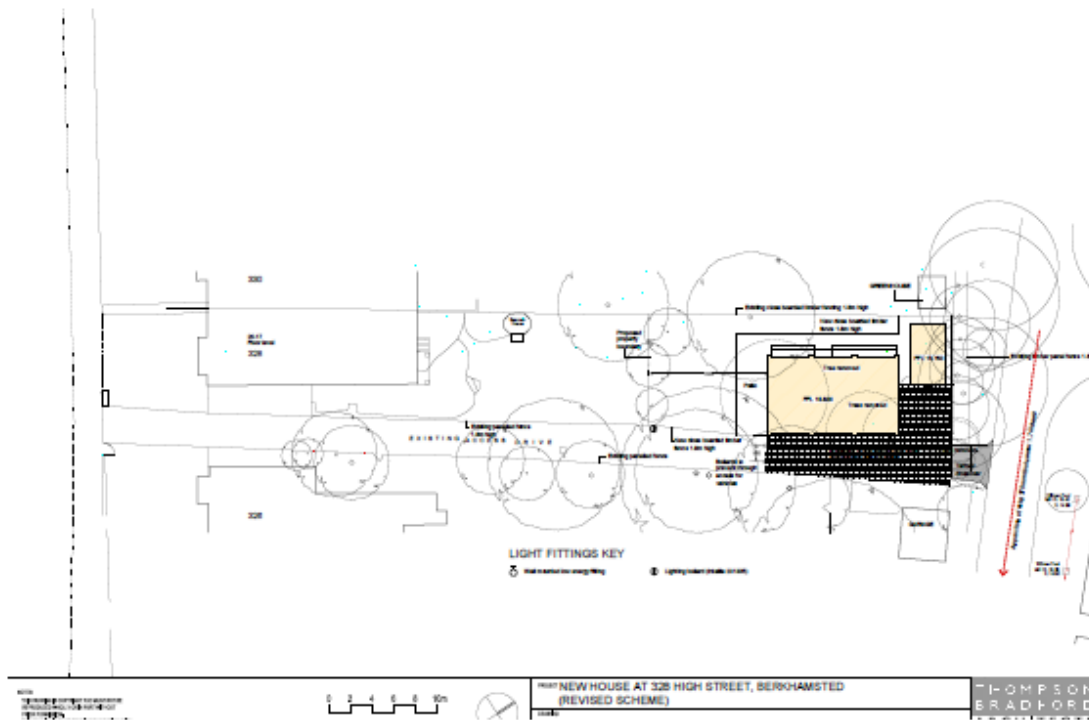
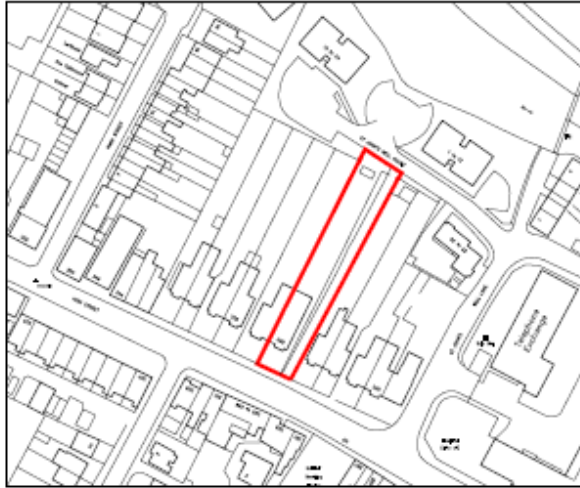
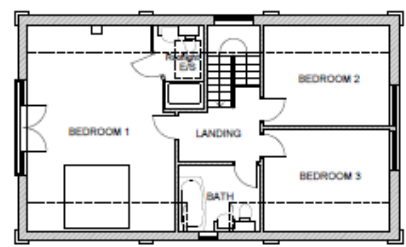
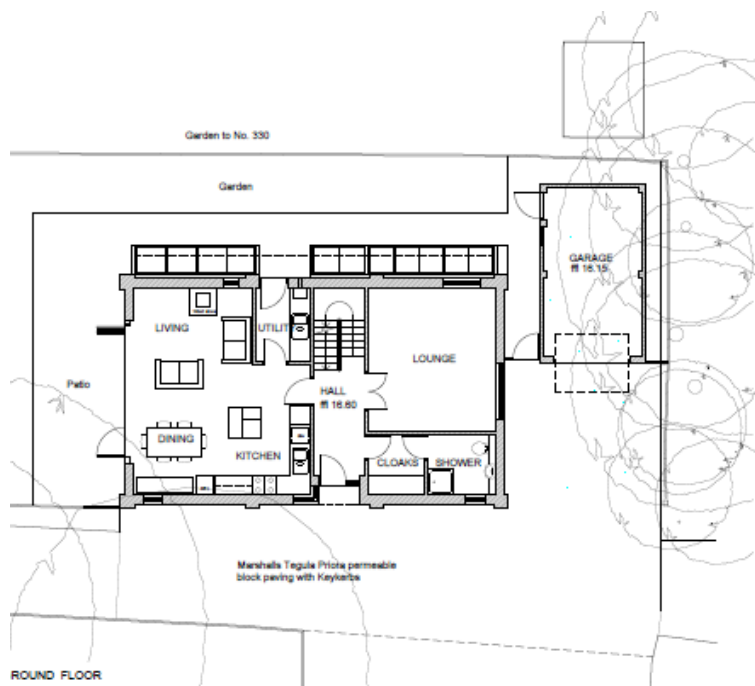
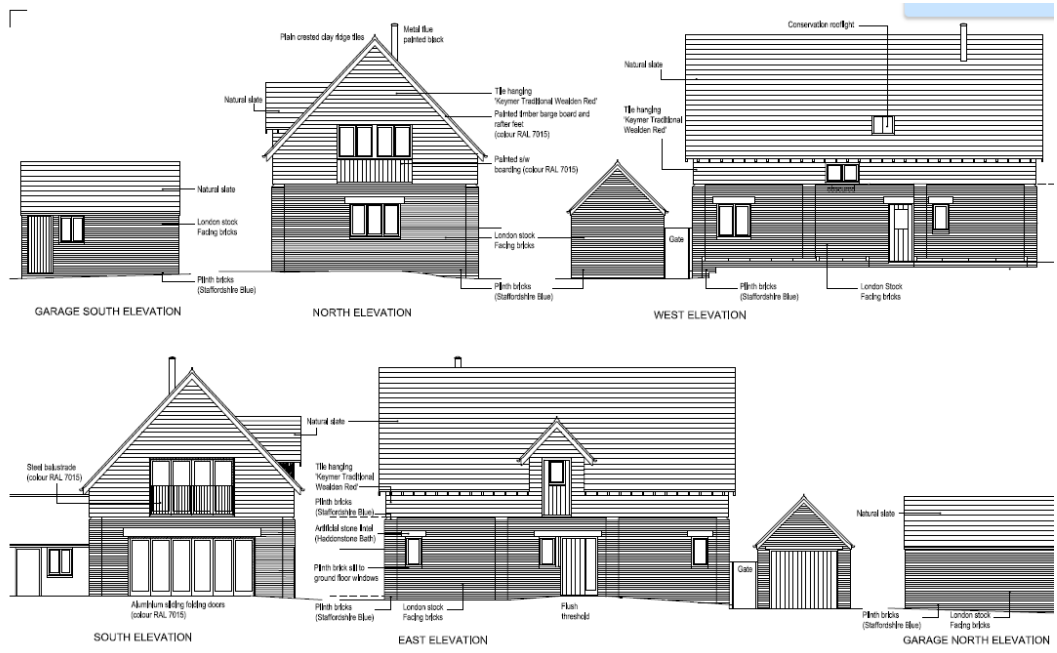


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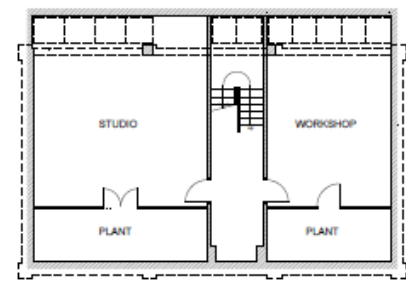
**4/00578/15/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM ST JOHNS WELL COURT
328 HIGH STREET, BERKHAMSTED, HP4 1HT**



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FIRST FLOOR



CELLAR PLAN

**4/00578/15/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR
ACCESS FROM ST JOHNS WELL COURT
328 HIGH STREET, BERKHAMSTED, HP4 1HT
APPLICANT: Mr & Mrs Ingman**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site is subject to an allowed appeal for a 3 bedroom two storey detached dwellinghouse served by a 'part' basement and associated single garage and a subsequent planning permission for a modified scheme. Both developments were to be served by a vehicular access from the High Street.

The material differences between the latest planning permission and the Appeal Scheme are the provision of a larger 'full footprint' basement and a different location for the single detached garage. Also most of the requirements of the pre commencement conditions subject to the Appeal have been discharged.

The fundamental material difference between both approved schemes and the current proposal is that now the access is from St Johns Well Court and not the High Street. The revised plan submitted in response to officer objections shows restrictions upon vehicles moving between St Johns Well Court and the High Street. There is also no submitted planning obligation.

The principle of a dwelling at the site is acceptable. The proposal will be located within an existing cluster of somewhat uncoordinated residential development within the vicinity of St John's Well Close. The dwelling's design will be visually subservient to the main house due to its 'coach house appearance' and will introduce a building of high quality appearance which will respect the historic context at the existing edge of the Conservation Area. The building's appearance will contrast with the adjoining utilitarian garage at no.326 and will 'visually coordinate ' with the modern building line established by the flats at nos. 25 to 30 St John's Well Court. It will also form an historic link between the High Street and the somewhat isolated nearby older cottages.

In overall terms no. 328's subdivision will respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement and creating commensurate residential curtilages.

On balance the provision of the access only from St Johns Well Court will have neutral effect upon the character and appearance of the Conservation Area.

With due regard to the objections raised by the neighbour at no. 330 High Street a refusal based upon the effect upon the residential amenity to no. 330 High Street (including its garden) could not be substantiated in terms of physical impact or the receipt of light and privacy. A refusal based upon the effect upon the residential amenity of St Johns Well Court could not be substantiated.

There are no fundamental, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction, exterior lighting and archaeological objections. A planning obligation is now not required.

Site Description

Nos. 328 and 330 form part of a row of similar substantial distinctive gable roof Victorian semi detached villa style dwellinghouses located on the north western side of the High Street, to the immediate north west of the junction with St John's Well Lane. This steeply sloping road leads to a major public car park and St John's Well Court. It also serves the recently completed retail development at the former Post Office site.

Most of the row of these High Street dwellings feature very elongated narrow linear rear gardens. The respective rear boundaries of these gardens adjoin St John's Well Court's two modern 3 three storey blocks of flats (1 to 12 and 13 to 24) and their associated parking area. There is an unbroken grass verge and associated planting along the boundary, with no accesses.

A third smaller block (no.s 25 to 30) abuts the St Johns Well Lane- St John's Well Court right angled bend. This block appears to occupy the bottom parts of the former rear gardens of nos. 318, 320a and 322 High Street through 'part plot amalgamation'. There are a row of older cottages to the immediate north of the bend opposite nos 25 to 30.

Nos 25 to 30 are adjacent to a gable roof garage/parking area within the bottom of the rear garden of no. 326 High Street. This parking facility is served by an elongated roadway/track which is located between the residential curtilages of nos 326 and 328 and is linked to the High Street. The long established track (owned by no. 328) also provides vehicular access to the rear of no. 328 featuring a gate to the bottom of its fenced garden. The roadway has no vehicular link to St John's Well Court, however there is pedestrian access and it is understood that this has been used by the public for many years.

No. 328 is served by parking in its front garden with the access approved in 1966. Plans for the erection of a garage to the rear of 328 were approved in 1961.

The bottom of no.330's rear garden incorporates a greenhouse, pond and play area adjoining the rear shed at no. 328.

Proposal

As before this is for the construction of a 3 bedroom gable roof two storey detached 'coach house' style dwellinghouse located at the north eastern end of no. 328's rear garden, adjoining St John's Well Court, set back from its fenced boundary.

The building will be of brick construction, feature a slate roof, tile hanging and timber windows. The full footprint basement will provide a studio, workshop and plant which will be larger than the approved appeal scheme. The intention is to provide 'a lifetime home'.

No. 328's curtilage will be 'roughly' equally subdivided, creating two commensurate rear gardens for the existing dwelling and the proposed new unit. The dwelling will be served by a single garage and packing space between the dwellinghouse's north eastern elevation and its St Johns Well Court boundary.

The vehicular access will be from St Johns Well Court. The modified scheme involving bollards restricts a through vehicular access between this proposed access and the High Street.

The existing frontage parking at no. 328 will be retained for no.328. There will be no improvements to access as previously approved.

Recent Site Planning History

4/01555/12/FUL - Detached dwelling and garage

This was refused by the DCC in December 2013 for the following reason:

The proposal will result in the development of a large garden area which acts as a green lung and contributes to the character and appearance of the Berkhamsted Conservation Area. The proposed development by virtue of its prominence and location on this back garden area, to the rear of a Heritage Asset (328 High Street) will fail to preserve or enhance the character and appearance of the Berkhamsted conservation area and is therefore contrary to Policies 11, 120 of the Adopted Dacorum Borough Local Plan 1991-2011, Section 7 of the associated Supplementary Planning Guidance-Environmental Guidelines and Policy CS 12 and CS37 of Dacorum's Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).

Note: CS37 should read CS27.

Appeal - Allowed

Pre-commencement conditions imposed on the allowed appeal regarding highway safety, access, external lighting and some site archaeology have been discharged.

Planning Permission 4/01819/14/FUL Detached dwelling and garage.

The material differences with the Appeal Scheme were:

- (iii) An enlarged basement (providing a studio, workshop and plant) ,
- A relocated garage, and
- The discharge of some conditions since the Appeal.

This permission was subject to a planning obligation for various contributions based upon the then applicable Borough and County Council Toolkits.

Condition 2 specified:

Before the occupation of the dwellinghouse hereby permitted the submitted details the whole

length of the access road shown on Drawing No. HSI11 272, shall be upgraded fully in accordance with the specified details. Once carried out the upgraded the approved roadway, associated passing bay, exterior lighting and lowered side boundary fence adjoining the access road's junction with the public footpath serving the High Street shall all be retained and maintained at all times in accordance with the approved details.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council and the background history.

Procedural Issues

Application Description

At the initial registration there was no reference to the access from St Johns Well Court in the description. All the consultations and publicity were carried out on this basis.

To rectify this the agent submitted a modified application form to specifically refer to the access , an updated supporting statement and an amended plan showing a restriction upon access between St Johns Well Court and the High Street. A revised site notice has been installed in St Johns Well Court to reflect this necessary procedural change. All the original consultees have been re notified.

This necessary procedural change has delayed reporting the application to the Committee.

Article 31 Dialogue

The LPA only discussed at pre application stage the issue of the planning obligation. There was no expectation whatsoever that the access would be changed. Therefore it has been during the application processing that dialogue has focussed upon this issue with the resultant delays.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS25, CS27, CS29, CS31 and CS32

Also : Berkhamsted Place Strategy

Dacorum Borough Local Plan

Saved Policies 10, 11, 12, 13, 51, 54, 55, 58, 61, 62, 63, 99, 100, 106 113, 118, 120 and 121

Saved Appendices 3, 5 and 8

Supplementary Planning Guidance

Environmental Guidelines

Conservation Area Character Appraisal and Policy Statement for Berkhamsted

Environmental Guidelines

Accessibility Zones for the Application of Parking Standards

Water Efficiency and Sustainable Drainage

Advice Note on Achieving Sustainable Development through Sustainability Statements

Note: The Conservation Area Appraisal proposes the extension of the Conservation Area to include land to the rear of the High Street (Extension 1) and the dwellings in the High Street to be locally listed. Nos 320 to 328 are subject to an Article 4 Direction for alterations.

Summary of Representations

Berkhamsted Town Council

Original Consultation

Object. The reasons are:

Question whether this application has an appropriate description, given that it refers quite specifically to a proposed change of access.

The change of access as proposed from the High Street to St Johns Well Court, were it to be permitted on a private road, would be detrimental to the amenity of residents of St Johns Well Court by virtue of the increase in traffic, noise and associated road safety concerns from residents and service vehicles.

It would also set an unfortunate and unintended precedent with regard to other houses on the High Street, which currently access the High Street solely from the front of their properties.

Note the stated change of car parking provision from 3 to 5 and object to the lack of any explanation as to why this is deemed necessary for a three-bedroomed dwelling in this location.

Concerned as to the future usage of the existing lane via which access was previously approved. BTC would also question the right to access services such as sewage, given the private ownership of land in St Johns Well Court and its maintenance by residents.

Object to any possible loss of trees which currently screen residents of St Johns Well Court from properties in the High Street and vice versa. The existing arrangements in regard to access and tree screening provide a suitable boundary to the Conservation Area, which would be severely disrupted and cause harm should this

proposal be approved.

Contrary to Core Strategy Policies CS 11, CS 12, CS 13 and CS 27 and Saved Local Plan Policy 120 and Appendix 5.

Background

It was RESOLVED to suspend Standing Orders to allow Mr Ingman, the applicant, to speak for, and Mr Winney of St Johns Well Court Residents' Association, to speak against the application

Mr Ingman explained that the revised access via St Johns Well Lane, which recently became possible when a 'ransom strip' became available for purchase, would provide a safer, simpler and more appropriate access to the planned house.

Mr Winney said that the Residents' Association objected to the application. Residents had not complained about previous applications as they were not unduly affected by them.

However, this application would mean cars causing disruption to residents. The potential for more garages being built at the bottom of gardens of these High Street houses would bring further disruption and loss of vista, particularly to flats facing onto the proposed access road.

Mr Winney also advised that the sewage and drainage arrangements would likely be insufficient to support the proposed house. Those services were located on a private road owned and maintained by the Residents Association.

The meeting was reconvened.

Following discussion, Councillor Ritchie proposed that 'there be no objection to this application' There motion was not seconded.

Councillor Ashbourn proposed and Councillor Armytage seconded a further motion, 'that the Town Council object to this application.'

The motion was passed by 4 votes to 1, with 1 abstention and it was **RESOLVED** to object to the application.

Revised Consultation

Response awaited.

Conservation & Design

This is not the first application for this new development in the rear garden of this site.

There have been some minor changes to the design of the building in its morphs to arrive at this point.

Regarding the south elevation at present the elevation has an over-glazed appearance. The first floor doors should be reduced to double doors only and the balustrading reduced in length to compensate for this. The ground floor folding doors should be reduced by removing the two end lights.

All windows omitting the two small obscure glass windows on first floor and the light at the die of the main entrance of the west elevation should have a central horizontal glazing bar and the windows should be timber flush fitting casements.

The slate roof to the house and garage is acceptable subject to samples being provided.

A sample of the bricks as a brick panel should be constructed on site and this should be conditioned. The brick bond should be Flemish and the mortar colour a creamy white to emulate lime mortar. A sample of the plinth brick should also be supplied.

The garage should either be side hung double doors or if up-and-over, appear as side hung double doors including black door furniture and recessed central panel to emulate this. The garage should emulate the principle building with central glazing bars on windows, and bricks to match as well as bond and mortar colour.

Building Control

No response.

Trees & Woodlands

No objections based upon the previous advice.

Hertfordshire County Council: Highways : Amended Scheme

Recommendation

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.

Advice

This latest amended application is still showing vehicular access to the proposed site will be via St. John's Wells Court. HCC road hierarchy states that St. John's Wells Court does not form part of the adopted public highway. As St. John's Wells Court is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

Hertfordshire County Council: Historic Environment

The following advice is based on the policies in the National Planning Policy Framework , and guidance.

The site lies within Area of Archaeological Significance No.21, as described in the Local Plan. This notes that the area contains a number of important prehistoric, Roman and mediaeval sites, including the medieval town. Evidence recovered during archaeological evaluation during 2012 strongly indicates that archaeological deposits or features are likely to survive within the proposed development site.

The position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets. It is recommended that the following provisions be made, if planning permission is granted :

- the archaeological monitoring of all groundworks, e.g. drainage, services, new access etc.
- 1. the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.

1. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results. the analysis of the results of the archaeological work and the production of a report and archive
2. such other provisions as may be necessary to protect the archaeological interest of the site.

Those recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development.

These recommendations closely follow the policies included within National Planning Policy Statement (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions would be sufficient to provide for the level of investigation that this proposal warrants:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Hertfordshire County Council: Property

No response.

Thames Water

Waste

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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the development would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services.

Sewerage infrastructure capacity

No objection.

Note: The agent has recently sent the LPA a letter from Thames confirming formal agreement to connect to the foul sewer in St Johns Well Court.

Affinity Water

Comments awaited.

Comments received from local residents/ Response to Newspaper Advertisement/ Site Notices

Note: There have been no responses to the LPA's second consultation letter upon the amended description and the modification to the access road.

Response to Neighbour Notification/ Publicity

3. St Johns Court

6 Objections

Access/ Highway Safety/ Parking

The junction of St Johns Well Court onto St Johns Well Lane is sited right near the bend and this can be hazardous as traffic is heavy travelling in and out of the car

park and Waitrose. Concern about safety if more traffic is routed through St Johns Well Court.

St Johns Well Lane is at times a very busy and congested one and at peak times it can take some time to exit onto it from St Johns Well Court. Although it is recognised that an additional one or two cars exiting onto St Johns Well Lane will not lead to gridlock, it does put a further traffic burden on to the lane which is not required as access has already been granted onto the High Street.

St Johns Well Court is a cul-de-sac. It is not suitable for large vehicles. It is proposed that all building materials will be delivered via this route. This will create danger and a hazard for residents who continually use the access road. As well as be a major inconvenience to the residents of 30 flats, some of whom are elderly.

Already there have been a few problems with people parking in our private road because they do not wish to use the council's pay-and-display facilities, the station or Waitrose's now-limited option. Residents and their visitors experience packing problems caused by unlawful parking by the public.

The actual right to access through various parcels of land into St Johns Well Court and into 328a is currently unclear.

It is proposed that all building materials will be delivered via St Johns Well Court, via what one can only assume will be large, wide vehicles. This poses a safety risk for local residents who continually use the access road both by car and on foot (via the public right of way).

The verge over which it is proposed there is an access has been maintained by contractors acting on behalf of St Johns Well Residents Association for many years and while others may hold title documents to the land the St Johns Well Residents have rights in respect of the land.

Maintenance of the road itself. This is a private road and maintained at the cost of all three blocks of residents of St Johns Well Court. The delivery of building materials via St Johns Well Court and the additional traffic from an access point has the potential to cause excessive wear and tear on the road which residents of St Johns Well Court should not have to bear the cost.

Services

The proposal is to connect to services which are under land owned by St Johns Well Court Residents Association and which, if dug up, will again be to the detriment of the local residents who pay to maintenance. If the plans go ahead they wish to dig sewers and services and this will damage tree roots, verges and potentially surrounding pavements/car park.

Trees on the boundary between the proposed development and St Johns Well Court provide screening for privacy and provide amenity value to the surrounding area. These trees would be affected by any plans to dig up the boundary verge for access.

Visual Amenity/ Conservation Area

Trees on the boundary between the proposed development and St Johns Well Court provide screening for privacy and provide amenity value to the surrounding area. These trees would be affected by any plans to dig up the boundary verge for access

The green rural feel of St Johns Well Court will be reduced. This is the boundary with the Conservation Area, the verdant nature should be maintained.

There are some fine deciduous trees on the boundary verge and these will be affected by any plans to dig up the verge and to give access over it.

Residential Amenity

Very few households are a one-car unit nowadays and whoever lives in that proposed dwelling could have more than one vehicle and will have visitors, with the temptation being to park in our road if they already have access to it. On top of that, there is the loss of privacy, the extra traffic and noise that could arise.

Loss of privacy, car parking, traffic generation and noise and disturbance in a highly attractive quiet road and child safety

Precedent.

1. 330 High Street

Response 1

'We are strongly opposed to this latest revised application to build a new build detached dwelling and garage in the rear garden of 328 High Street Berkhamsted, adjacent to my property. I look forward to possibility of revision 16, where the plans could suggest a block of flats with a pool.

The plans represent an overly sized and grotesque design that neither compliments nor enhances the local area. This project would be an active encouragement to make this 'Conservation Area in Berkhamsted'(an oxymoron, that would make me giggle if I wasn't so confused) into a high density residential development, forever changing the character and appeal of the neighbourhood. The detrimental effects would be irreversible and make a mockery of a so called heritage site, and a place of historical interest.

A construction of this magnitude would have such a negative effect on the quality of my life and that of my family, with one neighbour becoming two overnight. This would not help with any housing issues in the local area.

The top of the garden is overlooked by the current property, with the proposed construction dramatically obscuring the natural light and privacy to a garden that provides a relatively private and safe haven to my family. Construction so close to the boundary would also have a major effect to the pond in our garden that provides a safe mating area for Great Crested newts, frogs and goldfish. This would almost certainly make the garden unusable.

We were contacted by local council at the time of the original application, informing us that our property, and that of 328 were now locally listed buildings. So its ok to build a new build in your garden with a garage, with access over a public footpath into an alleyway frequented by families going to the Canal Fields Playground, but I

need permission from them to paint my front door a different colour. Mmmmmn. Only by the 2nd or 3rd application revision was a statutory public notice displayed at the property.

If I personally had been responsible for any part in this planning application (to construct the carbuncle, rather than objecting), I would use this case to illustrate how I exposed local planning as impotent, and a waste of tax payers money. Being the boaster that I am (not one of my most endearing features, sorry). I would most definitely use this case, a feather in my cap, to gain more local work. I would be sure to drop in a few clichés in my sales pitch, such as ‘friends in high places’, and ‘it’s not what you know’...and in the face of the outcome where victory was snatched from the jaws of defeat, who could prove me wrong? Win win for me, yah.

I would in no way suggest that this was the case here, but only what I would do if the tables were turned.

This planning application was previously rejected by Berkhamsted Planning, and rejected unanimously by 12 members of the Development Control Committee, before miraculously being granted permission by central government.

As you are actually powerless to stop this development, I should considering invoicing you for my time in writing an objection letter each time a new planning revision is posted through by door. I wonder if they would let my kids use their pool (potentially in revision 16), so they could get a modicum of enjoyment out of our overlooked garden’.

Response 2

'I object completely to this planning application. It's not worth going over the historical injustice of this application, and the irreversible precedent that this sets. In the future I see absolutely no reason as to why I shouldn't submit a planning application of my own with the same access route to the new property. It's strikes me as comedy of errors that suddenly people have objections to this planning application, when they let it reach the stage where they are powerless to stop this tandem construction. But by doing so, they have made it possible for the vast majority of residents in the strip to follow suit, and exploit the access via St. John's well court. This of course depends on the applicants, and whether they want to use this strip of land behind our properties to deny us the chance to reap the rewards and double our money by building a new house in our back gardens'.

Considerations

The main issues are:

- The principle of accommodating a dwelling at the site,
- The effect upon the character and appearance of Berkhamsted Conservation Area , and
- The range of other environmental/ design/ access- parking implications.

This assessment is with specific reference to what can be built under the extant two

approved schemes as the respective 'fall back positions' and the material differences between these and the proposal.

As confirmed the material differences between the recently granted permission and the proposal is the access from St Johns Well Court and the lack of a planning obligation.

Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of residential development is acceptable.

Due to the land's Conservation Area status it is a requirement for new developments to be carried out in a manner which conserves and enhances the established character or appearance of the area. These are the expectations of Core Strategy Policy 27 (Quality of the Historic Environment), DBLP Policy 120 and the NPFF.

Design /Layout/Character and Appearance of the Conservation Area

In supporting the previous scheme the Report noted, inter alia, that:

'The enlarged basement will have no material effect upon the appearance of the Conservation Area. Due to its domestic use there will be no change to the CA'S existing character. It is expected that the workshop will be for domestic purposes and therefore there will be no resultant increased noise and disturbance.

The relocated garage's design and location is compatible, complementary and subordinate to the appearance of the proposed dwellinghouse itself with no harm to the CA's appearance. Its use for domestic purposes will be reinforce the existing residential character of the area.

The development will accord with the expectations of Core Strategy Policy 27 and DBLP Policy 120'.

In this context the new material consideration is the effect of the new access. The provision of the access will without doubt definitely change the character and appearance of the current unbroken visually attractive verge to St Johns Well Court. It is far from but ideal. However, on balance, it is considered this in terms of its physical / visual impact and level of use have a neutral effect upon the character and appearance of the Conservation Area. This is only the basis that there are permanent restrictions upon the informal roadway being permanently restricted to 'through traffic' between St Johns Well Court and the High Street.

If an application (s) are submitted for other similar proposals with separate vehicular accesses from St Johns Court each will need to be considered upon its/their individual merits.

Impact upon the Residential Amenity of 326 , 328 and 330 High Street and St Johns Well Court

In supporting the previous scheme the Report noted , inter alia, that:

'PINS raised no objections to the impact upon the residential amenity of the locality. This fully took into account the objections raised by the neighbour at no.330.

The introduction of a basement should not materially change the impact. The use of part of the basement as a workshop is not for commercial purposes and any associated noise would be 'contained' by the effect of the basement. The garage would not be detrimental to the residential amenity of nos. 328, 330 or wider area in terms of its impact. This is with due regard to privacy, physical impact, the use/receipt of light to the garden, noise and disturbance and the expectations of Core Strategy Policy 12 and the saved DBLP Appendix 3'.

The provision of the access from St Johns Well Court is a **significant material change** to consider. The flats in St Johns Well Court were not adversely affected by the previously approved schemes.

The current proposal's resultant introduction of vehicular movements onto St Johns Well Court will create increased noise, disturbance and headlamp glare. Also there can be use of the vehicular access by no.326 and 328. The impact by further vehicles can be mitigated by the **now** bollard restrictions upon the use of the informal roadway. With this restriction, **on balance**, it is not considered that there would such a high level of harm to justify a refusal. As confirmed above if an application (s) are submitted for other similar proposals with separate vehicular accesses from St Johns Court each will need to be considered upon its/ their individual merits in terms of the effect upon residential amenity.

No. 328 will environmentally benefit from the revised layout.

Highway Safety (Vehicle/ Pedestrian), Traffic Generation, Access and Parking

Hertfordshire County Council Highways has raised no objections as in the case of the approved schemes

With no identified highway safety/ access/ vehicular turning and the provision of bollards within the existing connecting access road, there are no apparent inbuilt highway objections.

Previous Condition 2 of Planning Permission 4/01819/14/FUL is not now recommended as there will be no additional use of the access road, however is subject to an informative given the current poor level of visibility..

There will be a second space in front of the dwelling, with parking available at the side of the dwelling.

Access for persons with disabilities. for persons /with limited mobility will benefit from the revised access arrangements, given the improved accessibility /closeness, layout design and no need to use the elongated gravel access road from the High Street,

There are no fire access objections.

Ecological Implications/ Biodiversity

Hertfordshire Biological Records Centre previously confirmed there were no inherent objections, reinforced by PINS decision.

In accordance with the Policy CS29 (Sustainable Construction) the provision of bat and bird boxes and the planting of an additional tree are recommended.

Given the local area character - old buildings, water and trees- these represent the type of habitat conditions favourable to bats.

Drainage Flooding/ Drainage

The principle of new development is acceptable in this Flood Zone 1. The Environment Agency has previously raised no objections to the provision of the approved smaller basement. Given this background and the Appeal decision there are no apparent objections.

As before surface water will be addressed by a soakaway system. Permeable surfaces are proposed for the car parking area. The foul drainage will by connection to the existing main sewer in St Johns Well Court to which Thames Water raises no objection.

Contamination

Standard contamination conditions would normally be expected/ recommended in this location due to the site history. However, there is a need to give due weight to PINS decision which very surprisingly disagreed the need for such conditions. Given this and despite the excavation involved a case for 'standard' contamination conditions could not be justified.

Crime Prevention/Security

There have been such objections to the previous schemes.

With restrictions upon the use of access road for a vehicular link between St Johns Well Court and the High Street there are likely be less resultant conflicts between users.

The garage's location ensures safer environment for car security.

Approach to Sustainable Construction

The design has sought to take advantage of the North – South axis/ orientation. The garage creates benefits by opening up the garden. With the exception of the above mentioned recommended additional biodiversity benefits the submitted Core Strategy CS29 Sustainable Design construction and Deign submission is otherwise acceptable.

Archaeological Implications

An archaeological condition is necessary to reflect the approach to Planning Permission 4/01819/14/FUL.

Exterior Lighting

The approach is acceptable. There will be no new lighting along the existing roadway beyond the dwelling.

Environmental Impact Assessment

This is not necessary.

Planning Obligation

This is no longer required due to the national changes upon the provision of contributions.

Response to the representations from no.330 High Street

As before there has been severe criticism raised about the process. The previous report noted:

'It is normal practice for the a Case officer with previous experience of a site to deal with subsequent applications as they will know best the issues at hand. It is refuted that the Case Officer, who is bound by the Code of Conduct of their professional body, is biased.'

The LPA considers that in the processing of the previous application correct procedures were followed. One site notice displayed at the St Johns Well Lane- St Johns Well Court junction. This was in addition to extensive neighbour notification to residents of the immediately surrounding area. Albeit not necessary, in response to the ongoing criticism by the owner/ occupier of no.330 regarding publicity, the LPA has displayed the second notices. The second is at the High Street frontage.

For clarification for the current application a site notice was placed upon the site frontage to the High Street. At the time of writing it was still in place. As confirmed a second later site notice has been installed in St Johns Well Court.

Conclusions

The fundamental material differences between the approved schemes and the current proposal are the means of access and the lack of a planning obligation.

The provision of the access will change the character of the current unbroken attractive verge to St Johns Well Court. It is not ideal, but on balance, this will have a neutral effect upon the character and appearance of the Conservation Area. This is only on the basis that there are permanent restrictions upon the informal roadway being permanently restricted to 'through traffic'. The planning obligation is no longer

necessary.

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 fully in accordance with the materials specified by Drawing No. 271 Revision B and all the windows and doors shown by this drawing (other than the aluminum patio doors) shall be of stained timber and all rainwater gutters and downpipes shall be of black painted metal timber.**

Reason: In the interests of the character and appearance of the Conservation Area to accord with Policy CS 279 of Dacorum Core Strategy .

- 3 **Before the occupation of the dwellinghouse hereby permitted the access and all the blocked paved area shown on Drawing No. HSI11 272 Revision A shall be upgraded fully in accordance with the specified details on the plans hereby approved. Once carried out the upgraded paved area, bollards and exterior lighting shall all be retained and maintained at all times in accordance with the approved details.**

Reason: In the interests of highway safety and crime prevention in accordance with Policies CS9, CS12, CS29 and CS32 of Dacorum Core Strategy and saved Policies 51, 54 62, 63, 113 and Appendix 8 of Dacorum Borough Local Plan.

- 4 **Before the first occupation of the dwellinghouse hereby permitted the landing window in the west elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.**

Reason: To safeguard the residential amenity of the existing dwellinghouse and No.330 High Street to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 5 **a) The development hereby permitted shall be carried out in accordance with the approved Written Scheme of Investigation for archaeological Strip, Map and Record and Watching Brief submitted in support of planning application.**

b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard the site archaeology to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and saved Policy 117 of Dacorum Borough Local Plan.

6 Notwithstanding the details specified by the submitted Sustainable Design and Construction Statement, the development hereby permitted shall be carried out in accordance with the respective requirements of criteria (h) and (j) of Policy CS 29 (Sustainable Design and Construction) of Dacorum Core Strategy requiring:

- 1. The planting of one new tree following the first occupation of the dwellinghouse hereby permitted , and**
- 2. The installation of bird and bat boxes.**

Reason: To ensure the sustainable development of the site in accordance with the relevant sustainable construction biodiversity and landscaping criteria subject to Policy CS 29 of Dacorum Core Strategy .

7 The development hereby permitted shall be carried out in accordance with the following plans subject to the requirements of the other conditions of this planning permission:

Drawing Nos. 272 B, 271B and 272 C.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 31 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 2012.

Informative

It is recommended that there are improvements to the visibility for the existing access serving the existing parking area serving no. 328 High Street by altering the boundary fence as previously approved.