

**4/01198/17/FUL - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS.
92 VICARAGE LANE, KINGS LANGLEY, WD4 9HR.
APPLICANT: MR/MRS MCANDREW.**

[Case Officer - Rachel Marber]

Summary

The principle of residential development in this location is considered acceptable. The proposed development would not result in detrimental impact to the visual amenity of the street scene, undue impact to the residential amenity of the neighbouring residents or highway safety and parking provision. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 57, 58, 99, 100 and Appendices 3 and 5 of the Local Plan (2004).

Application Site and Surrounding Area

The application site forms part of the rear garden of No. 92 Langley Hill which is a large detached two storey property located on the corner of Vicarage Lane and Langley Hill. The site falls within the "larger village" of Kings Langley which is excluded from the Green Belt. The site adjoins the Kings Langley Conservation Area and lies adjacent to the Green Belt and a scheduled ancient monument. The surrounding area predominantly comprises detached housing and a number of listed buildings are sited in close proximity.

Proposal

The application seeks permission for the construction of a building comprising 2x two bed maisonettes. Two parking spaces will serve this development with access from Langley Hill.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council

Relevant Planning History

4/00940/04/FHA LOFT CONVERSION WITH FRONT SIDE AND REAR DORMER
WINDOWS
Granted
28/05/2004

4/00609/02/FHA SINGLE STOREY & TWO STOREY EXTENSIONS TO FORM ANNEXE
Granted
21/05/2002

4/00481/93/4 DETACHED HOUSE
Granted
17/05/1993

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision

Constraints

Residential area of Kings Langley

Adjacent to King Langley conservation area
Adjacent to Green Belt
Adjacent to Area of Archaeological Interest
Adjacent to scheduled ancient monument (Dominican Priory)

Summary of Representations

Comments received from consultees:

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Kings Langley Parish Council

Objection

The Council OBJECTED this planning application by reason of over-cramping / overdevelopment of the site and that the proposed new properties would have no garden.

Herts Property Services

Thank you for your email regarding the above mentioned planning application.

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.

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

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 considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below

CONDITIONS

1. Visibility Before the access is brought into use the site frontage shall 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. 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.
2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.
Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.
3. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted

and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

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.

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

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

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

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS

The proposal is for Construction of 2 no. Two bedroom flats, to the rear of this corner property which will front onto Langley Hill.

PARKING

Two new parking spaces are proposed, on a new hardstanding to the front of the property, on Langley Hill.

ACCESS

A new vxo of the maximum allowable width of 7.2m: 6 dropped kerbs and two ramped, is to be constructed on Langley Hill, to give access to the parking spaces.

Langley Hill is an unclassified local access road, subject to a 30mph speed limit, with low pedestrian traffic and no accidents in the vicinity in the last 5 years.

CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above

Key Considerations

The main planning issues in the determination of this application would be:

1. Principle of development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact on the living conditions of future occupants and surrounding residential units
4. Highway safety and parking provision
5. Impact on trees and landscaping
6. Sustainability

1. Principle of Development

The application site is a windfall site located within the residential village of Kings Langley. 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.

Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF

(2012).

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

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies of 10, 18, 21 and Appendix 3.

The application site is located within a residential area, predominately comprising large detached units set within generous plots. Further east, residential units along Vicarage Lane and Five Acres are positioned within a more traditional and uniform arrangement. However, within the immediate street scene in which the application site is located, dwellings are positioned in a more sporadic manner; there is no clear building line or recognisable spatial pattern. This irregular form is reflected in the various architectural styles, sizes and height of the adjacent dwellings.

The proposed apartment block would be located in what is currently the rear garden of No. 90 Vicarage Lane with front orientation and access off Langley Hill. As such, the proposal would constitute 'backland' development as opposed to tandem development, which is discouraged by policy. It is further considered that due to varied layout of buildings within this particular section of Langley Hill that the proximity of the proposal to Vicarage Lane would not significantly disrupt the spatial pattern of surrounding built form. Similarly, although the plot size would be significantly smaller in relation to the generously sized curtilages of immediately surrounding properties it is not considered that this would appear incongruous within the immediate street scene due to the smaller plots of Nos. 95 - 83 Vicarage Lane.

The proposed development would be located in close proximity to property No. 99 Vicarage Lane and the associated outbuilding within the front curtilage, however a 2 metre separation gap is maintained to site boundary in order to retain the open suburban character of the area.

Turning to the individual design of the proposal, it is not considered that a two storey unit constructed under a gable roof, of 7.5 metre high would significantly disrupt the rhythm of surrounding built form. A condition for submission of details of materials has been recommended. Further the proposed development would be softened in appearance through a 6 metre deep front garden and soft boundary landscaping.

3. The potential impact on the living conditions of future occupants and surrounding residential units

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.

The nearest residential units to the south of the site (1 and 2 Fives Acres) would be located approximately 75 metres away at an oblique angle and 60 approximate metres from the rear elevation of the two new dwellings granted at Five Acres (app ref: 4/01058/13/FUL). The site would also adjoin the very long rear gardens of properties Nos.88- 92 Vicarage Lane. The proposed development would be located 12 metres away from the front elevation of No. 99 Langley Lane, adjacent to their front outbuilding and at an oblique angle. Taking these distances into account in conjunction with the orientation of the site in relation to neighbouring properties it is not considered that the proposal would result in significant harm to the living conditions of the occupants of surrounding units, in terms of overbearing impact and loss of light.

Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. In accordance with the submitted application both Maisonettes would have access to a rear garden approximately 97sq.m, in comparison to the 97 sq.m footprint of the proposed development; therefore adhering to external amenity provision requirements. It is considered the front and rear gardens are of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

Thus, the proposed would not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

4. Highway Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) 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 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide 2x two bed maisonettes which would require 3 off street parking spaces. The proposal seeks to provide two off street parking spaces which would result in a short fall of 1 parking space. Nonetheless, DBC parking standards outline maximum provision only and ample on street parking is available in the locality . Moreover, the area is relatively sustainable with public transportation easily accessible, with a bus stop directly outside the application site.

Hertfordshire Highways were consulted and provided the following conclusive comments:

“The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.”

Due to Highways raising no objection and available on street parking, the proposed development would not result in a significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

5. Impact on trees and landscaping

Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

There is established vegetation within and immediately adjacent to the application site, although no part of the application site is subject to a Tree Preservation Order (TPO). The application has been submitted alongside a supporting Arboricultural Report which has confirmed that no trees would be removed for the development proposed and outlines mitigation measures to ensure protect of adjacent notable trees (Beech). The proposed scheme also has the potential to provide soft and hard landscaping and bin store on site which has been demonstrated on the proposed site plan ref: 16/VM- 28. The landscaping layout put forward is considered acceptable.

6. Sustainability

Policy NP1 of the Core Strategy (2013) states that the Council will apply a presumption in favour of sustainable development when considering proposals. The National Policy Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

Environmental

The application site is situated within a residential area in the existing village of Kings Langley. 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 this into account, the proposal would be environmentally sustainable.

Social

The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, it is considered to be socially sustainable.

Economic

The proposal would also result in short term economic benefits during the construction of the units.

Conclusion

Overall, the proposal represents sustainable development and is in accordance with the Development Plan and the NPPF.

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:**

16/VM- 28 dated 19/4/17
Arboricultural Impact Assessment 4 May 2017

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

- 3 Within 6 months the date of this permission full details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out and retained in accordance with these approved details.**

Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

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

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

For the purposes of this condition:

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

Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 6 **Before the access is brought into use the site frontage shall 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. Thereafter the frontage shall be retained free of obstruction.**

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 CS12 of the Core Strategy (2013).

- 7 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m**

min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

8

The development shall not be brought into use until the new vehicle crossover has been constructed 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 CS12 of the Core Strategy (2013).

Highway Informatives

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-
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2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
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3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. 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.

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.