

**4/03276/16/FUL - NEW DWELLING.**

**LAND ADJ. STRONGS PRINTING SERVICES LTD, BANK MILL LANE, BERKHAMSTED, HP4 2NT.**

**APPLICANT: Mr G Cannon.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

## **Site Description**

The application site comprises an area of land located to the northern side of Bank Mill Lane, in the residential area of Bank Mill, Berkhamsted. The site is currently in use partially as an allotment and partially a vacant area associated with the adjacent building; Strongs printers. The site is situated within the Berkhamsted Conservation Area.

This section of Bank Mill Lane is characterised by both residential and commercial buildings but the immediate street scene comprises large, single storey, detached dwellings that align with the canal and sit on wide plots. The New Lodge site immediately opposite is allocated for housing in the DBLP and planning permission has recently been granted for 54 residential units on the site. These houses are now completed. Further to the south-west of the site (i.e. on the other side of London Road) is a spacious 1930s and 1940s suburban estate known as Hall Park, which consists of parallel roads rising from London Road up the side of the valley.

This application follows a previous dismissed appeal for the construction of a detached studio dwelling on the site of the allotment only. The inspector agreed with the LPA that the original dwelling proposed would appear cramped and the scale and form of the building would appear at odds with the prevailing pattern of buildings in the area. In addition it was refused on the grounds that it had not adequately been shown that the proposal would not pose a risk to highway safety.

Since the refusal and dismissed appeal, additional land has been acquired from the adjacent printers site. The application site now appears 8.5m in width as opposed to 6m and the proposed parking arrangements have been clearly set out on the proposed plans.

## **Proposal**

Permission is sought for the construction of a single dwelling. The scheme has been amended during the course of the application.

The dwelling now proposed would be 7m in width and would extend most of the entire depth of the plot. The dwelling would appear two storeys in height to Bank Mill Lane but be stepped to follow the topography of the land so would appear single storey to the canal street scene. The dwelling would comprise a dining room and WC at ground floor level and ensuite bedroom and kitchen / living area to the upper section. The scheme has been amended; the panelling between the front elevation window has been omitted and the windows are now flush. The balcony has been omitted and substituted with a tiled porch roof. A small rear garden would be provided adjacent to the canal. A single parking space parallel to the highway would be provided to the front with a landscaped area behind.

The application follows a dismissed appeal and substantial pre-application advice. Additional land has been acquired for the purposes of this revised application.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of

Berkhamsted Town Council.

## **Planning History**

4/01489/15/FUL STUDIO FLAT  
Refused  
14/09/2015

4/01387/10/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF  
DETACHED DWELLING  
Withdrawn  
13/04/2011

4/01396/09/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF  
DETACHED DWELLING  
Withdrawn  
27/11/2009

4/01488/08/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF  
DETACHED DWELLING  
Withdrawn  
02/09/2008

4/00046/04/FUL CONVERSION TO A DWELLING  
Withdrawn  
04/03/2004

4/01553/98/OUT DEMOLITION OF EXISTING BUILDING AND ERECTION OF 1NO  
RESIDENTIAL DWELLING  
Refused  
30/10/1998

4/00837/98/4 DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 2NO  
SEMI DETACHED DWELLINGHOUSES  
Refused  
02/07/1998

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23,...  
Appendices 1, 2, 3, 4, 5, ...

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA 3:Bank Mill ]  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### **Summary of Representations**

#### Berkhamsted Town Council

Object.

This proposal represents an overdevelopment of the site. It detracts from the street scape in this Character Area, provides for insufficient amenity space and a lack of parking provision in an area where off- road parking is difficult and dangerous given the narrow and winding road.

CS11 and CS 12. Saves Local Plan Policy Appendix 3 and Appendix 5 and saved Local Plan Supplementary Planning Guidance BCA3.

#### Conservation and Design

The amendments suggested have been made and the design is broadly acceptable.

I would suggest details / samples of external materials should be submitted for approval as a condition of any consent. Also, a further condition requiring details of landscaping and hard surfacing to both the front and rear (canalside) elevations – the amount of paving to the front of the house seems considerable and a terrace is referred to at the rear but its size / extent has not been detailed.

#### Hertfordshire Highways

Recommend conditional approval.

Commonly, the Highway Authority would seek parking perpendicular to the kerb line as the preferred parking arrangement, but parallel can be judged as acceptable in some low risk locations. Given the frequency and speed of vehicles immediately past the site, this qualification is met. HCC specification to enable this to happen is 9.6m x 3.5m, based on a presumption that the car drives in one movement. The vehicle space is 2.4m deep, but landscaping would not preclude the necessary oversailing to enable a vehicle to enter with ease. The width of the site is beneath 9.6m, but it is not unreasonable to expect a certain degree of fore and aft

manoeuvring to utilise this space.

Many adjacent properties fail to provide the necessary visibility splays, and adjacent accesses serve properties likely to generate greater vehicle movements. A review of accidents (five year, latest to date) local to site identify no concerns arising associated with local accesses. A severe accident is noted, some 250m East of the applicant site, occurring within the de-restricted section of Bank Mill Lane, but does not appear associated with any frontage access at this point. Manual for Streets recognises that limited visibility at back edge of highway encourages vehicles to emerge more cautiously (para. 7.8.3).

Correct assessment of the visibility splay available, without regard to 3rd party land and calculated from (reasonable) driver position identifies that visibility to the west (nearside) provides views enabling sufficient observation of approaching vehicles. Whilst visibility to the east is limited (without 3rd party land) the nature of Bank Mill Lane supports that vehicle speeds will be reduced (deceleration for bend) and carriageway width likely limits the likelihood of vehicles being incorrectly positioned.

HCC recognise that the parking space is beneath that commonly acceptable to the Highway Authority, but that the absence of footways abutting the site, the nature of Bank Mill Lane within the road hierarchy, vehicle speeds past the site and that the development proposals are a single studio flat with the limited likelihood of vehicle movements all support an on-balance determination by the Highway Authority that the development proposals shall not be prejudicial to highway safety. Provision of a parking space would remove / limit the likelihood of parking within the carriageway in Bank Mill Lane and therefore would represent a betterment in this regard. On the above basis, I retract my objection (22/12/16) and present no objection subject to conditions to this application.

#### Herts County Council - Archaeology

The proposed development lies in an area of archaeological significance, however the plot is shown as undeveloped on old mapping (Tithe, 1840) until the canalisation of the River Bulbourne to the north. Known archaeological sites lie some distance from the site and are unlikely to extend on to it.

Consequently, I do not believe that the current proposal will have an impact on significant heritage assets and there is no need for further consultation on it.

#### Woodlands Officer

I confirm that there are no trees or significant landscape features on this site.

#### Environment Agency

Following internal discussions and we wish to remove our earlier objection. This site is still partially located in flood zone 3b (functional floodplain) and we would object to development within Flood Zone 3b in line with table 3 of the Planning Practice Guidance. However having looked closely at the revised model, we are satisfied that at this location there is not a significant risk from flooding from the River Bulbourne, and that the risk of flooding from the overtopping of the Grand Union Canal is low. We are therefore **removing** our objection to this proposal. Than application should be carried out in accordance with the flood risk mitigation measures outlined in the Flood Risk Statement (Cannon, Morgan & Rheinberg Partnership, April 2015).

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

3 representations received all objecting.

- the proposal represents over development on this tiny strip of land on land, which was once

a beautiful gardens in which herons nested.

- inaccuracies / assurances needed over width of plot and additional land acquired.
- The plans indicate connection to mains foul drains. There is no mains drainage system in Bank Mill Lane and to function a septic tank would be required. To meet build regs any new on-site storage would need to be sited over 7m from the building. There is insufficient space for this to be accommodated.
- the site is currently an allotment not residential
- The application would necessitate removal of a hedge fronting Bank Mill Lane; the flora in Bank Mill Lane has suffered a significant reduction in the past two years associated with the development by Chase Homes who consistently failed to honour their obligations to replace trees etc. Further foliage removal can only be to the continued detriment of the road.
- The plot is too narrow to adequately accommodate off-street parking. This would result in proposed residents parking on the already dangerous corner adjacent to Strongs where, due to frequent parking by Old Mill pub clientele and the lack of a pedestrian walkway, pedestrians would be obliged to walk in the middle of the road approaching a busy corner.
- The application is for a 1-bed/studio apartment in a residential street where a large 3-bed family home, is the smallest property. The proposed development is out of character with the remainder of the road and would possibly be to the detriment of market values of neighbouring properties.

## **Considerations**

### Policy and Principle

The application site is located within the urban area of Berkhamsted wherein Policy CS4 and Saved Policy 10 would permit residential development in principle subject to a detailed assessment of the impact.

The main considerations would be the impact of the proposed dwelling on the character and appearance of the street scene and this part of the Conservation Area (CS12 and CS27), the impact on the residential amenities of adjacent properties (CS12) and parking and the impact on highway safety (CS8 & CS9).

### Design, Layout and impact on street scene / Conservation Area

The application site is located within the Berkhamsted Character Area of Bank Mill, wherein infilling is accepted provided it is in accordance with the Development Principles for the area. There are no special requirements in terms of design, though medium to large dwellings, not exceeding two storeys, are appropriate and encouraged. An informal approach to layout is acceptable, wide spacing (5m to 10m) should be maintained and the existing density of the area should be respected.

On balance and having regard for the Inspectors previous findings it is considered that the dwelling now proposed complies with the majority of the Development Principles and a refusal could no longer be sustained.

In accordance with Policy CS12 and CS27 of the Core Strategy the dwelling would integrate with the streetscape character, respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials, landscaping and amenity space and conserve the appearance and character of the Conservation Area.

Although small, the dwelling is two storeys in height to the front and single storey to the rear thus respecting both the two storey and single storey properties in the immediate vicinity. With

regard to layout and site coverage, the dwelling faces the bank Mill street scene and whilst occupying the majority of the plot, so too do the adjacent dwellings. The area is characterised by predominantly single storey bungalows, set on wide plots. In conflict with the development principles however, the existing dwellings do not appear 5-10m apart. The existing dwellings are separated from each other such that there are views in between the buildings, and this gives some degree of spaciousness to the street scene but they do not conform to the 5-10 wide spacing prescribed. The proposed dwelling retains 1m to the adjacent property Bulbourne, which itself is set 1m from the boundary, and thus results in a 2m gap between the buildings, which, whilst slender compared to adjacent sites, would retain a degree of separation. 2m is also retained between the strong's printing building to the west. The application site remains narrow but given the acquisition of additional land, it now appear 8.5m in width. This would still appear slightly at odds with the prevailing street pattern, but it would no longer appear unduly incongruous or cause significant visual harm to the wider area or this part of the Conservation Area. The conservation officer is satisfied with the overall design and the scheme has been amended in line with the alterations requested.

Concern was previously expressed with regard to setting a precedent for similar applications in between the existing bungalows, which would erode the spacing in and between the buildings in the area. Given the increased width of the application site, there are few comparable sites with regard to width, and as such there would be little chance of setting a precedent.

Concern was also expressed with regard to Policy 10 of the Local Plan and it was considered that the proposal did not optimise the use of urban land or represent a comprehensive form of development. No evidence to suggest the adjacent site/land (Strong's Printing) and its potential for re-development together with this site has been explored. However whilst it would be preferable for a comprehensive development to cover the entire area, the remainder of the strong's printing site could be redeveloped even if the current proposal were approved. The proposal does not preclude the development of the adjacent land. The proposal thus complies with Policy 10.

As stated on balance, given the additional width and amended design, it is concluded that the proposed dwelling would not appear unduly incongruous and as such a refusal could no longer be sustained.

#### Impact of neighbours

The proposal would not have a significant adverse impact on the residential amenities of adjacent bungalows in terms of light, privacy or visual intrusion. The front and rear building lines of the development align with those of 'Bulbourne' to the east which would ensure it does not appear intrusive or harm light levels to the nearest habitable rooms. Other than a single high level window to serve the lounge area it is not proposed to have any windows to the side elevations and as such there would be no privacy or overlooking issues. The high level lounge window would overlook the flank elevation of Bulbourne.

#### Highways and Parking

The proposed one bedroom dwelling would provide a single parking space to the front and the plans illustrate the level of visibility that could be achieved in each direction. The arrangements proposed are acceptable and would not significantly harm the safety or operation of the adjacent highway. A single space is considered sufficient given it is only a one bedroom unit being proposed.

Herts County Council Highways are satisfied the development proposals shall not be prejudicial to highway safety. They acknowledge that there are no footways abutting the site and given the existing road hierarchy that vehicle speeds would be low in this location. Provision of a parking space would remove / limit the likelihood of parking within the carriageway in Bank Mill

Lane and therefore would represent a betterment in this regard. A refusal could not be sustained.

### Flood Risk

The site is situated within Flood Zone 3b (functional floodplain). Normally The Env Agency would object to development within Flood Zone 3b in line with table 3 of the Planning Practice Guidance. However, in this instance they are satisfied that at this location there is not a significant risk of flooding from the River Bulbourne, and that the risk of flooding from the overtopping of the Grand Union Canal is low. The LPA is satisfied based on this that the Flood Zone 3b designation is not appropriate. A similar approach has recently been adopted for the redevelopment of the adjacent Bulbourne and other developments in the area. It is recommended that should permission be granted a condition requiring the mitigation measures outlined in the submitted Flood Risk Statement be is constructed and thereafter maintained.

### Trees

The proposals would not see the loss of any important specimens.

### Archaeology

The site is situated within an Area of Archaeological Significance, however Herts County Council Archaeologists have confirmed that the development is unlikely to impact on significant heritage assets and no conditions or further investigations are required.

### Permitted development

Given the limited size of the application site and the fact the proposal is for a new residential dwelling it is considered necessary and reasonable to remove permitted development rights with regard to extensions and alterations.

### Community Infrastructure Levy (CIL)

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

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 full 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.**

Reason: To ensure a satisfactory appearance to the development in accordance

with Policy CS12 of the Core Strategy.

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy Cs27 of the Core Strategy.

- 3 **The flood defence measures outlined in the Flood Risk Statement (dated April 2015) shall be fully implemented in accordance with the submitted details and thereafter maintained as such.**

Reason: to reduce the impact of flooding in accordance with Policy CS31 of the Core Strategy.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E, F, G and H  
Part 2 Classes A, B and C.**

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.

- 5 **Prior to the first occupation of the development hereby permitted the vehicular access and parking arrangements illustrated on drawing number 443.5.A3.8 rev C shall have been provided. Arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The parking space shall be retained thereafter and kept available for that specific use only.**

Reason: To ensure satisfactory access into the site, ensure permanent availability of parking, and avoid carriage of extraneous material or surface water from or onto the highway.

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

443.5.A3.5C  
443.5.A3.8B  
443.5.A3.6E  
443.5.A3.3B  
FLOOD RISK ASSESSMENT  
DESIGN AND ACCESS STATEMENT

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

#### HIGHWAY INFORMATIVES:

Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their

permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

**Storage of materials:** The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**Obstruction of public highway land:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.