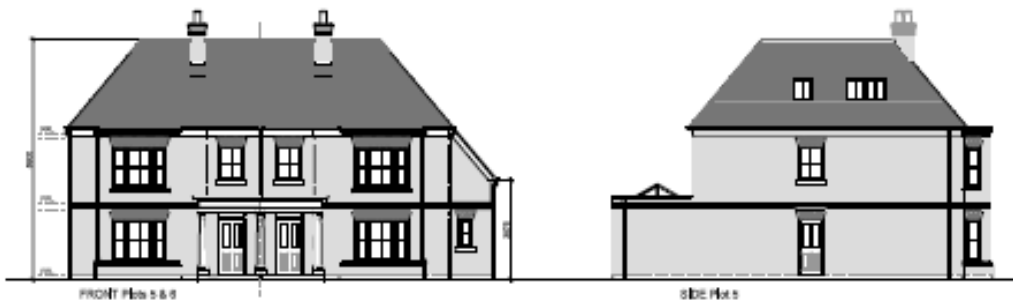
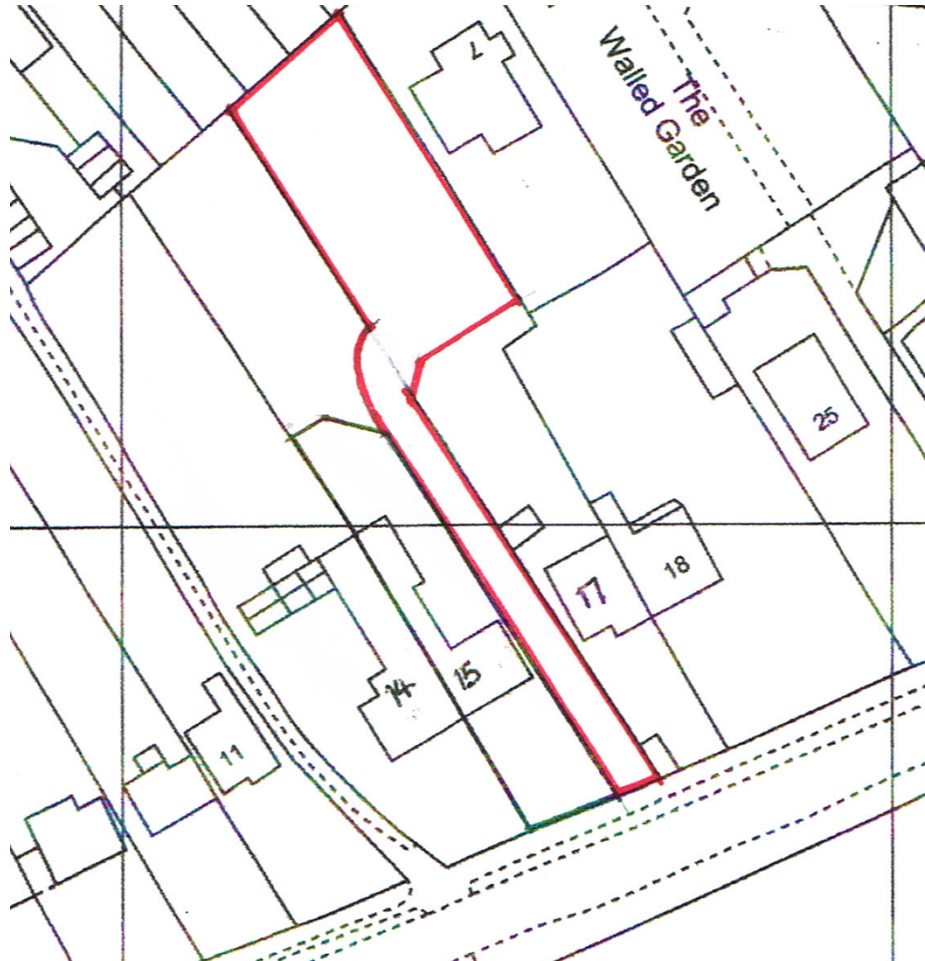


ITEM 5.05

**4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG**



**4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG
APPLICANT: BrayBeech Homes Ltd - Mr Booth**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

A previous application on the site was refused by Members at their meeting on 9th April 2015. The application was refused due to the impact of the new dwellings on the adjacent bungalow. It was concluded that the new dwellings would "be an overbearing feature in relation to the adjoining bungalow, contrary to criterion (g) of Policy CS 12 (Quality of Design) of the Dacorum Core Strategy". The reason for refusal was thus based solely on the visual impact of the proposed dwellings and their relationship to the single storey bungalow adjacent.

The applicants have addressed these concerns by amending the design of the proposed dwellings. The eastern flank elevation of the property to Plot 6, immediately adjacent to the bungalow has been re-designed to include a cat slide roof in an attempt to relate better to the single storey bungalow.

The introduction of the cat slide is considered to successfully tie the new dwellings in with the bungalow and thus the new street scene and avoids them appearing 'over bearing'. The eaves line of the cat slide appears slightly above that of the adjacent bungalow and thus guides the eye down towards the eaves height of the adjacent bungalow. Given the lower resulting focal point, the two buildings are considered to sit comfortably together and relate well to one another. A street scene elevation showing the new dwellings in relation to the bungalow has been advanced and clearly demonstrates the link.

It is concluded that the amendments proposed do address Members previous concerns and objections.

The rest of the scheme remains as previously proposed and as such the original committee report is attached at Appendix 1.

The application is recommended for approval subject to the following conditions;

APPENDIX 1 Summary

The application is recommended for approval.

The proposed pair of semi-detached dwellings would introduce further backland development along this part of Station Road where this has already occurred in the immediate vicinity. More importantly, the scheme is almost identical to a recently approved scheme at adjacent sites. Two pairs of semi-detached dwellings of

identical size, and design to those currently proposed were allowed at appeal to the rear of No. s 14 and 15 Station Road, immediately to the West. This is a material consideration that should be afforded significant weight in the determination of this current application. The current scheme proposes exactly the same design and overall layout.

The current application, together with the appeal scheme adjacent allows for the comprehensive development of three rear gardens. Access to the proposed dwellings is via the new road serving the four new houses at No.s 14 & 15. This access has already been established and is considered adequate in width and visibility to accommodate the additional two dwellings now proposed. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The scheme is therefore in accordance with Core Strategy policies CS4, CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

Site Description

No 17 Station Road comprises an imposing, tall, two storey Edwardian semi-detached house (formerly the servants' quarters to the attached house at No. 18) with a very long rear garden, which is currently separated into two distinct areas. The application site comprises the lower, northern most section of garden.

To the rear of the site is a 1970's development comprising a row of semi-detached two storey houses with shallow pitched roofs within the cul-de-sac of Treehanger and built with reasonably long, level gardens.

To the western side of No. 17 are No.s 14 and 15 Station Road which have recently had consent for a similar development comprising two pairs of semi-detached dwellings to their rear and to the other side is No. 18 which itself has an existing bungalow (No. 7 Sycamore Drive) within its rear garden area. Beyond that is No. 25 Station Road which also has a detached bungalow within its rear accessed via an individual long driveway onto Station Road.

Proposal

This application is for a single pair of semi-detached houses, to occupy the whole width of the site. In cross-section form, similar to those at No.s 14 & 15 they appear positioned midway between the rearmost parts of 17 and the rear elevations of Treehanger Close properties. They are presented as two storey houses with rooms in the roofspace served by rooflights on both sides and the rear and table-top roof.

Vehicular access is provided via the recently approved scheme.

The proposed two storey houses are presented as identical pairs to those already approved next door, with side hipped roofs and centred chimneys. The front elevations have adjoining front doors under flat-roof open portico entrances. There is a two storey rectangular bay projection for each house with a plain, unfettered roofscape above. The rear elevations each have a single storey flat roof extension with a lantern rooflight and bi-fold doors. Each house is served by two conservation-

style rooflights in the rear roofscape and two (one as a double) in the side roofscapes but none in the front roofscape. The roofs are hipped on all sides and with a central table-top.

The houses are shown to be built in traditional brickwork and slate roofing with detailings in a soldier course, brick window headers and stone cills and pillars.

The houses would provide the following accommodation: living room, open-plan kitchen, dining and family room, utility room and cloakroom on the ground floor with three bedrooms (one en-suite) and bathroom on the first floor and a further en-suite (fourth) bedroom and small study/store within the roof space.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

Planning History

No previous formal applications.

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13
Appendices 3, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area TCA16 Station Road
Water Conservation & Sustainable Drainage (June 2005)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Tring Town Council

Tring Town Council recommends rejection of the proposed development on the following grounds.

- (a) The development is out-of-keeping with the surroundings. The scale, particularly the height, would be out-of-proportion and over-bearing with reference to the houses behind
- (b) It is inappropriate to have an access point for such a development crossing a busy pavement and cycleway. These are heavily used by school pupils. The access point is also close to a bus stop. As a minimum the entrance splay needs to be increased (this is property outside the proposed development)
- (c) There is concern that the ownership of this land should have been declared when application 4/00024/14/FUL was made. The drawings submitted with application 4/00365/15/FUL refer to the proposed dwellings as plots 5 & 6. Plots 1-4 are those in application 4/00024/14/FUL.

Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) No part of the development shall begin until vehicular visibility splays have been agreed in writing with the local planning authority on both sides of the access with Station Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

3) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that the proposed access drive and crossover is constructed and contains the features required of a Shared Surface Road, as per Roads in Hertfordshire –

Reason: The above condition is required to ensure that the modified access meets the current standards.

4) The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site in a forward gear. Reason: The above condition is required to demonstrate that an acceptable standard can be achieved

5) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction, are in a condition, such as not emit dust

or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

6 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate how refuse is to be collected from the site.

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standard.

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

Highway Comments The above application is for development at the rear of 17 Station Road, Tring. The proposal is for the construction of two new semi-detached houses all served off a new 4.1m wide shared surface access off Station Road, Tring. This service road was agreed as part of a previous planning application to develop the land behind 14/15.

Site layout and parking access In terms of the general layout of the site, the layout will need to conform to standards set out in the 'Roads in Hertfordshire- : Highway Design Guide 3rd Edition, Section 4 – Design Standards and Advice. In terms of car parking, the proposal would need to meet with the requirements of Dacorum Borough Councils parking standards as stated in their local plan.

Contaminated Land Officer

A contamination condition should be imposed.

Thames Water

Standard Response received - no objection

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Residents at No's 3, and 5, Treehanger Close, to the rear of the site, object for the following reasons:

- the houses are the same design as those already rejected by DBC
- The plans show 10 rooflights on plots 5 & 6, these houses are large as it is, and with windows in the roof would be three storey
- the rear wall of the new houses would be just 13m from the boundary wall of Treehanger Close properties, the houses would look directly into the rear of existing houses, including patio and seating area.

- there is no mention of the trees on the plot. there are 8 trees to be sighted between the rear of No. 17 and the dwellings. a further number of new trees will be planted alongside the drive between No. 15 and 17. There are none to screen treehanger close. We would request that the large tree to the rear be retained. It is haven for wildlife. Would developers be able to plant some new trees?

Any further comments received as a result of re-consultation on the amended plans will be reported in the Addendum Sheet.

Considerations

Policy and Principle

The site is located within the residential area of Tring where Core Strategy policies CS1, CS4, CS11 and CS12 are relevant. CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes.

Saved Policy 10 of the DBLP encourages the optimisation of urban land. Permission has recently been granted at appeal for the construction of four dwellings immediately to the south-west at the rear of No.s 14 & 15 Station Road. In addition the adjoining site, behind No. 19, has already been developed by a bungalow. The precedent for permitting backland development in the immediate area has already thus been established and the development of this site allows for the comprehensive development of three rear gardens which is welcomed.

The site is located in the Residential Character Area TCA16 for this part of Station Road, which is described as an area of limited opportunity for residential development and where plot amalgamation is permitted. There are no special requirements with regards to the design of housing, though large, detached two-storey dwellings are considered appropriate with front and rear gardens, landscaping and on-site parking. Furthermore the existing linear layout of the area should be maintained and the prevalent building line should normally be followed. Density should be compatible with the existing density range (less than 15 dwellings per hectare) and spacing of at least 2m-5m.

Appearance of proposed houses / street scene

The proposed houses are identical to the two pairs of semi-detached dwellings recently approved to the rear of No.s 14 & 15 Station Road immediately to the West. In that scheme the inspector noted that *'the scale of the proposed dwellings, including their height and depth, would be less than the dwellings of Station Road, but greater than those on Treehanger Close. As such they would achieve a degree of subservience to station road and provide a transition in scale to the modest dwellings on Treehanger Close. She concluded that ' the proposed development would not materially harm the character and appearance of the area and accords with Policy CS12'*.

The dwellings now proposed to the rear of No. 17 are identical in their size, scale,

height and position. Despite objections from the Town Council and local residents, they are considered to also provide a degree of transition and are appropriate in their mass and bulk. No significant harm would be caused to the street scene or wider area.

Given the schemas are identical the Inspectors findings are a material planning consideration which should be afforded significant weight in the determination of this application. The height, width, depth and overall appearance has thus already been accepted.

Impact on Highway Safety

The proposed pair will be accessed via the recently approved access road serving the properties to the rear of 14 & 15 Station Road. The Highways Authority is satisfied with this arrangement and considers the access capable of accommodating the additional two dwellings without adversely affecting the safety or operation of adjacent highways.

The Town Council remains concerned over the access and it crossing a footpath and cycleway, but as pointed out this has already been approved. The only matter for consideration is whether the approved access is capable of accommodating the additional 2 dwellings and Hertfordshire Highways are satisfied that it is. With regard to the access layout and visibility splays, the same conditions will be attached to this consent as were imposed for the adjacent site as there is no guarantee the approved houses would be built and we would need to be satisfied with the details.

The provision of 2 car spaces per dwelling (with an additional area in front of these spaces for 4 visitor spaces) accords with our guidelines and the proximity to the bus stop makes it sustainable.

Impact on Neighbours

This development will have an impact on the amenities of properties in Treehanger Close and Station Road but not to such a degree as to warrant a refusal.

The siting of the dwellings mid-way between the existing dwellings of Treehanger Close and Station Road is identical to that of the recently approved scheme, and the back to back distances actually exceed those of the permitted scheme. With regard to visual intrusion, light, privacy and overlooking the Inspector concluded that no significant harm would be caused. Nos. 3 and 4 Treehanger Close have their rear gardens backing directly onto the application site whilst Nos 5, 6, 7 and 8 back directly onto the land which has recently been approved for housing at 14 & 15 Station Road.

Nos 5 and 6 have rear garden depths of 26.5m, whilst No. 7 has a rear extension encroaching into this garden depth. No. 8 has a foreshortened rear garden due to the intervening garage court which was built at the same time as these houses as their garaging. Nevertheless, overall all of the houses had a similar distance between their main rear elevations and the main rear elevations of the recently

approved houses at approx. 38m.

The distance between the proposed dwellings and the rear elevations of No. 3 and 4 would be 40m and 38.7m respectively. This exceeds the approved schemes. These separation distances are well in excess of our minimum requirement of 23m and thus meets policy standards for maintaining privacy between the respective rear elevations. It is acknowledged that the set of rooflights in the rear roofscapes will introduce another level of windows, however, there is no significant level change across the site and as such the overlooking at roof level would be similar to at first floor level. Within this in mind, it is important to note that the cill heights of the roof lights in this scheme are 0.4 lower than the approved scheme at 1.2m below the internal floor level. Whilst this would afford greater views, these windows are set further away than the first floor windows beneath them and given there is no significant level change across the land, would not give rise to any further overlooking and loss of privacy than the already approved first floor windows. They would also be set an angle which would limit overlooking when compared to the approved horizontal, first floor windows. A revised application has been submitted for the approved applications at No. 14 & 15 (4/00438/15/ROC) which seeks to lower the cill heights to the same levels. This has been recommended for approval. As such to avoid overlooking between the new dwellings the cill height to the twin roof light to the front of the dwelling on Plot 5 would be at 1.6m as approved on the adjacent site. A condition requiring this would be imposed for the avoidance of doubt.

In terms of loss of light, a cross-section plan has been submitted as part of this application which shows the distances and the relative eaves and ridge heights of Treehanger Close, the proposed houses and Station Road houses. It is noted that the highest part of the roofs to the proposed houses is 8.9m (being 2m higher than Treehanger Close) and that the proposed houses are positioned south/south-east of Treehanger Close. Therefore it would appear that the height of the proposed roofs, taking account of the existing 2m high rear boundary wall would cause some loss of sunlight to the rearmost part of the gardens to those houses in Treehanger Close. However, planning policies do not protect the rearmost private garden areas from visual intrusion, loss of privacy or loss of sunlight and therefore this impact on amenities would not constitute a valid reason for refusal of this scheme. In terms of daylight, there would be no significant loss of light. This is primarily due to the length of the rear gardens of Treehanger Close.

It is therefore the visual impact of these proposed houses that would have most effect on their amenities. It is recognised that the proximity and overall height of the proposed houses would have some harmful impact in terms of visual intrusion, however, due to the intervening garden lengths it is considered that this impact would not be so significant as to sustain a reason for refusal of this scheme. This was also considered the case on the adjacent site.

In terms of Station Road, No.s 14, 15, 17 & 18 would be the most affected but the separation distances here exceed 45m. The overall harm on the amenities would not be so significant to sustain a reason for refusal.

In terms of No. 7 Sycamore Drive, the detached bungalow to the rear of No. 18, the main windows are located to the front and rear elevations. Whilst situated in close

proximity to and significantly higher than the bungalow itself, the main bulk of the dwellings would align with the flank elevations and thus help minimise any visual intrusion or overbearing impact.

Permitted development

These proposed houses have been designed by the applicants to maximise the size of family accommodation, therefore the rear gardens, although flat, usable and private, should be retained in their current size for family use. Therefore it is considered necessary to remove permitted rights for any outbuildings or extensions in order to retain planning control over any encroachment of these modest-sized gardens. Similarly, the roofscapes has been carefully designed in order to prevent overlooking and thus it is necessary to retain planning control on any future changes to the roofs by removing permitted development rights.

Sustainability

The submitted sustainability statement identifies that the primary sustainable measures will include a high level of insulation, the use of condensing boilers, solar panels for providing domestic hot water and rain water harvesting.

Tree and Landscaping

No specific landscaping plans have been advanced as part of the proposal. There are no protected trees on the site. These details would, if approved be conditioned. The neighbour has requested additional trees be planted and this has been passed onto the developer.

Other Matters

Concern has been expressed by the Town Council over land ownership and not declaring this site as part of the previous application. This was not possible as the applicants did not own the land at that time, they have acquired it since the approval of the adjacent scheme.

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 constructed in accordance with the materials specified on the approved drawings and statement**

**Location Plan 1:1250
H 03 13 Site Survey**

BBH003/01 Rev B - Proposed Site Plan and Street Scene Elevation
BBH003/02 Rev A- Proposed plans and Elevations

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core strategy.

3 No development 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;**
- **bin storage and refuse collection;**
- **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;;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development , to safeguard the visual character of the immediate area and to accord with Policy CS 12 of the Core Strategy.

5 All of the roof lights to the rear roof slopes hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor.

All of the roof lights to the side roof slopes hereby approved shall have a cill height of not less than 1.2m above the internal floor level of the second floor.

Reason: To safeguard the privacy of the occupiers of neighbouring dwellings.

Reason: To safeguard the residential amenities of adjacent properties.

6 Prior to first occupation of the dwellings to Plots 5 & 6 the first floor windows to their side elevations shall be top hung fan light opening only and fitted with obscure glass and retained in that condition thereafter.

Reason: To safeguard the residential amenities of adjacent dwellings and to accord with Policy CS 12 of the Core Strategy.

7 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;

Schedule 2 Part 1 Classes A, B, C, D, and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to accord with Policy CS 12 of the Core Strategy.

- 9 **Prior to the first occupation of the dwellings hereby permitted the areas shown on DRrawing No. BBH/003/01 Rev B for the parking of vehicles, and for vehicles to manoeuvre so that they may enter and leave the site in forward gear, shall be laid out and those areas shall not thereafter be used for any other purpose than the parking and manoeuvring of vehicles.**

Reason: In the interests of highway safety.

- 10 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- (ii) **an assessment of the potential risks to:**
 - (i) **human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - **adjoining land,**
 - **groundwaters and surface waters,**

- ecological systems,
- archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Core Strategy.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

Article 31

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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 2012.