

**4/01491/17/FUL - DEMOLITION OF EXISTING DWELING. CONSTRUCTION OF TWO 3
BEDROOM CHALET BUNGALOW STYLE DWELLINGS.
LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG.
APPLICANT: Mr and Mrs G Hanley.**

[Case Officer - James Gardner]

Summary

This application is recommended for approval. The development would provide an additional unit of housing, satisfactorily integrate with the character of the area and would not have an adverse impact on the residential amenity of the surrounding properties.

Site Description

The application site is located in Hardy Road, Hemel Hempstead, within a residential area, and forms part of HCA 23 - Adeyfield North Character Area.

The site comprises a detached bungalow with a driveway to the western side leading to an integral garage. The bungalow has a forward projecting wing proximate to the eastern boundary and a long rear garden enclosed by a mixture of hedging and fencing with a large Ash tree in the south-western corner.

To the south there are large detached houses and bungalows fronting Adeyfield Road, many of which pre-date the new town housing, and to the west lies housing fronting Coral Gardens. To the east, housing fronts Hardy Road.

Proposal

The application proposes the demolition of the existing bungalow and the construction of two 1.5 storey bungalows, with one being positioned to the rear of the bungalow fronting the highway.

32a (fronting the road) would be 11 metres wide by a maximum of 9.2 metres deep with a maximum ridge height of 6.15 metres. The existing driveway would be used for access to this dwelling. Three car parking spaces would be provided within the site.

The house would be 1.1 metres from the western boundary and 3.2 metres from the eastern boundary. An access road would run between the flank wall and the western site boundary. There would be a garden on the southern side 11.43 metres deep.

32b (to the rear of 32a) would be 12 metres wide by a maximum of 11.25 metres deep with a maximum ridge height of 6.05 metres.

The house would be 1.5 metres from the western boundary and 1.5 metres from the eastern boundary. Two car parking spaces would be provided on an area of permeable hard standing to the front of 32b, with the option of a further temporary space for visitors. There would be garden on the southern side with a maximum depth of 10.37 metres.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Adrian England.

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
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

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision

Summary of Representations

Hertfordshire Highways

21/07/17

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:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

CONDITIONS

1. Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and 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. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. 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.

5. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, 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 to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS

This application is for Demolition of existing dwelling. Construction of two 3-bedroom chalet bungalow style dwellings.

ACCESS

The proposed development will require a new vehicular and pedestrian access onto Hardy Road, which is an unclassified local access road, with low flows of pedestrians and vehicles. There have been no collisions that have resulted in personal injury during the last 5 years.

Although all the plans supplied with the application, AGS/32B/201, AGS/32A/200 and AGS/32A&B/202 are unclear as regards the proposed width of the new driveway (the redline crosses through the roof of one of the proposed new dwellings), Dacorum BC have confirmed by email that this will be 2.8m, which is not adequate to allow access for a fire tender.

Manual for Streets states: MFS 6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:

- there should be a minimum carriageway width of 3.7 m between kerbs;
- there should be vehicle access for a pump appliance within 45 m of single family houses;
- there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes;
- a vehicle access route may be a road or other route; and
- fire service vehicles should not have to reverse more than 20 m.

The Fire Service should be consulted regarding this access.

PARKING

The proposed new properties will each be provided with three off road parking spaces.

CONCLUSION: The Highway Authority does not wish to restrict the grant of permission, subject to the above conditions and advisory notes.

12/09/17

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:

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Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and 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. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. 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.

5. The development shall not be brought into use until the new vehicle crossover has been

constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

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COMMENTS

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ACCESS

The proposed development will require a new vehicular and pedestrian access onto Hardy Road, which is an unclassified local access road, with low flows of pedestrians and vehicles. There have been no collisions that have resulted in personal injury during the last 5 years.

I can confirm that document Site Landscape Plan, OS Map and Site Sections, no AGS/32B/202 meets conditions 1 and 2 on visibility above.

Manual for Streets states: MFS 6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:

- there should be a minimum carriageway width of 3.7 m between kerbs;
- there should be vehicle access for a pump appliance within 45 m of single family houses;
- there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes;
- a vehicle access route may be a road or other route; and
- fire service vehicles should not have to reverse more than 20 m.

The Fire Service should be consulted regarding this access.

PARKING

The proposed new properties will each be provided with three off road parking spaces.

CONCLUSION: The Highway Authority does not wish to restrict the grant of permission, subject to the above conditions and advisory notes.

Hertfordshire Fire and Rescue

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

Further comments will be made when we receive details of the Building Regulations application.

Trees and Woodlands

No comments received.

Affinity Water

No comments received.

Thames Water Utilities

No comments received.

Herts 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 3 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.

Neighbour Comments

A number of objections have been received in response to the application and are bulleted below:

- Inaccurate description of proposed development.
- Bungalows do not maintain existing neighbourhood pattern.
- Visually intrusive to properties in Coral Gardens.
- Loss of privacy to rear amenity space of properties in Coral Gardens
- Loss of light / overshadowing to properties and rear amenity spaces in Coral Gardens.
- Bungalows not of good design.
- Noise disturbance and air pollution from vehicle movements and parking.
- Height of boundary treatment is excessive.
- Light pollution from proposed security lighting.
- The access to 32B would not provide a safe and satisfactory means of access for all users.

An additional comment was received from no. 2 Coral Gardens following re-consultation on amended plans submitted by the applicant's architect. These are quoted in full below:

Further to my previous objection to this development, regarding 32A Hardy Road. I wish to

suggest that as shown on the Site/Location plans the proposed 32A Hardy Road is on the NW side of the site. Moving this to the NE side and aligning with 34 Hardy Road (on present bungalow site) would lessen the impact to Coral Gardens. There would be a need to move the access road to 32B on to the NE side. This would also allow a more practical access for car park A.

In response, no. 34 Hardy Road made the following comment:

With reference to the most recent comment from 2 Coral Gardens please be advised that we (34 Hardy Road) would object to the plans if they were changed and the Chalet Bungalow 32A being built alongside our property as this new building will be considerable larger and taller than what currently stands and will impede on our privacy and light into our garden. Please let me know if this change is going to be proposed and accept this comment that we will be objecting.

Relevant Planning History

None

Considerations

Policy and Principle of the Development

The application site is located within Hemel Hempstead. Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes.

Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

The National Planning Policy Framework (henceforth referred to as the NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Local Plan Policy 10 seeks to optimise the use of available land within urban areas. In accordance with paragraph 14 of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 53 of the NPPF allows local planning authorities to set out policies to resist the inappropriate development of residential gardens.

Dacorum has no specific policy prohibiting back land development. Whilst the Area Based

Policies SPG generally discourages back land development, a balance must be sought between the guidance offered in the SPG, which says that back land / tandem development is generally an unacceptable form of development, and the need to optimise the use of urban land as required by saved Policy 10 of the Dacorum Borough Local Plan (2004).

Therefore, each case must be judged on its own merits and assessed with respect to the specific impacts on the character of the area.

There are two main issues to the consideration of this application. The first is whether the development, by reason of its orientation, would be out of character with area. The second is the effect of the development on the living conditions of the occupiers of nos. 1 – 7 Coral Gardens and 34 Hardy Road, with particular regard to loss of privacy and potential noise and disturbance from the use of the access by vehicles.

Impact on Character and Appearance of the Area and Effect on the Street Scene

Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. Chapter 7 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and, in particular, states that permission should be refused for development of a poor design which fails to improve the character and quality of the area.

The proposal would result in a density of 25 dwellings per hectare (based on two dwellings on a plot of 0.08ha. This would accord with the existing density range for the area, which is generally in the low (15-25 dwelling/ha) to medium range (25-35 dwelling/ha. Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against others in area policies. As such, the proposed development complies with the Character Area Appraisal and Policy CS11 of the Core Strategy which states that development should respect the typical density in an area.

HCA23 further states that new development should follow the build line where this is clearly present and that spacing should respect that of nearby and adjacent development. The section of Hardy Road in which the application site is located comprises a relatively strong build line (nos 50 to 34). However, the Character Area Appraisal highlights that, as a result of the integration of new town development of the 1950s and 1960s with older development, taken in the wider context, the area is somewhat less rigid in layout; varying garden lengths, access arrangements and property orientations are exhibited. The fact that no. 32b would not front a road does not make the form of layout inconsistent with the area. Indeed, Hardy Road consists of a whole series of properties at 90 degrees to the main road which face each other across amenity greens. The access drive is not of an excessive length, measuring some 20 metres, and it has been noted that the Hertfordshire Highways has not raised any objections to this aspect of the proposal.

The bungalow currently on the site pre-dates the new town development and therefore in terms of its architectural style, the size of the plot and the bungalow's positioning within the plot, it represents an incongruous feature within the street scene and is clearly visible when driving in a southerly direction towards the application site. The planning application proposes to shift the bungalow fronting the road further forward and thus create a frontage more in-keeping with the character of the area.

Policy CS12 of the Dacorum Core Strategy states that on each site development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping / amenity space.

The proposed development is considered to broadly comply with these points.

Layout

In visual terms the layout would respect adjoining properties. The bungalow fronting the road would be highly visible from the street scene. Only glimpsed views of the unit to the rear being possible along the new access road.

Site Coverage

As discussed above, the density is considered to accord with the prevailing character of the area as described in the Character Area Appraisal.

Scale

Owing to their single-storey construction (albeit with accommodation in the roof space) the bungalows would not be of the same scale as the surrounding properties, most of which comprise two-storey terraced houses. However, the principle of a bungalow on the site has become an accepted part of the area; indeed, the existing bungalow pre-dates the new town housing. Therefore, it would not be reasonable to now object to what has hitherto been an accepted part of the urban fabric.

Height

The slightly increase height of the proposed bungalows would be more in-line with character of the area than the bungalow currently on the site.

Bulk

The proposed bungalows have slightly more bulk so would appear less incongruous in the street scene as compared with the existing situation.

Materials

The plans submitted in support of the application indicate that the bungalows would be finished in render and make use of sash windows. This is considered to be acceptable. The properties in the area, although clearly functional, are of no particular architectural merit and as such a divergence in architectural style or use of materials would not be harmful to the area.

Landscaping and Amenity Space

Saved Appendix 3 of the Dacorum Local Plan requires new development to provide private open space, with private gardens normally being positioned to the rear of the dwelling and having a minimum depth of 11.5 metres. For infill developments garden depths which are below 11.5 metres but of equal depth to adjoining properties will be acceptable.

No. 32a would have a rear garden depth of 11.43 metres (or approximately 133.40 sq. m) and no. 32b would have a maximum garden depth of 10.37 metres (or approximately 127.40 sq. m). In square meterage, the proposed dwellings have more than double the amenity space of the adjacent properties in Coral Gardens and Hardy Road. A strict interpretation of Policy CS12 would dictate that this would weigh against the development. This would be counterintuitive and was clearly not the purpose of the policy.

It is important to note the wording of the policy: “development *should respect* adjoining properties”. It does not state that development must “match”, “mimic” or be “identical” to adjoining properties. To do so would be unnecessarily constraining and result in otherwise acceptable development being deemed unacceptable. It is therefore important to consider what

the planning policy is attempting to protect.

Protecting the character of an area is important; most particularly in locations such as the edge of a village, where a linear form of development, hemmed in by unspoilt countryside, would be negatively affected by the establishment of a line of disparate backland development. By contrast, the application site is located within an urban area and surrounded by development on all sides. Therefore, the construction of one dwelling to the rear of another would not materially and detrimentally affect the character of the area as a whole. Indeed, under permitted development rights householders are able to erect substantial outbuildings in rear gardens without the requirement for planning permission.

Given the limited depths of the adjoining plots and the terraced nature of the dwellings, it is not considered that there is any scope to create further tandem-style dwellings. As a result, were the proposal to be approved, it would not serve as a precedent for similar development within the area.

Impact on Surrounding Properties and Occupiers

The site is surrounded by residential properties and, consequently, there is the potential for first floor windows to overlook adjoining properties.

Saved Appendix 3 of the Dacorum Borough Local Plan states that 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. Significant overshadowing should be avoided (see the Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight'). Policy CS12 of the Core Strategy compliments this and requires development to avoid visual intrusion, loss of sunlight and daylight to the surrounding properties.

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)' gives two helpful rule of thumb tests concerning the effects of new development on daylight and sunlight. The relevant test in this instance would be whether the proposed development would breach a 25 degree line drawn from the centre of the window of the lowest habitable room.

The greatest impact on neighbouring amenity would relate to nos. 2, 3, 6 and 7 Coral Gardens, whose rear windows would look directly towards the proposed bungalows. At the request of the case officer the applicant's architect has illustrated that the development would comply with the 25 degree rule (see AGS/32B/202 Revision D) and as such there would not be a substantial effect on daylight and sunlight.

The ground floor rear elevations of the properties located within Coral Gardens contain a set of doors serving a dual aspect living room and a window serving a kitchen. Nos. 3 and 6 have, however, constructed small-scale single-storey extensions of limited depth. This notwithstanding, the development would still meet the 25 degree rule.

Dacorum does not currently have a policy on minimum distances between side walls and rear elevations. Therefore, each case must be judged on its own merits, having regard to site topography, orientation and the design of the proposed new development.

In terms of topography, there is no appreciable difference in levels that would disproportionately affect residential amenity. The application site is located to the east of Coral Gardens so there is the potential for some loss of sunlight in early part of the morning. However, in accordance with advice received at pre-application stage, the dwellings have been designed in such a way as to limit the impact on the adjoining properties:

- There has been a modest increase in ridge height (1.4 and 1.5 metres, respectively).
- The roofs of the bungalows slope away from the site boundaries.

- The highest part of the roof of no. 32a would be located 4.4 metres from the boundary with nos. 2 and 3 Coral Gardens. This equates to approximately 14 metres from the original rear walls.
- The highest part of the roof of no. 32b would be located 4.2 metres from the boundary with nos. 6 and 7 Coral Gardens. This equates to approximately 14.2 metres from the original rear walls

The relationship between the proposed dwellings and nos. 2, 3, 6 and 7 Coral Gardens is not dissimilar to that of 83a Adeyfield Road with nos. 11 and 12 Coral Gardens.

Taking these matters into consideration, it is considered that there would be no significant adverse impact upon daylight and sunlight.

Overlooking and Loss of Privacy

Saved Appendix 3 of the Dacorum Local Plan (2004) states that residential development should be designed and laid out so that the privacy of existing and new residents is achieved, whilst Policy CS12 states that development should avoid loss of privacy and disturbance to the surrounding properties.

In response to concerns raised by residents in relation to the proposed Juliet balconies, these have now been removed from the plans for both dwellings and no longer form part of the proposal. Should the application be granted, permitted development rights will be removed to ensure that the residential amenity of the surrounding properties is protected.

Each window shall now be assessed in turn to evaluate its impact on the privacy of dwellings surrounding the site:

32a Hardy Road

Northern Elevation

Two ground floor windows are proposed to be inserted on the northern elevation (facing the road). One would serve a bedroom, while the other would serve the kitchen / dining room. These would look directly down Hardy Road and therefore would not give rise to any concerns with regard to overlooking. Two windows are proposed to be inserted at first floor level, both of which would serve bedrooms (bedroom 1 and bedroom 2). Oblique views of the top half of no. 1 Coral Gardens' garden would be possible from the window of bedroom 1, yet this would not be dissimilar to the existing situation with respect to the two windows in the flank wall of no. 30 Hardy Road. The window of bedroom 2 would also look out toward the road but would not afford any views into private amenity areas.

Southern Elevation

Two sets of bi-folding doors and one window (obscure glazed) are proposed to be inserted on the southern elevation (facing 32b Hardy Road). The bi-folding doors would serve a lounge and a kitchen / dining room, while the remaining window, which is annotated as being obscure glazed, would serve a utility room. The presence of the 2 metre high boundary treatment would negate any issues with overlooking to 32b to the rear of the site. Three windows are proposed for the roof space, two of which would serve a bathroom and en-suite, and thus be obscured, while the remaining window would serve a landing. Owing to the considerable separation distance from no. 32b Hardy Road and the fact that the landing is not a habitable room, and therefore is unlikely to be occupied for extended periods of time, it is not considered that there would be an unacceptable loss of privacy.

Eastern Elevation

One window is proposed to be inserted on the eastern elevation at ground floor level and would serve a hallway. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. Two conservation-style Velux windows are proposed to be inserted in the roof. Since these would be above head height, the windows do not give rise to any concerns.

Western Elevation

Three ground floor windows are proposed to be inserted on the western elevation (facing Coral Gardens). One would serve an en-suite, and thus be obscured, while the other two would serve a living room. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. One conservation-style Velux window is proposed to be inserted in the roof. Since this would be above head height, the window does not give rise to any concerns. Policy CS12 states that development should avoid loss of privacy, not the perception of loss of privacy.

32b Hardy Road

Northern Elevation

Two ground floor windows are proposed to be inserted on the northern elevation and would serve a bedroom and a kitchen / dining room. These would look out onto the private parking area. There would be no loss of privacy to the properties in Coral Gardens as the boundary fencing would effectively block any views. The two windows at first floor level would serve bedrooms 1 and 2. The bungalow is situated at 90 degrees to the properties in Coral Gardens; therefore, only oblique views of the garden areas would be possible, and it should be noted that these areas, owing to the terraced nature of the properties, are already heavily overlooked. Mutual overlooking is a common feature of these gardens but would not be exacerbated by the new development. The windows would be located approximately 20 metres away from the rear wall of 32a Hardy Road. There would be no overlooking to the first floor windows, however, as these serve an en-suite and a bathroom so would be obscured. As regards overlooking of the garden area, the existing situation is that the garden serving the current bungalow is overlooked by the properties in Coral Gardens. As such, the 3 metre deficit in separation distance is not considered to be harmful.

Southern Elevation

Two sets of bi-folding doors and one window are proposed to be inserted on the southern elevation (facing 83a Adeyfield Road). The bi-folding doors would serve a lounge and a kitchen / dining room, while the remaining window would serve a utility room. The boundary treatment to the rear would block views of the garden belonging to 83a Adeyfield Road. Three windows are proposed for the roof space, two of which would serve a bathroom and en-suite, and thus be obscured, while the remaining window would serve a landing. Owing to the considerable separation distance from no. 83a Adeyfield Road (over 23m) and the fact that the landing is not a habitable room, and therefore is unlikely to be occupied for extended periods of time, it is not considered that there would be an unacceptable loss of privacy.

Eastern Elevation

A set of bi-folding doors and a double glazed side access door are proposed to be inserted on the eastern elevation. These would face toward the far end of the garden area belonging to 85 Adeyfield Road. The boundary screening would negate any overlooking. The conservation style roof light would face toward the sky and out across the far ends of the gardens belonging to the properties on Adeyfield Road. There would be no significant loss of privacy.

Western Elevation

Three ground floor windows are proposed to be inserted on the western elevation (facing Coral Gardens). One would serve an en-suite, and thus be obscured, while the other two would serve a living room. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. One conservation-style Velux window is proposed to be inserted in the roof. Since this would be above head height, the window does not give rise to any concerns

Noise Disturbance

In the case of no. 32b, the proposal would result in vehicle movements into the area to the rear of the existing bungalow. However, it is not considered that the limited number of vehicle movements associated with one dwelling would have a significant impact on the residential amenity of no. 34 Hardy Road. Furthermore, it is noted that no objections have been received from no. 34 Hardy Road in respect of the proposed scheme.

Whilst the driveway and parking area for no. 32a Hardy Road would be immediately adjacent to the gardens of 1, 2 and 3 Coral Gardens, this is no different to the current situation.

Parking

Policy CS9 states that the traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account planned improvements and cumulative effects of incremental development.

Policy CS12 seeks to ensure that developments have sufficient parking provision.

As demonstrated on the site layout, the development provides for off-road parking and would provide a level of parking commensurate with the dwelling types and the area. There would be no significant impacts on highway safety.

Refuse and Recycling

The Refuse Storage Guidance Note was adopted by Dacorum Borough Council as supplementary planning guidance on 10 February 2015.

The guidance note provides the following guidance and principles:

- Waste storage areas must be sited so that householders do not have to carry refuse more than 30m to the rubbish store.

Guiding principles for residential waste storage/collection:

- Storage should be safe and convenient for householders to use.
- It should be easy for householders to wheel the bins to the boundary of the property for collection and back again (level access).
- Bins need to be collected as close to the boundary as possible.
- Storage should not be visually intrusive in the street scene.
- Storage should be designed to enable the safe and convenient collection of waste.

The bin store for 32b would be located adjacent to the site boundary with Hardy Road, approximately 29 metres away from the front door. The bin store would comprise an area of 2.29m (w) x 0.95m (d). Three wheeled bins are routinely provided to borough residents:

Mixed recycling	107cm (h) x 53.8 cm (w) x 74cm (d)
Non recyclables	107cm (h) x 53.8 cm (w) x 74cm (d)
Garden Waste	107cm (h) x 53.8 cm (w) x 74cm (d)

From the above dimensions it is clear that sufficient space would be provided. Furthermore, the close proximity of the bins to the boundary is in accordance with the guidance. A condition requiring submission of further details of the proposed bin stores will be included. This is to ensure that the bins would not be visually intrusive in the street scene.

Trees

A large semi-mature Ash tree is located in the south-western corner of the site. The expertise of the Trees and Woodlands Team was enlisted at pre-application stage in order to assess whether the retention of this tree should be sought. The outcome was that the removal of the tree would be beneficial to the residents in Coral Gardens as it will, in time, grow substantially larger, overshadowing their gardens and causing a nuisance. There are no other trees of note within the confines of the site. In light of the above it would not be appropriate to seek the retention of the tree.

Highway Safety

Hertfordshire Highways were consulted as part of the application and have advised that they do not wish to restrict the grant of planning permission subject to the inclusion of a number of planning conditions, which are as follows:

1. Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and 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. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. 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.

5. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

The case officer queried with the Highways Engineer whether a lesser requirement in terms of Condition 1 could be agreed as it would not be possible for the applicant to comply with the condition (the area of the splay would cross land not in his ownership or control and would be blocked by the neighbour's hedge).

These concerns were relayed to the applicant who has come to an arrangement with the owners of no. 34 Hardy Road, whereby they have given consent for him (the applicant) to remove the hedge and replace it with a low brick built wall in order to achieve the necessary visibility splay. Elevations of wall have been provided on plan number AGS/Site/104 and the maximum achievable visibility splay is demonstrated on plan number AGS/32B/202. These amended plans have been forwarded to Highways Officer who has confirmed that the access is acceptable and would meet the requirements of the condition pertaining to visibility. It has been confirmed that the applicant has served the requisite notice on the neighbours, and the red outline has been amended accordingly.

Herts Fire and Rescue have confirmed that the proposal does not give rise to any concerns. Consequently, the development would provide a safe and satisfactory means of access for all users in accordance with Policy CS12. If permission is granted, a condition requiring the visibility splay to be retained shall be included.

Response to Neighbour Comments

Of those matters not addressed elsewhere within this report, the following responses are provided:

The application should be for 2 two-storey dwellings as they both have a substantial amount of room in their roofs.

It is generally accepted that the difference between a bungalow and a chalet bungalow is that the latter has accommodation in the roof space. The proposed chalet bungalows have respective heights of 6.15 metres and 6.05 metres. This is considerably lower than the 7.4 metre high ridge heights of the two-storey dwellings in Coral Gardens. The development is therefore considered to be correctly described.

The proposed fence heights (8ft to 8.7ft) would negatively impact on the availability of light to the rear amenity space of the properties in Coral Gardens.

Drawing No. AGS/32B/202 Revision D confirms that the boundary treatment on the western side of the site would consist of a combination of 0.7 metre high walls with 1.3 metre high close boarded feather edged timber fencing, and 2 metre high acoustic noise reduction fencing.

The proposal is not in accordance with the NPPF as the properties are not considered to be of a good design.

No information has been provided to back up this statement. However, the following good design elements have been noted:

- The living rooms have been located to the rear of the properties in order to provide the occupants with a pleasant outlook.
- Ground floor accommodation could enable an older or disabled person to occupy the properties.
- The bungalows have a relatively compact design.

The dwellings would overlook the neighbouring properties and therefore reduce security to the

rear gardens.

As already outlined in this report, the dwellings are located at 90 degrees to the properties in Coral Gardens and as such only oblique views of their amenity space would be possible. In an urban area a certain degree of mutual overlooking is to be expected. Residents standing at the first floor windows of the properties in Coral Gardens would have an unrestricted view of their neighbours' gardens. Rather than decrease security, mutual overlooking in fact increases security as there will be a greater level of natural surveillance.

The garden size on this property is not of the minimum requirements.

As per saved Appendix 3 the proposed dwellings would have a garden depth at least equal to their counterparts in Hardy Road and Coral Gardens. However, the level of amenity space provided by the proposal is considerably higher than that provided by surrounding properties in Hardy Road and Coral Gardens.

The dwellings would be in a cramped location and therefore not in conformity with part f) of CS12 (integrate with the streetscape character).

Only glimpsed views of the dwelling to the rear would be possible from the street scene. The density (25 dwelling/ha) would accord with the general character of the area.

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.

The Charging Schedule clarifies that the site is in Zone 3 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.

Summary and Conclusion

It is considered that the proposed development would result in an aesthetic improvement to the area and optimise the use of urban land. There would be a net increase of one dwelling which would make a small but valuable contribution to the Borough's housing stock.

As such, the proposal is considered to comply with the National Planning Policy Framework, Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18 and Saved Policies, Appendix 5 of the Dacorum Borough Local Plan and is recommended for approval.

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

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

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

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

AGS/32A/200 Revision D
AGS/32B/201 Revision C
AGS/32B/202 Revision D
AGS/Site/104

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

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

Schedule 2 Part 1 Classes A, B & C

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.

- 7 **Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 8 **The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

- 9 **The development hereby permitted shall not be occupied until full details of bin storage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved particulars.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, 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 to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047