

**4/03286/16/FUL - CONSTRUCTION OF A 3 STOREY HOUSE..**  
**21a HALL PARK, BERKHAMSTED, HP4 2NU.**  
**APPLICANT: MR DAVIS MARTIN.**

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[Case Officer - Intan Keen]

### **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 be acceptable in its context and achieve a suitable level of integration with neighbouring properties and therefore would not have any adverse impacts on the character and appearance of the street scene and the surrounding area including the Hall Park residential character area, when taking into consideration the previously approved development on the site.

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, CS8, CS11 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

### **Site Description**

The application site comprises part of the side garden of the dwelling at No. 21 Hall Park, with a frontage to the eastern side of Hall Park and is located within an established designated residential area and forming part of the Hall Park character area. The immediate street scene consists of generally large detached dwellings, with a high variance in forms, proportions and external materials, whilst maintaining a spacious and verdant setting. Levels fall to the north and dwelling heights are consistent with this.

One silver birch tree is located proximate to the site's southern boundary on land of a neighbouring residential property which is outside the applicant's ownership. Whilst subject to a Tree Preservation Order, this silver birch tree is located some distance into the site behind the neighbour's garage. The tree makes a contribution to the verdant setting of the surrounding area however the tree is not particularly prominent from the frontage.

### **Proposal**

Planning permission is sought for a two-storey detached dwelling with habitable roof within the side garden of No. 21 Hall Park. It would feature a dual-pitched roof with gable end fronting Hall Park and inward angled upper-wall to the southern side elevation with slight cantilever. Amended plans demonstrate the dwelling would have a two-storey appearance to the street.

Private amenity space would be located to the rear of the site, and it is intended to protect and retain the silver birch tree subject to a Tree Preservation Order proximate to the site's southern side boundary.

On-site parking for the proposed dwelling would be provided on an open forecourt accommodating two spaces, which would be accessed via a new vehicle crossover to Hall Park.

### **Referral to Committee**

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

## **Planning History**

Several applications have been approved accepting the principle of the development of the site with one dwelling of similar dimensions, the most recent being application 4/00615/13/VOT granted on 15 October 2013.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### 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  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS18 - Mix of Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23,...  
Appendices 3, 5

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area BCA1 - Hall Park  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

## **Considerations**

### Policy and principle

The principle of the development of the site with a single dwelling has been established in previous application referenced above. The proposal would be acceptable in principle under Policies CS1 and CS4 of the Core Strategy.

#### Layout and density

The application site has a wide frontage relative to others on the eastern side of Hall Park and its subdivision would maintain the conventional layout pattern within the neighbourhood and plot width would not be incongruous with surrounding development. Further, the dwelling would front the road, as encouraged by the guidelines of the Residential Character Area of BCA1 (Hall Park).

Spacing between dwellings in the area is within the wide range of between 5m to 10m. The proposed layout would accommodate spacing within this, noting the development would achieve a separation of approximately 4m to the dwelling at No. 21 and 8.9m to the neighbour at No. 23. It is closer to the dwelling at No. 21 to allow sufficient space around a silver birch tree to be retained on the southern side boundary. This separation between the development and No. 21 is not considered to be noticeably smaller than gaps within the street and is therefore acceptable.

The proposed street setback would be appropriate noting the established line of buildings on the eastern side of Hall Park.

It is also noted that the proposed layout is broadly consistent with the previous approval mentioned above.

The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy.

#### Impact on appearance of street scene

As noted above, the Hall Park neighbourhood is described under Residential Character Area BCA1 which states housing dates from the 1930s and 1940s although there has been subsequent infill development since then. In terms of design, BCA1 features variety throughout, with the area containing a number of high quality designs. Further, regarding height, housing is all two-storey, although there are dormer windows within the roofs of certain houses providing a third floor. Despite this the overall impression is of a low rise area of two-storey houses.

The amended plans have removed glazing above first floor level to the front elevation to Hall Park so that the dwelling initially gives the impression of a two-storey building with accommodation within the roof, a feature which is not uncommon within the neighbourhood as acknowledged in the BCA1 appraisal as above.

With respect to design, BCA1 states a high quality in the design of new buildings will be expected. It goes on to state that there is scope for innovation and variation from the range of designs that are present within the area, subject to the requirements of the other development principles being met.

Based on this guidance, a contemporary design would not be unacceptable in the BCA1 neighbourhood. The immediate street scene of which the development would form a part, on the eastern side of Hall Park, consists of two-storey detached dwellings of varying forms, proportions and external materials. The immediate context features brick and light rendered buildings with hipped and gable roofs and differing building frontages and widths and projections to the front and side which are visible from Hall Park. No. 23 immediately south of the site is the only property with an angled relationship to the street.

It is appreciated that nearby buildings are clearly of a certain era, and the proposed contemporary-style development would not be similar in appearance to the older style of dwellings evident. However, this is not considered to be harmful to the character and appearance of the street due to the various forms of development described above and mix of external materials. Hall Park is an attractive road due to its landscape character and spacious and verdant setting however the buildings themselves are not of significant architectural merit. The proportions of the proposed dwelling would be acceptable in this context, and the development would add interest to the area provided that materials are of a high quality and finish and would weather well over time.

As such, if planning permission is granted, it would be necessary to condition samples of materials to be submitted to accord with Policy CS12 of the Core Strategy.

It is also noted that the height of the development would maintain a comfortable transition between the dwellings either side noting the gradient of the street.

The proposal is therefore in accordance with Policies CS11 and CS12 of the Core Strategy.

#### Impact on protected trees

The conclusions set out in the submitted Arboricultural Report are relevant and are reported below:

18.2 This report is proposing the retention of this offsite TPO tree. However the assessment shows that there has been a decline in the condition of the tree with a discernible difference between the normal vigour of the lower crown and the moderate vigour of the upper crown. This may relate to the mature age of the tree or to the presence of a pathogen such as a wood decaying fungi. It is recommended that the condition of the tree is monitored and an application to remove (and replace) the tree submitted to the Local Planning Authority should the tree decline to have low amenity or become liable to fail.

18.3 There will be incursions within the RPA and canopy spread of Birch (T1) as part of the construction of the dwelling. Further site investigations will guide the final foundation design of the dwelling. These incursions have been assessed within the Arboricultural Impact Assessment to either have a minimal and insignificant impact on retained trees or can be reduced to an insignificant level through specialised construction techniques as set out within the Arboricultural Method Statement. These will ensure that the development will be completed without having any undue impact on this tree.

The recommendations set out in the submitted Arboricultural Report were considered acceptable by the Council's Trees and Woodlands officer

#### Impact on neighbouring properties

The neighbouring dwelling at No. 23 is located on higher ground relative to the development area, and the dwelling itself is angled away from the application site. It has a wide plot and the dwelling achieves a separation ranging between 7.6m and 13.3m from the shared side boundary with the proposed new dwelling. It was previously considered during the previous application that these circumstances ensure the proposal would not have an adverse impact on the amenity of this neighbouring dwelling with respect to visual intrusion.

First floor windows of the proposed dwelling facing towards No. 23 would be obscure glazed to avoid an unreasonable level of overlooking.

Due to the internal reconfiguration of the existing dwelling at No. 21, the proposal is not

considered to have an adverse impact on this dwelling. All main windows to habitable rooms are located on the front, rear or far side of the dwelling at No. 21, and therefore the proposed dwelling would not be within their direct line of sight. The proposed dwelling would not project beyond the front and rear walls of same at No. 21 and given these factors, the development would not be visually intrusive from the perspective of this dwelling.

First floor windows between the existing dwelling at No. 21 and the proposed dwelling would be obscure glazed to prevent any concerns with respect to overlooking between the two.

Details of any retaining walls proposed on the common boundary between the application site and No. 23 are not considered essential to the determination of the application; however levels of the site and slab levels for the proposed dwelling would be required by condition if planning permission is granted.

The proposed dwelling would be sited a considerable distance from the rear walls of the adjoining properties to the rear on Hall Park Hill, its garden length approximately 48m, and the dwellings on Hall Park Hill located beyond. The proposal would exceed the 23m back-to-back standard so that there would not be an unreasonable level of overlooking between these dwellings.

In summary, the proposal accords with Policy CS12 (c) of the Core Strategy.

It is recommended that permitted development rights under Classes A and E are removed from the proposed dwelling to ensure that the residential amenities of neighbours, including the existing dwelling at No. 21 would not be adversely affected by extensions to the property, noting the existing rearward projection of the dwelling from the rear wall of the adjacent No. 23.

#### Access and parking

The front garden is sufficient to accommodate at least two parking spaces however provision for only one has been shown on the submitted layout plans. This is to allow a significant portion of the existing landscaped frontage to be maintained to Hall Park. It is considered one on-site parking space is sufficient given the availability of parking in the street and the site's location within a town. The parking space is slightly below minimum dimensions (in length) and therefore the submitted landscape plan required above shall also include details of car parking spaces.

The highway authority has not objected on the basis of on-site parking provision or highway safety and as such the proposal would not unduly compromise the surrounding highway network in accordance with Policies CS8 and CS12 of the Core Strategy or saved Policy 58 of the Local Plan.

Suggested highways informatives shall also be placed on any permission.

#### Sustainability

The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is therefore considered that the application meets the objectives of Policy CS29 of the Core Strategy.

#### Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. 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 1 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.

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

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the 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 Dacorum Core Strategy 2013.

- 3 **No construction works (excluding groundworks) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works if tree works proposed outside the approved Arboricultural Report;
- proposed finished levels or contours including proposed slab, finished floor and ridge levels of the building;
- car parking layouts with car parking space(s) to be of minimum dimensions 2.4m by 4.8m and other vehicle and pedestrian access and circulation areas.

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The building shall be constructed in accordance with the approved levels.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and ensure sufficient parking for the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 4 **Any tree or shrub which forms part of the approved landscaping scheme which**

**within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

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

**A104 (received 5 December 2016; site location plan only)**

**A104**

**A100**

**A101**

**A102**

**A103**

**A106**

**A105**

**Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement  
Tree Protection Plan**

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

#### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

#### Trees and Woodlands Informative

This permission consents the following works to trees as set out in the approved Arboricultural Report (recommended in the arboricultural method statement):

Shortening of branches by 2.5m and crown lifting to 4m of TPO birch tree identified on the approved Tree Protection Plan.

The applicant is also advised that this consent does not give permission to carry out the works on or over a neighbour's land and the necessary permissions must be sought.

#### Hertfordshire Highways Informative

AN1/ Storage of materials: 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.

AN2/ 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..

### Thames Water Informative

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.