

4/01370/17/FUL - DEMOLITION OF EXISTING 4 BEDROOM HOUSE AND REPLACEMENT WITH ONE 2 STOREY 5 BEDROOM DWELLING WITH A PART LOWER GROUND FLOOR TO REAR.

WELLWOOD, 24 MEADWAY, BERKHAMSTED, HP4 2PN.

APPLICANT: MR & MRS O'MAHONEY.

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would not have any adverse implications on the character and appearance of the street scene and surrounding area including the Gravel Path character area particularly when taking into account the more recently approved new dwellings at 20, 22 and 30 Meadway. Conservation and Design have commented on the application and have not raised any objections.

The development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises a large detached dwelling, positioned at an angle on the site to the south side of Meadway within the Berkhamsted residential area of Gravel Path (BCA 7).

The existing property, No. 24 Meadway, is a two storey dwelling with hipped roof and a forward projecting gable over the integral double garage. The property has a verdant aspect and sits on a large plot sloping away significantly from the road to the rear of the garden. To the rear of the property is a UPVC conservatory and a raised patio.

Proposal

Demolition of existing 4 bedroom house and replacement with a 2 storey 5 bedroom dwelling with a part lower ground floor to rear. The dwelling would be of a contemporary design and with a rectangular footprint measuring 18.7 metres (maximum) in depth and 17.3 metres (maximum) in width. The lower ground floor measuring 11.5 metres in depth (maximum).

The Ground floor accommodation would provide for family living accommodation and an integral garage and a terrace to the rear. The part lower ground floor (set to the rear) will provide further family living space including a study and a media room / family rooms. The first floor accommodation provides for five bedrooms, an inset balcony serves the rear master bedroom.

Referral to Committee

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

Planning History

None found

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
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

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

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA7- Gravel Path
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town Council

Despite some minor and cursory amendments this remains a huge development which is completely out of keeping with the street scene. It is an inharmonious overdevelopment of the plot; the bulk, mass and height are incompatible with the character of the area. There would be severe loss of amenity through overlooking and overshadowing, especially at the rear to adjoining properties. Moreover, BCA7 does not refer to or encourage innovative design in this location.

Policies CS 11 and 12; Appendix 3 (i), (iv); BCA 7.

Conservation and Design Officer

The character of the area is of a mixture of different house styles and periods including some recent more contemporary designed dwellings. The proposed new dwelling is of its time and although ideally it would reflect or relate to the character of the area by perhaps using either materials or colours which reflect the stone/ soils of the area we do not believe that this is sufficient to result in an objection to the proposal. The landscaping and the design have been reviewed and would appear to have improved from the original proposals. We therefore continue to believe that the proposed scheme is acceptable and would not object to the proposals with regards to the design or materials.

Scientific Officer

The site is located within the vicinity of potentially contaminative current and former land uses (railway and unknown filled ground). 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).

Herts Property Services

No comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Hertfordshire Highways

Decision

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

Highway Comment

No new or altered vehicular or pedestrian access is proposed and no works are required on the highway.

HCC road hierarchy states that Meadway does not form part of the adopted public highway.

As Meadway is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

Response to Neighbour Notification / Site Notice

Fairlight, Upnore, South gables, Hampton House and Quantok were notified on 31/07/17 and subsequently re-consulted on amendments on 3/07/2017 and a site notice was put up on 22/06/2017

Several items (20) of correspondence were received from properties on Meadway. All were in objection to the proposal and can be summarised as follows:

- Design, appearance and materials suggested – out of character
- General size of the building/ poor Visual amenity
- Adequacy of parking

- Loss of light
- Loss of Privacy
- Overlooking - rear of gardens
- Lack of Landscaping

- Bulk / Massing / Height

- Overdevelopment

- It would be squashed between existing houses

- Objection is to the inconsistency of the design with the character of Meadway
- Bulk and profile that is inconsistent with other houses in the road and which will overwhelm the houses on either side of it
- Bulky development – over development of the site

- The visual front of the property depicted in the design and access statement fails completely to show the fact that there is a central portion of the house at the rear that has a greater height than the rest and would be clearly visible at the front.
- The proposal is to demolish a 3000 sq ft property. In order to make this even remotely financially viable it will be necessary to build a massive property (7000 sq. ft). This clearly is driving the applicant towards an overdevelopment of the plot
- Given the relatively narrow frontage it is our firm view that 692 sq. m. is simply too big.
- The modernist design disregards the guidelines set out in the local planning policy (CS11/12, BCA7 etc).
- The materials suggested for 24 Meadway are too many for a start using wood, glass, render, but also the suggested modern colours go against the current palette of colours of the houses on the street. Thus this building would very much be an imposing building not just because of its size but also the look of the building itself
- Lack of parking
- Design issues – first floor bedroom to front

Constraints

This site lies within an established, private residential road in the residential area of Berkhamsted and lies within the character area of Gravel Path BCA7.

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns and large villages, including Berkhamsted; and within established residential areas, where the application site is located. Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan. Similarly, the principle of providing a significantly enlarged house with effectively three storeys has been accepted in the new dwelling built on the adjacent plots, No. 20 and 22 and 30

In summary, the principle of residential development is acceptable in this location.

Loss of existing building

The existing dwelling is of no particular architectural merit which would warrant preservation. No objection is therefore raised to the demolition of no.24

Effect on appearance of dwelling and street scene

The overall character of Meadway is one of substantial detached dwellings sitting in their individual plots surrounded by trees and mature vegetation.

In the last 15 years Meadway, as a highly sought-after private residential road in Berkhamsted and has been the subject of a number of developments, both in terms of replacement dwellings and additional, backland development. A number of applications have been eventually allowed on appeal whilst others have been granted through acceptable schemes. Thus the appearance of Meadway today is still seen as comprising well-designed detached dwellings but which are more substantial in size amongst mature vegetation.

There is significant variation along Meadway in terms of style, size, design, roof form and materials. It is therefore considered that the proposed dwelling would not be out of keeping with the streetscene as there is no particular prevalent design, therefore it is considered that a refusal based on the design of the dwelling could not be sustained.

Further Paragraph 60 of the NPPF advises 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.

Furthermore, BCA 7, the character assessment for the locality states that there is a variety of design and no one typical design in this area. Redevelopment is acceptable according to the development principles, which specifically in BCA7 are;

- ***Design - 'No special requirements'***
- *Large dwellings are appropriate and encouraged*
- *No special orientation or positioning requirements. Spacing should be maintained at a width comparable to that of nearby and adjacent levels, and should at least be within the wide range (5 m to 10 m). Except where the characteristics of nearby and adjacent development indicate otherwise, an informal approach to layout is acceptable.*
- *development proposals will be judged on their overall impact on the character of the area*

The new dwelling will not be significantly higher than the one it replaces and would not appear out of context with its neighbours, being of a similar height to the parapet, thus assimilating well into the streetscene in terms of height.

The building line along Meadway is maintained and spacing is retained (between 4.65m to Number 26 and 4.3 metres to Number 22) , maintaining the spacious character of the area. BCA 7 identifies that spacing is mainly 5 to 10 metres in the character area, however in Meadway this is typically less than this.

The neighbouring properties to the north west of 24 at 22 and 20 have a separation gap of approximately 2.6 metres.

Further, the proposals have been reviewed by our Conservation and Design team and they

conclude that;

The character of the area is of a mixture of different house styles and periods including some recent more contemporary designed dwellings. The proposed new dwelling is of its time and although ideally it would reflect or relate to the character of the area by perhaps using either materials or colours which reflect the stone/ soils of the area we do not believe that this is sufficient to result in an objection to the proposal. The landscaping and the design have been reviewed and would appear to have improved from the original proposals. We therefore continue to believe that the proposed scheme is acceptable and would not object to the proposals with regards to the design or materials.

The proposed dwelling would be well-balanced and acceptable in terms of its appearance and proportion. It would feature a flat roof so to minimise bulk at roof level, whilst incorporating an asymmetrical fenestration arrangement. External materials are considered satisfactory, including the mix of render, roman brick and timber cladding with light grey aluminium windows. If planning permission is granted, it would be reasonable to attach a condition requiring samples of materials to be submitted for approval.

Objections have also been raised in relation to the bulk and massing of the proposed dwelling. However as detailed above the spacing between the adjacent properties is adequate, in fact nearly double between number 24 and 22 that between 22 and number 20.

With respect to the impact on the street scene, from the street, the dwelling would appear to be two storey, due to the lower ground floor to the rear, the rear view will appear more prominent and bulky than the front elevation. However views to the rear are limited and are well screened by mature trees.

This principle was established at 30 Meadway which was granted consent in February 2013, whereby from the street scene the dwelling appears to be two storey with a part three storey to the rear. This dwelling has a balcony at third storey level (rear) serving the master bedroom.

The setback to the road frontage is appropriate and similar to the adjacent dwellings.

With regards to over development, it is accepted that the replacement dwelling is larger in depth. The depth of the existing dwelling is a maximum of 14 metres, therefore the maximum increase in depth will equate to 4.7 metres. The height of the parapet of this central element is between 8 metres to the front and 9/8 metres to the rear (levels fall away to rear) compared to the ridge height of the existing dwelling of 8.4 metres. This is the central / highest point of the house (forming a T-form) and therefore the bulk is restricted to the central element (this element is restricted to 7.4 metres in width, set centrally within an approx 23 metre width plot).

The flank two storey elements extend to a maximum of 13.7 metres (equating to the same depth as the original house). The width of these two storey elements are 4.8 to the north/west side and 5.8 metres to the north /east side. This spacing is considered sufficient in the context of the site and the neighbouring properties.

As stated the building would not appear cramped due to the retention of sufficient spacing between the adjacent properties. Additionally a sufficient area of garden space would be retained for the proposed dwelling more than meeting the amenity standards under saved Appendix 3 of the Local Plan and provide a functional space for future and existing occupants.

Proposed landscaping is considered satisfactory. A new laurel hedge and four multi stem silver birches are proposed to the front boundary and importantly, boundary hedges to both sides and to the rear boundaries is shown on the plans to be improved and retained.

Based on the above factors, the proposed layout, and site coverage is considered acceptable

and the development would represent the typical density intended for this area, thereby satisfying Policies CS11 and CS12 of the Core Strategy. It would not appear cramped or over developed.

Therefore, the proposal would be acceptable in terms of site layout and the appearance of the street scene in accordance with the NPPF, Policies CS11, CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

Impact on Neighbours

The application site has two directly adjoining neighbours and is located proximate to four other properties on the other side of Meadway. There have been several neighbour objections, these have been addressed within the body of this report.

The properties on the opposite side of Meadway are situated on higher ground and Saved Appendix 3 of the Local Plan does not suggest a front-to-front distance that might apply to dwellings on the opposite side of Meadway relative to the proposed dwelling. The development would have a similar street setback as the previous dwelling and on this basis it is not considered that there would be unreasonable overlooking between the application site and dwellings opposite.

There have been several objections relating to the effect that the new dwelling would have on both daylight and sunlight into the adjacent properties at 22 and 26 Meadway but also in relation to loss of privacy.

Impact on daylight and sunlight

The applicant has demonstrated that the new dwelling would not impact on the 45 degree line taken from the centre of the nearest windows on both neighbouring properties. Additionally it has been demonstrated that there is a marginal encroachment on the 25 degree line taken from the centre of the nearest side window of number 22.

The two storey element of the proposed dwelling would retain the spacing between 22 and 24 by a maximum of 4.3 metres. Whilst the rear three storey element of the proposed dwelling would be separated from the flank elevation of number 22 by 8.3 metres.

Due to the adequate separation and the levels there would be limited impact on the sunlight into the rear of number 22 and the garden.

The windows on the flank elevation of Number 22 facing the application site are either secondary servers or serve non-habitable rooms, loss of light to these windows would not be a reason for refusal. It is also noted that the proposed dwelling is unlikely to result in a significant loss of light to these windows over and above the existing situation especially when the mature hedge on the boundary is taken into account.

The proposed dwelling is positioned closer to number 26 at the front corner and at the rear, largely due to the re-orientation of the dwelling on the plot, however a separation of 4.65 metres is still retained. There are no primary windows on the first floor of the side elevation facing number 24 and there are secondary windows on the ground floor facing 24 which serve living accommodation. However there are also windows on both the front and the rear elevation which serve the ground floor accommodation. These side windows are already screened by the large boundary hedge, together with the fact they are north west facing and a spacing of 4.65 metres is retained it is considered the impact is marginal.

Overlooking

There have been several objections relating to the potential for increased overlooking from the new property into both 22 and 26 Meadway.

Due to the angled orientation on the site of the existing dwelling, the rear of the existing property faces number 22. In particular the first floor master bedroom window and the raised large terrace and glazed sun room.

The proposed new dwelling will be re-orientated on the site to have a more conventional siting on the plot.

The proposed rear terrace is therefore re-orientated to face the rear garden, additional elements have been included to provide privacy to the adjacent properties. These include a timber screening on the side facing number 26 and on the side facing number 22 the plans show a natural screen to include shrubs.

The only two proposed windows in the flank side elevations face No.26 serve non habitable spaces and are shown to be obscure glazed.

The balcony serving the master bedroom is inset to ensure that views are controlled and distant down the garden.

As such, the proposals are not considered to cause any additional overlooking and it follows the proposal accords with Policy CS12 (c) of the Core Strategy.

Impact on access and car parking

The highway authority has raised no objections, no new or altered vehicular or pedestrian access is proposed and no works are required on the highway. HCC road hierarchy states that Meadway does not form part of the adopted public highway and as Meadway is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

The level of parking proposed is also considered acceptable, retaining three off street spaces for the five bedroom house.

The proposed access and parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Permitted Development

Should permission be granted it is considered reasonable to remove permitted development rights for Class A (enlargement, improvement or other alterations).

Contaminated Land

The site is located within the vicinity of potentially contaminative current and former land uses (railway and unknown filled ground). Consequently, the scientific officer has recommended that there may be land contamination issues associated with this site and therefore should permission be granted a suitable contamination condition would be applied to this development.

CIL

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

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

Sustainability

A sustainability statement has been submitted in support of the proposal which demonstrates that regard has been given to the objectives of Policy CS29 of the Core Strategy. If planning permission is granted it would be reasonable to attach a condition requiring the development to be carried out in accordance with this statement.

The bins for the proposed development can be contained on site.

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:**

17 502 PL 12B
17 502 PL 13 B
17 502 PL 14B
17 502 PL 15

Design and Accessibility and Sustainability Statement

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

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

Schedule 2 Part 1 Classes A

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Adopted Core Strategy CS12.

- 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 Adopted Core Strategy CS32

- 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 Adopted Core Strategy CS32.

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

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.