Environmental Health, it is recommended that conditions are imposed requiring the developer to incorporate basic ground gas protection measures and to keep a watching brief during ground works on the site for any potentially contaminated material, especially within the vicinity of the garage footprint (following demolition).

These conditions are considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

### *ii) Refuse and Recycling Storage*

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwelling would provide secure space to front to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

*iii) Flooding and Drainage*

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

## **Conclusion**

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

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

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

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

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: 17 506 PL03D & 17 506 PL02D & 17 506 PL01B & 17 506 PL05 & 17 506 PL04.**

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

- 3 Prior to the construction of the dwelling hereby permitted, detailed specifications of the materials to be used in the external surface of unit must be submitted to and approved in writing by the Local Planning Authority. Subsequently, development must be carried out and retained as approved.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS13 of the Dacorum Core Strategy 2013.



- 4 **Prior to first occupation of the dwelling hereby approved full details on a suitably scaled plan of hard landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure.
- b) existing and proposed finished levels and finished floor levels.
- c) details for all external hard surface within the site, including roads, drainage detail and car parking areas.
- d) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS13 of the Dacorum Core Strategy 2013.

- 5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2017 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding residential amenity and the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 7 **During any ground works at the site in association with the development hereby approved a Watching Brief shall be kept to monitor any potentially contaminated material. Should any such material be encountered, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed. Further, basic ground gas protection measures shall be incorporated into any ground works.**

Reason: In the interests of human health, in accordance with Policy CS32 of the Dacorum Core strategy 2013.

- 8 **Prior to the first occupation of the development hereby approved, the site frontage must be kept free of all obstruction to visibility over a height of 0.6m**

**for a distance of 0.65m to both sides of the driveway above the adjoining footpath level. Visibility shall be remain as such for the lifetime of the development hereby approved.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9 **The approved car parking spaces shall have measurements of 2.4m x 4.8m min. and shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 10 **Prior to the first occupation of the development hereby approved, all on site vehicular areas shall be surfaced in accordance with details agreed under condition 4 to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 11 **Prior to the first occupation of the development hereby approved, the new vehicle crossover shall be constructed as approved to the current specification of the Highway Authority.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was 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) Order 2015.