

**4/03286/16/FUL - DETACHED DWELLING.
21a HALL PARK, BERKHAMSTED, HP4 2NU.
APPLICANT: MR DAVIS MARTIN.**

[Case Officer - Intan Keen]

Deferral from Development Management Committee

This application was deferred from the Development Management Committee of 14 September 2017 to allow for consideration of representations received.

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, 18, 21, 58, 99
Appendices 3, 5

Supplementary Planning Guidance

Area Based Policies (May 2004) - Residential Character Area BCA1 - Hall Park

Summary of Representations

Neighbour comments received in relation to further amended plans

19a Hall Park

I have received several notifications of planning applications in relation to the building of a 3 storey property at 21a Hall Park. I live at 19a Hall Park and am one of the listed neighbours who are recorded as consultees.

I have previously responded via the councils website with comments to each revision of the application.

On checking today the web site shows that the council have received no comments via the website from the 8 listed consultees.

This is clearly wrong as I have submitted several and I know I am not the only neighbour to have submitted comments.

The web site does however show comments relating to a different planning application in Bovingdon ?

Clearly there is something wrong with the site.

I'm therefore sending you this direct email.

I object to 2 aspects of the design of this building :

1. Its is a 3 storey building in a street of 2 storey well spaced detached dwellings
2. There is an open viewing area on the first floor / rear of the building, which given the slope of the road and the position of the plot, will oversee all of the gardens down the hill.

22 Hall Park

We are writing to raise strong objection to planning application 4/03286/16/FUL (the "Application") at 21a Hall Park, Berkhamsted (the "Proposed Site").

We own and occupy with our family the property at 22 Hall Park (the "Affected Property"), which is situated directly opposite the Proposed Site.

We note that amended plans were submitted on 2 February 2017 and 14 March 2017 however these amendments do not address the majority of the significant grounds for objection raised in our original letter.

We continue to object to the Application on the following grounds.

1. The Application is for a Three Storey Property

The Application is for the construction of a purpose built three storey dwelling.

The Proposed Site has a steep incline from north to south. The proposed development takes its ground level from the highest point on this slope. This is out of keeping with other properties in the road. As a result, the proposed development would be approximately 1 meter higher than that of the Affected Property. This raised elevation coupled with the three storey design will create a building that is unreasonably overbearing on the Affected Property as well as the neighbouring downhill property at 21 Hall Park.

The proposed property will therefore be dominant in nature and not in keeping with the existing streetscape.

This issue has not been addressed in either of the revised applications.

2. Incorrect Scaling of Application Drawings

The drawings and plans submitted in the Application are inaccurately scaled, making the proposed development appear significantly smaller than it really is (see drawings A100 – A104).

One assumes the developer does not intend people to live in a property with a ceiling height of just over 1 meter or to sleep in a bed 1 meter in length.

3. Misleading Dimensions of the Gable End

Even taking into account the incorrect scaling of the drawings (see point 2 above), the plans in the Application (see in particular drawing A101) show the front wall of the proposed property to be approximately 7 meters and not the 6.45 meters stated in the Design and Access Statement. Coupled with the overhang of the roof at the front of the property this gives a west elevation gable end which is in fact closer to 10m (see drawing A102). This is not in line with the pre-application advice referred to in the Design and Access Statement that the gable ends of the property must be in proportion with the neighbouring property at 21 Hall Park, to the north of the site.

The existing property at 21 Hall Park is approximately 6.8m wide. The proposed development at nearer to 10 meters in width is therefore not in proportion.

This issue has not been addressed in either of the revised applications.

4. Insufficient Provision for Car Parking at 21 Hall Park

The current property at 21 Hall Park has parking for two vehicles. One of these spaces will be subsumed within the Proposed Site.

As document BCA1 states, the area comprises “mainly medium to large size dwellings”. It is unreasonable to assume occupiers of such family size properties, including that at 21 Hall Park, will have a maximum of one vehicle. This will therefore increase the number of cars parking on the road.

Hall Park is not suitable for permanent, rather than merely occasional, parking on the street for the following reasons.

- a) It narrows the road making what is a two way street into a single lane road. This restricts access for the emergency services. It also requires vehicles to drive down the wrong side of the road thereby increasing the chances of a collision.
- b) Parked cars on the road make it dangerous to cross the road. There is an increasing number of families with young children moving into the area. On-street parking makes it difficult to cross safely with small children or whilst pushing a buggy.
- c) Parking outside the Proposed Site and/or outside 21 Hall Park restricts vehicular access to the established driveway at the Affected Property thereby reducing the occupiers’ residential amenities at the Affected Property.

In previous applications to develop the Proposed Site (see in particular 4/01282/05/FUL), the Dacorum Borough Council Case Officer referred to the proposition of just one parking space for 21 Hall Park. He/she stated that “if the Committee felt strongly about this issue additional parking could be required by condition”. This is a condition we would wholly support.

This issue has not been addressed in either of the revised applications.

5. Tree Preservation Order at 23 Hall Park

There is a Silver Birch tree located within the grounds of 23 Hall Park, close to the boundary with the Proposed Site. This tree is subject to a Tree Preservation Order.

The overhang of the roof of the proposed property is located just 1 meter from the boundary with 23 Hall Park (see drawing A101) and protrudes into the tree’s canopy. The interference

with the protected tree is explicitly shown in drawing A102.

The Application also does not address how this tree will be protected during the construction of the proposed property. The provision of method statements was specifically required as part of previous planning applications for the Proposed Site (see application 4/01282/08/FUL). The Dacorum Borough Council Case Office for the previous application even stated that he/she “[has] some doubts about whether the protection [of the tree] can be provided in practice”.

This issue has not been addressed in either of the revised applications.

6. Effect on Existing Garage at 23 Hall Park

There is an existing double garage located immediately adjacent to the boundary with the Proposed Site, at the neighbouring uphill property, 23 Hall Park. This garage is not included in any of the documentation comprising the Application. No consideration is given to how the foundations of this garage, located above the Proposed Site, would be protected during ground preparation and the excavation of foundations for the proposed development.

Omitting this structure also provides a misleading impression of how the proposed development fits in to the street scene.

7. Effect on Existing Property at 21 Hall Park

Construction of the proposed property will create a poor environment for the existing downhill property at 21 Hall Park. The proposed building would be overbearing on the existing dwelling at 21 Hall Park and would have a material adverse effect on the residential amenities of the occupants of 21 Hall Park.

Previous applications to develop the Proposed Site (see application 4/01282/05/FUL) required the remodelling of the existing property at 21 Hall Park, including the relocation of windows to other aspects of the property. This was not addressed in the original Application and has not been addressed in either of the revised applications.

8. Application Documents Include Incorrect Information

On the first page of the Design and Access Statement (at paragraph 2.2) the following statement is made:

“The site is very well located for public transport. Parson’s Green underground station is approximately 1Km away and Fulham Broadway underground station 1.2Km from the property. There are regular bus routes serving the site with bus stops on Muster Road and Dawes Road within 100m”.

This is clearly erroneous and relates in no way to the current proposed development. It appears to have been “cut and paste” from a different application.

Paragraph 6.4 of the Design and Access Statement states that the proposed dwelling “will be just 1.4m lower than the existing dwelling to the north, number 21 Hall Park”. This is obviously incorrect. The level of the Proposed Site is considerably higher than that of 21 Hall Park as the land rises steeply from north to south. The proposed property is also a three storey building compared to a two storey house at 21 Hall Park. This statement is also contradictory to drawing A105, as amended.

As mentioned in point 2 above, the drawings and plans submitted in the Application are incorrectly scaled, making the proposed development appear significantly smaller than it really is.

This shows an obvious lack of attention to detail in this Application. If basic information such as this is incorrect, query what other information in the Application is erroneous and misleading.

These issues have not been addressed in either of the revised applications.

9. Application is Missing Material Detail and Documentation

The Application omits material detail and information and does not include all required documentation. In particular the Application fails to provide the following.

- a. Measurements, levels and section plans are missing from the Application.
- b. Measurements included in the Design and Access Statement do not match those on the accompanying plans.
- c. Drawings A100 – A104 do not include locations of existing buildings, thereby giving a false impression of how the proposed property fits in to the street scene. In particular:
 - a) a double garage immediately adjacent to the boundary between the Proposed Site and 23 Hall Park is not included; and
 - b) the position of the proposed property in relation to the existing house at 21 Hall Park is not included.
- d. It is not specified how the foundations for the double garage located next to the boundary between the Proposed Site and 23 Hall Park will be protected once preparation of the Proposed Site would begin (see point 6 above).
- e. A tree survey and landscaping scheme have not been included despite paragraph 9.1 of the Design and Access Statement stating that “in accordance with pre-application advice a tree survey and landscaping scheme accompanies this application”.
- f. There is no method statement detailing how the Silver Birch tree at 23 Hall Park will be protected (see point 5 above).
- g. No information has been submitted regarding the remodelling of the existing property at 21 Hall Park in order to retain residential amenities of the occupants of that property (see point 7 above).

Neither of the revised applications make any attempt to provide this missing information.

10. Proposed Development to be Lived in by the Applicant and his Family

The Design and Access Statement states that the proposed dwelling will be lived in by the applicant and his family (see paragraphs 4.1 and 5.3). Should this be a factor in determining whether planning permission is granted, the Committee should seek to assure themselves that the Applicant and his family do in fact intend to occupy the premises as stated and it should be made a condition to planning. The inclusion of these statements in the Design and Access Statement must not be used as a smokescreen to develop the property primarily for financial gain.

For the reasons set out above, we request that application 4/03286/16/FUL, as amended on 2 February 2017 and 14 March 2017, be rejected.

23 Hall Park

I have been alerted to the fact that amended plans for this Planning Application have been submitted. I have received no notification of this change and as I understand it direct neighbours are required to be notified. Unfortunately, I have been in hospital hence this delayed response.

On examining the Dacorum Planning site, I find that there are still no postings of objections received nor of the Town Council's latest objections and comments

I wish to make clear that my previous objections remain. This is over development of the site. The dimensions of the new building will dominate the existing house at 21 Hall Park such that serious deprivation of the access to sunlight for that house will ensue

It is clear that the foundation of this building will cut into the retaining roots of the tree subject to a TPO such that it will result in serious harm or death of the tree. As a result I am writing to my Insurance Company alerting them of the danger which will ensue and making it clear that the liability for damage to my property or to the new house will lie with the planning authority. A copy of the report made by Patrick Styleman Arboriculture Consultant rests with The Tree Officer.

The plans are still inaccurate as to the position of the tree in relation to the proposed building. Moreover, they still do not show the position of my garage in relation to the boundary. In fact, some of the house plan measurements appear to be inaccurate.

Neighbour comments received in relation to amended plans

22 Hall Park (Points not included in No. 22's submission above)

We are writing to raise strong objection to planning application 4/03286/16/FUL (the.

2. Loss of Privacy and Residential Amenities at the Affected Property

The proposed property has a picture frame windows stretching the entire width of the first floor.

Whilst the Application has some consideration for the privacy of the occupants of neighbouring properties to the north and south of the Proposed Site, it completely ignores the neighbouring property situated directly in front of the Proposed Site to the west.

Due to:

- a) the higher elevation of the Proposed Site compared to the Affected Property (by approximately 1 meter); and
- b) the full width picture frame window on the first floor, the occupants of the proposed property will have a direct, uninterrupted view into four habitable rooms at the Affected Property, namely two children's bedrooms, the property's main living and dining room and a study/ home office and will also be able to look directly into the first floor landing area at the Affected Property.

The size and design of the west elevation of the proposed property is such that it will result in an unacceptable loss of privacy to the occupants of the Affected Property as well as a significant reduction in the residential amenities of the Affected Property.

The size of the windows on the first floor of the proposed property are disproportionate to the size of the property and those of neighbouring houses and the design of picture frame windows is not suitable for a developed residential area where the only view is of and into other people's homes.

The revised application does not address this issue.

23 Hall Park

I am writing to object to the Revised Planning Application under the above reference.

1. The plans submitted are inaccurate and misleading.

They fail to show accurate detail.

The proposed building and its footings are within 3 meters of my boundary and will therefore be subject to the Party Wall Act, especially as the site plan fails to show the building on my land which is only 1 metre from my North Boundary. Furthermore, The plan does not accurately show the position of the Silver Birch subject to a TPO

2. There is in force a Tree Preservation Order, Dacorum Borough Council, Land at 23 Hall Park, Berkhamsted, Hertfordshire, TREE PRESERVATION ORDER, 2005, made on 8 August 2005 and no mention is made of this. The accurate position of the Tree is not shown on the plan and no mention is made of the TPO and nothing has been done in the Application to show that this has been addressed.

The present site plan shows a building whose foundations at the eastern edge would cut into the feeding and supporting roots of the tree in question. Furthermore, the canopy of the Silver Birch would certainly overlap the proposed building, and interfere with the integrity of the root system since foundation work would cut into the root system below the canopy making it doubtful if it could survive

In his Impact Statement relating to the original planning application for this site dated 1st August 2005 Patrick Styleman BSc (Hons), Dip. Arb (RFS), M.Arbor.A says “ I believe that the proposal does not take into account the presence of the tree and that it will have a detrimental effect upon it. I believe that the work will cause significant damage to its roots, crown and overall health”

I believe this is a material consideration and the parts of his report 4.4;4.5 and 4.6 are relevant to this planning application. If this were true then, it is even more so now since the proposed house is positioned so as to completely sever the retaining tree roots on the North side.

3. The house bulk is totally out of keeping with the housing stock in Hall Park. It is a narrower site than any other in the road and yet it is proposed to be filled by a larger house. It is clearly inappropriate for the site or the road.

4. This shoe-horn development application seeks to suggest that there will be no loss of sunlight on Number 21. It is impossible for there not to be. The proposed building will totally overshadow the three principal rooms on the South of Number 21 (Kitchen Dining and Lounge and the bedrooms above them) No. 21 was built and oriented south to enjoy the sunlight and it will no longer do so The current application ignores this or dismisses it with the phrase “the gable roof will ensure there is no loss or sunlight for No. 21”. There will be a considerable loss. In the lapsed consent the planning permission required a re-orientation of the rooms to account for this

The windows facing on to the street are not at all like any of the existing “attic” conversions that have been carried out in Hall Park. These without exception have used roof lights so that overlooking neighbours is not an issue. With this building, the windows at the front first floor will still overlook and loss of privacy will result for properties on the opposite side of Hall Park.

5. The parking arrangement is totally inadequate for a house of this size or in this area and relies on off-road parking. Earlier permissions in the road have required parking area for 3 cars. 1 parking space. Road parking may be acceptable in Parsons Green or Fulham Broadway! but it is not acceptable or necessary in an area like Hall Park where it is quite common for there to be 3 vehicles per household. By the same token 21 would need to provide adequate off-road parking. Local guidelines exist.

6. There are a number of other errors in the application that smack of carelessness e.g. the

proximity of Parsons Green and Fulham Broadway underground stations. The inconsistent designations of the people who will occupy the new dwelling, Mr & Mrs Martin, present owners of 21 Hall Park, later, a Mrs Jevons.

Consent should not be given to this development

24 Hall Park

I have just become aware of the revised application for planning permission. Surely as a directly affected property I should have received notification of this revision. Had it not been for a comment from a neighbour I would have remained in ignorance of this new application. Hence the lateness in this response.

My original objections remain. I am told that the new plans have removed the second floor window at the west elevation but this does not improve the out of character style of this house. Moreover, the large first floor windows remain and still mean that there is a substantial overlooking directly into my property. This will take away the privacy of my property.

The TPO provisions have been toatally ignored.

I re-emphasise that the devlopment is out of keeping with the other properties in Hall Park cramming a large house onto what will be the narrowest site in the road.

Neighbour comments received in relation to original plans

19a Hall Park

I am a resident (19a Hall Park) adjacent to the proposed development and wish to object on the following 2 points:

1. This proposed property is set further back back from the road than no 21a, and is longer than no 21a, as a result it extends further into the garden.

As the dwelling is longer than no 21a the rear 33% is exposed, the design specifically incorporates a first floor balcony with exposed sides, allowing the occupants to overlook all the gardens down the hill.

2. This is a 5 bedroom 3 storey development in an road of traditional 2 storey dwellings

I also note that the design incorporates parking for only 1 vehicle, whilst this may not be a planning requirement, again is out of character with other properties in the road.

22 Hall Park (Only points not already covered by No 22's submissions above)

2. Loss of Privacy and Residential Amenities at the Affected Property

The proposed property has a fully glazed gable wall on the second floor and picture frame windows stretching the entire width of the first floor.

Further to point 1 above, no other property in the area has been designed as a three storey building and no other property has been designed with a second floor window facing directly onto the road (west elevation).

The Application has some consideration for the privacy of the occupants of neighbouring properties to the north and south of the Proposed Site, however it completely ignores the neighbouring property situated directly in front of the Proposed Site to the west.

Hall Park is not suitable for permanent, rather than merely occasional, parking on the street for the following reasons.

- a) It narrows the road making what is a two way street into a single lane road. This restricts access for the emergency services. It also requires vehicles to drive down the wrong side of the road thereby increasing the chances of a collision.
- b) Parked cars on the road make it dangerous to cross the road. There is an increasing number of families with young children moving into the area. On-street parking makes it difficult to cross safely with small children or whilst pushing a buggy.
- c) Parking outside the Proposed Site and/or outside 21 Hall Park restricts vehicular access to the established driveway at the Affected Property thereby reducing the occupiers' residential amenities at the Affected Property.

In previous applications to develop the Proposed Site (see in particular 4/01282/05/FUL), the Dacorum Borough Council Case Officer referred to the proposition of just one parking space for each of the Proposed Site and 21 Hall Park. He/she stated that "if the Committee felt strongly about this issue additional parking could be required by condition". Note that the previous application was for a three bedroom property whereas the current Application is for a larger four bedroom property. This is a condition we would wholly support.

Berkhamsted Town Council - second amended plans

The Chairman suspended standing orders and invited Ms J Kreckel of Hall Park to speak. She stated that changes to the proposals have been minimal and objections to previous applications still stand. The application is for a three-storey property which takes its ground level from the highest point of the sloping site. The proposals are therefore dominant and overbearing. There appears to be inaccurate scaling on the drawings and misleading dimensions. The plans show a lack of attention to detail and this raises concern as to what else is wrong with the plans beyond the glaringly obvious. The car parking at no. 21 would be reduced to one space leading to an increase in on road parking and associated dangers for drivers and pedestrians. The preserved tree at no. 23 Hall Park is not shown on the plans despite being very close to the boundary. It would be damaged at both canopy and root level and the plans should be altered to address how the tree would be protected from such damage. The garage at no. 23 is also close to the boundary but is not shown on the drawings. Given the sloping nature of the land consideration must be given as to how the garages foundations would be protected.

Mr R Phipps of Hall Park endorsed the above statements. The proposals would be an overdevelopment of the site. Additionally, the amenity of light from the south currently enjoyed by residents at no. 21 would be damaged. The plans are inaccurate, trees are located incorrectly and the tree referred to above would be damaged. The plans should be withdrawn and revised so they are accurate and clearly show the position of his garage and the tree. He also added that the Tree Officers report, which should have been loaded onto the website, had still not appeared despite assurances from the planning officer.

Thanking members of the public for their contribution the Chairman reinstated standing orders.

The Committee is very disappointed that this is the third version of the plans it has been asked to consider this year. Despite strong and valid objections from members of the public and the Town Council the applicants have failed to address these objections and have merely tinkered at the periphery. The Town Council strongly objects. The proposals remain a cramped overdevelopment, are out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected as could the foundations of the neighbouring garage. The plans are riddled with inaccuracies and the Town Council insists that any further amendments accurately reflect the site together with its relationship to buildings and trees on neighbouring properties. The

Tree Officers missing report should also be included with the documentation made available on the DBC website.

BCA1; CS11; CS12; Appendix 3.6 (i).

Berkhamsted Town Council - amended plans

The Chair suspended standing orders and Ms J Kreckel summarised her concerns about the proposals which she had submitted to Dacorum Borough Council. She explained that she lived opposite the site and the revised plans had failed to address previous objections made by the Town Council and neighbours. It would continue to be an overlarge, three storey building which would be overbearing and dominant within the street, particularly in relation to neighbouring properties. The large first floor window was inappropriate in such a built up area. The road is characterised by family houses some which have a number of vehicles, yet the proposals allowed only one parking space. This would lead to an increase in on-road parking, in effect resulting in single file traffic. This would bring with it contingent difficulties for motorists, emergency vehicles and pedestrians. The plans themselves were ambiguous and lacking in detail. In particular, there was no reference to a tree covered by a TPO at no 23 which would be damaged at both canopy and root level by the proposals. The garage at no 23 was similarly close to the boundary yet was not show on the plans. Steps would have to be made to protect the garage's foundations from any damage arising from the proposed work. In conclusion, she urged the Town Council to continue its objections to the proposals.

The Chair thanked Ms Kreckel for her contribution and reinstated standing orders.

Objection.

The proposals are cramped, out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected as could the foundations of the neighbouring garage. The applicants should reconsult with the planning officer.

BCA1; CS11; CS12; Appendix 3.6 (i).

Berkhamsted Town Council

The proposals are cramped, out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected. The applicants should reconsult with the planning officer.

BCA1; CS11; CS12; Appendix 3.6 (i).

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.

Granted Analyse of the proposal: This application (4/03286/16/FUL) is for construction of a 3 storey house which is located on 21a Hall Park, Berkhamsted. The current use of the site is parking space of a private residence and side garden area (S14). According to S6 there is an existing VOX and there won't be any alteration to this vehicle/pedestrian access. However, I recommend inclusion of the following advisory note to ensure compliance with the provisions of the Highway Act 1980. 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..

Trees and Woodlands

I inspected the TPO birch and met the owners of the tree.

The owners are very keen to retain their tree and are worried about potential damage to it caused by the proposed house. The arboricultural report and method statement are of good quality and I agree with their recommendations. The 5% encroachment on the RPA is insignificant but if roots larger than 25mm are encountered, then a trench foundation would be unsuitable and the designers should consider other engineering solutions such as pile and raft foundations (as recommended in the arboricultural method statement). The proposed shortening of branches by 2.5 m and crown lifting to 4 m are acceptable but the applicant is required to gain the tree owner's agreement before any pruning. On close examination, I identified an old fungal fruiting body at the base of the tree indicating internal decay. This has caused a thin upper crown as correctly identified in the arboricultural report. Even if the tree survives the impact of the development, its proximity to the proposed house will place some pressure on it to be pruned in future. The agent Julian Castle has suggested removing and replacing this tree and I consider this option acceptable. However, the agent needs to gain the tree owner's agreement to remove and replace this tree. If owners agree, I recommend planting a replacement tree of the owner's choice elsewhere in the garden. The tree should be standard and at least 14-16 cm diameter at 1.5 m above ground level.

Hertfordshire Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Thames Water

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 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.

Considerations

Policy and principle

The principle of the development of the site with a single dwelling has been established in previous application referenced above noting the site's location within a designated residential area. The proposal for the provision of one new dwelling would be acceptable in principle under Policies CS1 and CS4 of the Core Strategy and would contribute to objectives for housing development under the National Planning Policy Framework (paragraph 49) in such locations.

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.

In terms of site coverage it is acknowledged that the proposed dwelling would extend further into its plot than the adjoining dwelling at No. 21. However, it is important to note that the development would maintain a generous rear garden depth and functional area to both the existing and proposed dwellings, and would not encroach into the established rear garden corridor to properties on Hall Park which is characteristic of the BCA1 neighbourhood.

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 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 findings and recommendations set out in the submitted Arboricultural Report were considered acceptable by the Council's Trees and Woodlands officer. It is therefore not considered that a refusal could be sustained on grounds relating to the impact on this protected tree. In weighing up the planning benefits of the application the tree has not been reported by Trees and Woodlands or other relevant consultants to be of rare or such significant value that its retention would outweigh the provision of one additional home in a town location (designated residential area). Although the tree has grown to be of a substantial height and spread and makes a positive contribution to the area, in isolation it is not a largely prominent feature nor is it unique within the Hall Park area.

Whilst not directly relevant to the protection of the tree, and covered in a later section; following the development, the site and surrounding area would still retain a verdant and spacious feel with significant landscape features retained within the street scene of Hall Park.

If planning permission is granted the protection of the TPO tree and landscaping proposals would be controlled by condition.

The proposal therefore would accord with the aims of Policies CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

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.

Reference is made to an application at No. 25 Hall Park further up the hill relative to the application site which granted a contemporary-style dwelling, and is indicative of the variance in dwelling size, design and form evidenced in the street scene.

The forms and proportions of the dwelling proposed are considered acceptable on the site noting its width and within its immediate context of varied building styles. The dwelling would feature a gable roof with longer eaves overhang beyond its side walls however this serves to give a lowered impression of the dwelling relative to adjoining properties, rather than adding bulk. In fact, the main bulk of the dwelling would be concentrated to the rear where the larger gable form is set back from the street frontage and as such the dwelling would still maintain the essential characteristics of Hall Park as a low-rise area. The two-part gabled roof structure together with window positioning and incorporation of a mix of materials would further break up the bulk, particularly to the building's principal elevation, so that it would not appear unduly prominent in its street scene, and would sit comfortably in its setting.

Levels across the site when viewing from Hall Park would be acceptable, noting that the height of the development would achieve an appropriate transition between the profiles of dwellings either side consistent with the gradient of the street.

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.

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

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. It is understood that the site at No. 21 is in the same ownership as the application site and the owner would commit to carrying out the necessary internal works, similar to the previously approved application at the site, in order to reconfigure internal rooms so that all main habitable room windows would be directed to the front and rear of the site.

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 proposal would have a similar street setback and the relationship between the principal elevation and the front of dwellings opposite Hall Park would not be dissimilar to that evidenced within the street.

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 and parking shall be reserved by condition if planning permission is granted to ensure adequate provision. This is to allow a significant portion of the existing the 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 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 **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 and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and to ensure the adequate protection of a tree subject to a Tree Preservation Order in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 6 **No part of the development hereby permitted shall be used as a balcony, roof garden or similar amenity area.**

Reason: In the interests of the residential amenities of the adjacent dwellings in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 7 **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 allows 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 permission 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 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.