

**4/00775/15/FUL - CONSTRUCTION OF A 2-BED AND 3-BED SEMI-DETACHED BUNGALOW INCLUDING ACCESS ROAD AND CAR PARKING.
LAND REAR OF 10 ATHELSTAN ROAD, HEMEL HEMPSTEAD, HP3 9QE.
APPLICANT: Benley developments Ltd - Mr Crawley.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The application site is located within the residential area of Hemel Hempstead wherein the principle of developing new dwellings is acceptable in accordance with policy CS4 of the Core Strategy. There would be no adverse effects on the appearance of the street scene, despite the backland development. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. Car parking locally to serve the site is adequate. Highway Safety is not prejudiced by the development. The details of this scheme accord with the development principles for this area and planning guidelines. The proposal therefore accords with policies CS1, CS11, CS12 and CS29 of the Core Strategy and the NPPF.

Site Description

The application site is located to the south west of Athelstan Road within the residential area of Hemel Hempstead. The site is located within the rear garden of 10 Athelstan Road. The topography slopes significantly from North east to South West. Athelstan Road itself is characterised by mildly varying styles of residential development mostly typical suburban styles associated with the 1930s and 1960s new town development. There is mixture of detached, semi-detached and terraced dwellings in the vicinity.

Proposal

The application seeks retrospective planning permission for a pair of semi-detached dwellings comprising one 2 bedroom dwelling and one 3/4 bedroom dwelling. The dwellings take the form of chalet bungalows with the first floor accommodation provided within the roof slope aided by three dormer windows to the front roof slope and velux windows to the side and rear roof slopes. The dwellings have a ridge height of 4.9m and an eaves height of 2.27m taken from the highest ground level. Access to the dwellings is via a new driveway leading from Athelstan Road, running alongside number 10. Rear gardens are provided for each dwelling measuring a minimum depth of 12.8m and 4 car parking spaces are provided to serve the development.

The dwellings were granted planning permission on 13/11/2014 (4/02553/14/FUL) however they were not built in accordance with the approved plans; sited closer to the rear boundary and addition of velux window to the side roof slope. The buildings that are currently being considered have been constructed.

Amended plans have been received including a section showing the development which have been measured on site. A further section was requested from the agent however this was not forthcoming.

Referral to Committee

The application is referred to the Development Control Committee as it has been called

in by Cllr Mahmood.

Planning History

Application Site

4/02553/14/FU CONSTRUCTION OF A 2-BED AND 4-BED SEMI-DETACHED
L BUNGALOW INCLUDING ACCESS ROAD AND CAR PARKING
Granted
13/11/2014

4/01227/14/FU DETACHED FOUR-BED BUNGALOW WITH ASSOCIATED
L PRIVATE DRIVE AND PARKING (AMENDED SCHEME)
Granted
29/07/2014

4/00239/14/FU SINGLE 4 BED DETACHED DWELLING WITH ASSOCIATED
L PARKING AND GARDEN.
Granted
14/07/2014

Within the curtilage of 10 Athelstan Road

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS5 - The Green Belt
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
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies
Appendices 3, 5 and 7

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (HCA; 18 Belswains)

Summary of Representations

Hertfordshire 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:

1) Pedestrian visibility splays of 2m x 2m shall be provided and thereafter maintained on both sides of the new vehicle crossover to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.

2) The proposed car parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be 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) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

4) 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 emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

HIGHWAY INFORMATIVE: The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement

Highway Comment

The above amended application is seeking approval for the construction of 1 x 2 bedroom and 1 x 3 bedroom semidetached dwellings.

Athelstan Road is classed an unclassified road. The details recorded in Hertfordshire County Council's Highway Gazetteer. 2U470, single two way carriageway with a 30 mph speed limit. There are no recorded injury accidents close to the proposed access in the last 5 years but the junction off Belmont Road and Athelstan (crossroads) has recorded injury accidents showing against it.

Trip generation

The intensification of use at the peak am and pm peaks that this proposed scheme will generate is not deemed to be at a level that would cause undue danger or inconvenience to other users of the adjacent public highway.

Parking

As stated on the application form there will be off street parking spaces. As the local planning authority is the parking authority, they will ultimately determine the appropriate level of off street parking for this development if granted planning

permission. This process will include looking at the sites close relationship with the town centre , access to public transport and the overall sustainability of the development with a view to discourage the use of the private motor car

Conclusion

The highway authority has no objection to the construction of this new dwelling with a VXO. The VXO shall be constructed to the highway authority's standards, hence the informative above. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Contaminated Land Officer

I refer to the above planning application received on 5 March 2015.

Whilst no documentation relating to contamination was submitted with this application, the Environmental Health Division received the following document via email on 15 July 2014 for informal review in respect of condition 10 of planning permission 4/01224/14/FUL:

- Site Investigation Report; Report Ref: 9507/TJ; Soil Consultants Ltd; 13 February 2014

The report provides a detailed preliminary risk assessment of the site. The Phase 1 Contamination Assessment has indicated that the site history and that of the immediate vicinity indicate a low risk of potential contaminative sources which could affect the site. The site was developed during the 1930's with one detached house on the north east of the plot. Prior to its development, historical map extracts depict the site within an area of agricultural fields. Records do not indicate any significant industrial activities in close proximity to the site. The intrusive investigation undertaken (4 soil samples analysed) did not indicate any exceedances of the adopted human health generic assessment criteria for a residential end use. It must be noted that whilst the Lead concentration in WS2 at 0.3mg/kg does not exceed the SGV (now withdrawn), the newly published Category 4 Screening Level for Lead is much more conservative, thus the Lead concentration at this location may require further assessment/remediation. In respect of this application, the location of WS2 falls outside of the application boundary, so this statement is for information only.

Based on the informal review of this report, I am satisfied that the contamination risk at the site has been adequately assessed, and should this application be granted planning permission, no contamination condition will be required. In terms of a watching brief during ground works, I am in agreement with the developer's proposals as follows:

'If contamination is encountered or suspected, works shall cease and / or the suspected contaminated soils shall be separated and placed under protective cover. Relevant professional advice shall be sought to determine the nature and extent of such contamination and establish an appropriate remedial strategy which, shall be agreed with the LA before proceeding. Validation testing shall then be undertaken if necessary to ensure contaminated soil has been removed.'

Thames Water

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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.

Fire Safety Inspector

We have examined the drawings online and note that the access for fire appliances and provision of water supplies appears to be adequate

Response to Neighbour Notification

56 Glebe Close - Objection

- All applications together for land at 10 Athelstan Road should be taken in to account together; taken together they amount to gross overdevelopment of a settled suburban environment;
- Current Conservative/Lib Dem Government guidelines on garden grabbing should have been taken into account at original application stage;
- Application should be a full planning application as opposed to a householder application;
- Concern that due process has not been followed and application should be heard at Development Control Committee;
- Development has been built wider, higher and closer to Glebe Close than approved scheme under 4/02553/14/FUL;
- Difference of height in levels between rear of 10 Athelstan Road and Glebe Close;
- Houses have been built so high that developer has put in raised patios to give the occupiers access to their rear gardens;
- Occupiers have clear views to windows of Glebe Close;
- Development results in overshadowing and loss of light to number 56 Glebe Close due to the excessive height and proximity of the dwellings.
- Development results in overlooking to Glebe Close properties (rear bedrooms of 56 Glebe Close are overlooked 24 hours a day by 17 windows which face directly into 56 Glebe Close) The velux windows overlook because they are set so low down which enables people at standing level to look out.
- Loss of quiet and peaceful enjoyment of garden
- The 4 black vent pipes are an eyesore
- Value of 56 Glebe Close has been reduced;
- Cost involved in raising height of boundary fence to help with privacy;
- Loss of greenery on the site
- request to lower height of the dwelling and require planting of tall shrubs and trees along the boundary.

58 Glebe Close

Email received dated 16/07/2015

I also won't be available to attend the committee meeting on the 30th.

I would like to reiterate a point I made earlier that the earlier planning permissions were granted with explicit conditions which withdraw permitted development for extensions and patios, and that was based on an assessed garden length of greater than 16m and some sort of cut & fill was expected to reduce the floor level.

This condition has been ignored and a raised patio built, and this is where the actual garden length is 14m. It is fairly obvious to me that if the plans had been submitted then as they have been now based on the actual building then there would have been a very good chance of them being rejected, otherwise, why would the original planning officer explicitly add the condition withdrawing the permitted development rights? I will produce a full detailed list of objections prior to the committee meeting in order for Cllr Mahmood to represent the interests of myself and other residents with objections.

Summary of points raised in email dated 25th March 2015

Anomoly over the length of garden considered by officer for previous application;
Reduced distance of garden for dwellings now built which are inadequate (garden 14m and distance from new dwellings to 58 Glebe Close 24m) due to difference in levels between the properties;

Original resubmission plans incorrect

Objection to garden grabbing;

Developer has ignored the original permission;

Bungalows have not been set into the slope of the land

Additional windows have been added

Inaccurate measurement given for garden of 58 Glebe Close

Notes additional side window overlooking Belmont Road.

Email received 17th June 2015

There are still concerns I have with the new plans and the seeming maladministration of the previous plans (4/02553/14/FUL) I have attached an image showing how your predecessor assessed the earlier plans, the outline in the image is taken from the new plan, the solid black rectangle is how the footprint would appear based on the distances to the boundaries and surrounding properties mentioned in the officers report. Of course this issue is with the local government ombudsman so I do not expect you to respond upon it. The new plans do not show the god-awful chimney/flue things which are absolutely awful in appearance, should they be mentioned anywhere?

The new plans also do not seem to show the FFL of the properties in Glebe Close, I'm guessing because they've never had any interest in how much they overlook us they've never measured, or asked us to measure, or in fact paid any attention to our existence at all. How will this be assessed with regard to Appendix 3 and the improvement of the 23m minimum back to back/front distance when taking into account level differences?

Whilst I have been looking over the officers report I noticed that Permitted development rights Classes A, B, C, E & F were removed, would this mean that the fallback position of the developers would be a property without the raised patio? and the window on the side?

Also I am curious as to the actual measurements and provision of car parking, having dropped the kerb along the entire front of the property has obviously significantly

reduced the on street parking which was available to visitors and other residents, the expansion of 10, 10a, 10b & 10c will also increase the required parking whilst reducing the size of the spaces, do those spaces as planned/built actually meet the required minimum size for parking spaces?

Is there provision for cycles as there would appear to be a requirement for one based on council policy?

There only appears to be 1 parking space for number 10 whilst the recommended minimum is 3, is this simply because number 10 "exists" and no adjustment is needed? (despite the expansion and removal of on street parking and the fact that this is all one development not three individual ones).

Is the semi-detached "bungalow" being considered as it previously was as a 4 and 2 bedroom semi, or is it considered as being 3 and 2 bedrooms despite the suitability of the rooms for use as bedrooms?

Does the proximity of the new bungalow affect the permitted development rights of myself and my neighbours? If were to take advantage of those rights we would obviously be well short of the required 23m minimum back to back distance with the new properties.

21 Athelstan Road - Objection

Letter dated 20/04/2015

- Extra Dormer window to side elevation will be totally out of character within the neighbourhood and an eyesore from public highway;
- The dormer window will overlook bedroom windows to number 12 Athelstan Road.

Letter dated 26/03/2015

- Originally opposed granted application 4/02553/14/FUL
- Previous application was not for a bungalow
- Previous application was far more imposing than original plans suggested
- Noted a velux window to side elevation (not previously on approved plans)
- Question the gap between number 8 and application properties is 2m (looks less)
- Insufficient parking provision for development on Athelstan Road which struggles with parking already
- Notes that the application form states that no existing walls/roof etc however development has been constructed
- A rear extension has been constructed to number 10 without permission
- during course of construction, numerous deliveries have been made which resulted in the highway being blocked (one vehicle was damaged by truck)
- Road was covered in mud, sand and building debris and no attempt was made to clear it
- Disregard to Health and safety on site and bonfires were causing smoke and air pollution
- If development is allowed, it contravenes the normal safeguards of planning law and allows Carte Blanche construction of any structures.

12 Athelstan Road - Objection

- Backland Tandem development would harm the amenity and character of the locality;

- As constructed the large semi-detached properties built in the back garden of 10 Athelstan Road are higher than shown on the plans, are not in the correct location and dominate the surrounding area to an unacceptable level.
- Dwellings are obtrusive, overbearing and incongruous, and in direct contravention of the Council's guidelines on such developments.
- Lack of landscaping scheme prior to commencement of development shows a complete disregard to comply with planning conditions.
- Application gives no details of methods of noise abatement for the development and surrounding properties - the car-park directly abuts the two adjoining rear gardens with no screening or landscaping, thereby creating substantial noise and pollution issues and totally dominating the open and undeveloped character of the surrounding areas to an unacceptable level. It also includes a gravel driveway. The number of vehicle movements will create unacceptable noise levels.
- Security has been compromised to an unacceptable level. There is no practicable natural surveillance of the area and the access road and public car park in the rear garden of number 10 Athelstan Road compromises the integrity of the area and significantly increases the risk of crime.
- The application makes no reference to the installation of external lighting and any such lighting will threaten the open and undeveloped character of the surrounding area and compromise the privacy of the surrounding properties.

23 Athelstan Road - Objection

Note that the dwellings are now occupied

23 are able to see a large part of the dwellings

Concern that bungalows have been built too close to the fence of number 8

Mud was not cleaned from the road and lorries have damaged the pavement as well as front walls and parked cars;

Paint from number 10 drifted across to parking cars and windows;

Previous objections to all the previous applications remain

32 Hobbs Hill Road - Support

Author's mother is hoping to purchase one of the properties as she wishes to move back to Hemel Hempstead following death of her husband. Bungalow is suitable for her mother due to proximity to family, size and design.

Design of dwellings are good quality and high standard.

10 Mount Pleasant - Support

Author wishes to purchase one of the dwellings and wishes to lend support to the scheme. Author wishes to move back to the area close to family.

71 Hobbs Hill Road - Support

- Development has improved security to 71 Hobbs Hill Road
- Improvement to visual impact of surrounding area
- Full support

3 Longfield, Leverstock Green - Support

Bungalows have been built to a high standard
Large amounts of earth have been removed from the site to lower the profile of the bungalows to reduce the impact on neighbours;
Author's mother is interested in buying 2 bedroom bungalow - few bungalows in area and her mother is familiar with the area;
Disappointed if planning issues prevented her mothers own property to be sold to a disabled lady;
The fence separating the bungalows prevents overlooking to Glebe Close;
Occupiers of Glebe Close can see more of the bungalows than the occupiers of the bungalows can see of Glebe Close;
Occupier due to her height would not be able to see out of the velux windows and developers have applied a privacy screening film to velux windows.

33 Newell Road

Intends to buy one of the bungalows;
Few bungalows available in the area and a flat would not be suitable;
size of garden is manageable;
Agreed sale of own house to a disabled lady.

Considerations

Planning permission has been granted by the LPA for two dwellings within the site, however, the developer has not constructed these in accordance with the approved plans. As such the committee are required to place considerable weight to the approved scheme and consider whether the changes from the approved plans adhere to planning policy.

Policy and Principle

The application site is located within the residential area of Hemel Hempstead wherein Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of providing new dwellings in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design, saved DBLP appendix 3 - Design & Layout of Residential Areas.

Although garden land is not included in the National Planning Policy Framework's definition of previously developed land, the redevelopment of such land for housing development is not precluded provided the requirements of other policies are met including policy CS12 of the Council's Core Strategy which requires that new development should be sympathetic to the general character of its setting. Therefore, it is considered that the NPPF and Core Strategy do not preclude backland development and the main considerations are whether the development is sympathetic within it's setting.

Policy CS12 of the adopted Core Strategy requires development a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the

streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space. These points will be considered within the body of the report.

The Area Based Policies SPG (Character Area 18) generally discourages back land development. In particular, HCA18 guidance sets out not special requirements for design of new dwellings, should not normally exceed two storeys in height, should be medium sized, should normally front onto the road and follow established formal building lines. Spacing should be in the medium range (2m to 5m). Finally, in terms of density, development should be in the medium range of 30 to 35 dwellings/ha).

Impact to Character of the Area

The development comprises Tandem development (positioning of one or more new dwellings behind an existing dwelling sharing access arrangements) which is often considered to be a poor form of development. Within the immediate vicinity whereby the majority of dwellings front onto the road, it is considered that this development is not ideal and introduces an unconforming form of development. However, it is required to consider how the two dwellings integrate within the wider context of the site and whether they result in ad hoc and problematic form of development. From Athelstan Road, due to the topography of the site and the height of the dwellings, there are only limited views to the development from the access road. Generally they are well hidden from longer views and do not appear as prominent additions with the wider streetscene. Similarly, from Belmont Road and Glebe Close, the two dwellings would not be overally prominent from any public aspects (views and impact to the dwellings from neighbouring properties will be considered under paragraph below). The dwellings adhere to the character area appraisal guidance insofar that they do not exceed two storeys in height, retain spacing of 2m to the site boundary and comprise a medium range density. On balance, the siting of the dwellings in the backland position is not considered ideal however having regard to the specifications set out in the character area appraisal which the development adheres to, together with the lack of prominent views to the site and the fall-back position (granted planning permission for similar development on the site) and as such it is considered that the scheme should be supported.

Impact on Neighbours

The scheme has introduced a development within the rear garden of number 10 which has close relationship to neighbouring properties both on Athelstan Road and Glebe Close, which are located to the south of the application site. A number of letters and emails have been received from the neighbouring properties which are discussed in greater depth within this paragraph.

As well as the consideration of policy CS12 of the Core Strategy which requires development to avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties, particular regard should also be given to appendix 3 of the local plan. Appendix 3 sets out guidance for the layout of residential areas and requires the following:

i) Privacy - residential development should be designed and laid out so that the privacy of existing and new residents is achieved. Buildings should at least maintain a distance

of 23m between the rear wall of a dwelling and the main wall (front or rear) to achieve adequate privacy. Appendix 3 goes on to say that this distance may be increased depending on character, level and other factors.

ii) Sunlight and Daylight - Residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings.

Privacy - the introduction of two new dwellings within the rear garden of number 10 Athelstan inevitably results in a significant change of perspective to the residents surrounding, considering the previously wooded/tree based garden before. Particular concern has been raised in relation to how the new dwellings reduce privacy and overlook into the neighbours properties at Glebe Close (56 and 58). Certainly, from viewing the new dwellings from the windows at houses on Glebe Close, you can see directly into the windows of the new dwellings including through the velux windows (at the time of visiting, privacy screening was not inserted). However, due to the levels, I also noted that when standing at the new dwellings, the direct overlooking was lessened. The existing fencing reduced direct overlooking to the ground floor windows and whilst, there was opportunity to see up to the first floor windows which was not unusual or dissimilar to what one normally expects within a residential area. Appendix 3 seeks a minimum distance of 23m behind the rear elevation of new dwellings to the rear elevation of existing dwelling but does on to say that this length may be extended having regard to other factors.

Although the properties were constructed a further 2m closer to the neighbours at Glebe Close from the original permission, having measured both the gardens of Glebe Close and the development, a distance in excess of 23m remains including taking account of the extant permission for a two storey extension at number 58. It is noted that the neighbours are concerned that this distance should be increased due to the level differences and it is noted that the level of the application site is below their properties. As such, the opportunity to overlook from the new properties to Glebe Close is actually less than a situation whereby two properties are level (at which 23m standard would apply).

As the properties have been constructed, it is now possible to specifically have regard for what is possible to see from the new dwellings and from my site visit, the opportunity to directly overlook is not significant. Furthermore, the velux windows to the rear, whilst they are set low on the roof slope due the height of the eaves, the developer is prepared to cover this in a privacy screen/obscure glazing to avoid overlooking from first floor level. It is noted that the residents of Glebe Close could clearly see builders within the dwellings through the velux windows however this was before the obscure glazing was inserted. Also, two of the velux windows serve bathrooms and one serves a landing so it is within the interests of future occupiers that the bathroom windows are protected to avoid overlooking to them also. Due to the difference of levels from the application site to Glebe Close, which is higher than the application site, it is appreciated that the occupiers feel overlooked as they are higher and can directly look down to the new dwellings however, from the application site, it is difficult to get a direct view to the windows or gardens of Glebe Close from the ground floor windows which are clear.

In terms of loss of privacy through the insertion of a velux window to the side roof slope (which was not included on the approved plans previously) this is too intended to be

obscure glazed and can be required to be fixed shut to avoid the opportunity of individuals opening this and looking out. This window serves as a secondly source of light to the bedroom. As such, due to the fixed and obscure glazing requirement, it is considered that this side window should not offer any further opportunity to overlook the garden of 8 Athelstan Road.

Loss of Daylight and Sunlight - Policy CS12 and appendix 3 requires development to avoid a significant loss of light to neighbouring properties. In terms of dwellings along Glebe Close, the dwellings would not significantly reduce daylight and accords with the BRE Sunlight and Daylight Assessments (would not breach a line drawn at 25 degrees upwards from 2m up from ground floor windows). Similarly, the new dwellings are located to the north east of Glebe Close and due to the orientation, sunlight would not be significantly impacted. In terms of properties along, Athelstan Road, the new dwelling would be located to the south east of number 8, which would reduce some sunlight early in the day, however this is not considered to be significant due to the low ridge height and distance from the rear garden of number 8. Similarly, in terms of number 12, the dwellings are located to the south west and some evening light could be affected however again, the proposal would accord with BRE standards and no objection is raised.

Visual Intrusion - A key consideration is whether the development results in significant visual intrusion to the neighbours to warrant a refusal. Whilst, the introduction of these dwellings appear radically different to the neighbours from the previous situation of a leafy site, it is not considered that they appear so visually intrusive that the amenity of the neighbours is significantly impacted. The dwellings are located in excess of 23m from the rear elevation of both 58 and 56 Glebe Close and whilst, it is felt by neighbours that the dwellings are bulky and large, they comprise a low eaves level and ridge height compared to a two storey dwelling that might be found acceptable elsewhere once it was in excess of 23m. Although the floor level of the dwellings are higher than those at Glebe Close, (approximately 3.5m), it is still considered that the dwellings are acceptable from a visual impact perspective. Overall, it is noted that the new dwellings appear out of context and dramatically different to the residents, however, in their own right, it is not considered that they significantly harm the amenities of the neighbours in terms of visual intrusion.

In terms of number 8 and 12 Athelstan Road, the new dwellings are set lower than these properties and are not considered to appear significantly overbearing.

Other

Loss of value of residents properties would not be a planning consideration to warrant a reason for refusal.

Concern has been raised that the removal of permitted development rights from the properties from the previous permission has been ignored. The conditions removing permitted development rights requires planning permission to be submitted to assess the impact of development (including the raised patios and extensions). These now form part of this application and the impact should be considered by members before making a decision. The proximity of the dwellings would not affect the permitted development rights of any other property which are separate planning units.

A number of residents have stated that the vents/flue pipes are an eyesore, and as

such, it is considered reasonable that a condition be imposed to require an alternative, more subtle solution to this which requires details and once agreed, the vents/flues to be altered.

Removal of permitted development rights of Class A, B, C and E shall be imposed to prevent development without consent. Any further development on the site would therefore require an application to assess the impact and acceptability of the development.

Impact on Trees and Landscaping

Prior to the development, it is noted that the owner cleared a substantial amount of trees and shrub from the site which is evident of aerial photographs however none of these were subject of a TPO and indeed were likely to be self-seeded. As such, no objection was raised in respect of the loss of trees within the site.

In order to help assimilate and mitigate the impact of the development, further planting of trees and hedging will be required by condition. A landscape plan shall be sought and once agreed; the development will be requested to plant trees in accordance with the plan within the next planting season (generally over winter months).

Impact on Highway Safety

Hertfordshire Highways have raised no objection to the scheme with a vehicle crossover subject to this being constructed to the highway authority's standards. Hertfordshire Highways consider on balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal.

In terms of parking provision, two spaces are provided per dwelling which are of sufficient size. Appendix 5 of the local plan sets out a maximum requirement of 1.5 spaces for a two bedroom dwelling and 2.25 spaces for a three bedroom dwelling (3 spaces for a four bedroom dwelling). The provision of two spaces per dwelling accords with this maximum standard and is considered to be sufficient private car parking provision for each dwelling, in accordance with the common allowance of two spaces found within the immediate area.

Concern has been raised that there is insufficient spacing for the parent property, 10 Athelstan Road. One park is available for number 10 which is below the maximum standard however, as the site of the new dwellings does not displace any original parking provision, it is considered that the LPA could not refuse the application on this basis.

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 £100 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.

Conclusions

The application before the Committee is in effect a variation to an existing planning permission wherein the principle of backland development in this location has been established. The development has already been constructed, but not in accordance with the approved plans. Whereas the construction of new development without the correct planning permission is not in any way supported, in line with Government policy in the NPPF and the Council's own Local Enforcement Plan, an application to regularise the permission is usually sought. This has been done and the merits of the scheme, in comparison to that already permitted, have been assessed in this report. The LPA is now required to consider how the changes in this application impacts residents, character of the area and other material considerations. The changes to the scheme from that previously approved are considered acceptable in planning terms, and as such it is recommended that the application be granted.

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

- 1 Within two months following the grant of planning permission, full details of soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- 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;**

The approved landscape works shall be carried out within the first planting season thereafter.

Reason: To ensure a satisfactory appearance to the development and to help mitigate the impact of the development on neighbouring properties along Glebe Close in accordance with policy CS12 of the adopted Core Strategy.

- 2 Pedestrian visibility splays of 2m x 2m shall be provided and thereafter maintained on both sides of the new vehicle crossover to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with policy CS8 of the adopted Core Strategy.

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

respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be 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 policy CS8 of the adopted Core Strategy and appendix 5 of the local plan.

- 4 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, B, C, E.

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 policy CS12 of the adopted Core Strategy and appendix 3 of the local plan.

- 5 All the velux windows at first floor level in the rear and side elevation of the dwellings hereby permitted shall be permanently fitted with obscured glass and shall be fixed shut unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with policy CS12 of the adopted Core Strategy.

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

**PL/001 Rev A
PL/002 Rev A
PL/004
PL/003**

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

Informatives

HIGHWAY INFORMATIVE: The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement

Waste Comments

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 contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

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. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system