

**4/01060/17/FUL - DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO 3-BED DWELLINGS.  
2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG.  
APPLICANT: Land Key Developments.**

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[Case Officer - Amy Harman]

**Summary**

The application is recommended for approval.

**Site Description**

2 Kitsbury Road is a detached house situated on the eastern side of Kitsbury Road in the centre of Berkhamsted just off the High Street.

The existing dwelling would appear to date from the first half of the 20<sup>th</sup> century. Further analysis would appear to indicate that it is from the late 1920's to 1930's but an exact date has not been confirmed. It is detached and typical of the period. The projecting gable has a decorative planted timber truss below the steeply pitched steep tiled roofs. At first floor level the building is harled but below the strong course at ground level there is a good brick in a Flemish bond with arched details over the windows. A number of the windows have been replaced with unsympathetic UPVC windows which detract from the property.

This end of Kitsbury road was redeveloped in the first half of the 20<sup>th</sup> century probably in the inter war period and thus has a different character to the Victorian terraces uphill to the south.

**Proposal**

Demolition of existing property and replacement with two 3-bed dwellings

**Referral to Committee**

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

**Planning History**

4/01998/05/TCA FELLING OF TREES  
Raise no objection  
07/11/2005

**Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

Adopted Core Strategy

NP1 - Supporting 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  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing

CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Conservation Area Character Appraisal for Berkhamsted

### **Summary of Representations**

#### Berkhamsted Town Council

The development would be an overdevelopment of the site and would have inadequate parking provisions.

CS12: appendix 3 (iii); Appendix 5 (i)

#### Conservation and Design

Conservation & Design do not raise an objection to the proposed development as it is considered that the new dwellings would preserve the character of the Conservation Area.

#### Hertfordshire Highways

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the imposition of conditions and informatives.

#### Trees and Woodlands

There are no trees or significant landscape features on this site.

#### Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. The contamination officer has recommended that contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Infrastructure Officer

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 1 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.

#### Response to Neighbour Notification / Site Notice

14 neighbours were notified and a site notice was posted.

#### 3A Kitsbury Road - objects:

Creating two homes to replace one will double the potential number of car parking spaces required from the site. Kitsbury Road is already beyond capacity, and frequently access is difficult. Two families, with potentially four cars, is not sustainable.

#### Comments were received from number 1-3 Lockharts Yard.

The redevelopment of 2 Kitsbury Road is, in principle, welcome and has the potential to greatly improve the street scene.

Detailed comments were sent in, however concerns were raised which relate to lack of parking, bin storage and the effect on their properties of the demolition and building work.

#### 36A Charles Street - supports:

I regularly walk past this property and notice how it is asking to be redeveloped. This lower end of Kitsbury Road and No 2 in particular offers little or nothing in heritage terms to the Conservation Area and the proposal would be a significant enhancement to the street. It is a well proportioned and balanced solution, without being over-development. The lack of parking provision is immaterial; especially as there is ample out of hours street parking; new carparks etc. The streets in the conservation area offer ample evening/weekend parking; the problem is caused by commuters not wanting to pay the Station carpark charges. This hopefully will be resolved when the new carpark is built. In any event, these houses will invariably be purchased by commuting residents.

### **Considerations**

#### Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience, and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58 and 120 of the Local Plan.

#### Suitability of the site for residential development

The site is currently in residential use as a single house on a reasonably generous sized plot. Although the site would be sub-divided to form two dwelling plots, each plot would remain commensurate in size with other dwellings in the immediate area.

Although concerns have been expressed that the proposal for two dwellings would be an overdevelopment of the site, the layout would provide sufficient spacing with adjoining properties and sufficient private amenity space to the rear of both dwellings which are 6 metres in depth. Although admittedly shallow when judged against the minimum 11.5 metres set out in Appendix 3, however, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with many nearby dwellings on Kitsbury Road. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

#### Proposed New dwellings and Effect on the Street Scene and the Character of the Area

The application site relates to an existing detached house within the Core Area of the Berkhamsted Conservation Area.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development preserves or enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies that Kitsbury Road as falling within the Charles Street Identity Area. The policy that seeks to protect the character of this Core Area states that:

*"New development proposals should follow the principles set out below:*

- *Development by the amalgamation of rear garden areas is not acceptable.*
- *Infilling proposals will be acceptable if they are compatible with the layout, pattern, density and scale of adjacent development.*
- *Two storey development with gardens front and rear is encouraged, although in terms of height, a third floor in the form of dormer windows in the roof space will be acceptable.*
- *In redevelopment proposals, medium to high density terraced or semi-detached proposals are acceptable.*
- *Large scale bulky development of flats are not encouraged.*
- *The building line must be maintained."*

The proposed development would fully accord with the above principles.

The proposal comprises a pair of semi-detached two storey houses of traditional bricks in Flemish Bond with render and tile hanging to high level gables. Windows would be pre-finished timber in grey with conservation style roof lights. The traditional hipped roof to be finished in Rosemary Clay classic mix plan tiles. Whilst not intending to provide a complete facsimile, the architectural style nevertheless seeks to reflect some of the key features and characteristics of the surrounding dwellings, particularly that of the adjacent property at 3a / 3b Kitsbury Road.

Extensive consultation has taken place with the Conservation officer at both pre-application stage and during the consideration of this application. The detailed comments of the conservation officer are included in this section of the report.

The existing building makes a neutral contribution to the character of the Berkhamsted conservation area and whilst typical of its period has not been locally listed. The variety and change in character over time with different styles add to the character of the conservation area and help explain its development. Infill development during the inter war period can be seen with this building and it differs from the more typical semi-detached housing seen adjacent. We

note that from both the surveyors report and the costing's report that the existing building is in a poor condition and needs a substantial amount of work to preserve it for future generations. This would appear from both reports to be somewhat prohibitive and require an extensive amount of work to be undertaken.

We would agree with the heritage statement in that the proposal would have a negligible impact on the setting of the nearby listed buildings in particular the Quaker Meeting House.

The planning (Listed Buildings and Conservation Areas Act) States that the local authority has a duty to preserve and enhance conservation areas. In addition the framework states that great weight should be given to the assets conservation. The asset is designated as part of the conservation area and therefore paragraph 134 of the Framework is used stating that if there is less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

The proposal is for a pair of semi-detached dwellings. The design evolved at a pre application stage and the form of the roof now better reflects the character of the inter war housing of the nearby buildings. The design has been altered through the application process and as such we believe that it would now sit comfortably within the plot. The materials and detailing appear appropriate and would reflect the local tradition and character. Given these improvements we believe that overall the proposals would now preserve the character of the conservation area.

There would be a relatively low level of harm caused through the demolition of a building that makes a neutral contribution to the character of the area. It is not of local interest, nor does it form a focus or part of a group but instead is part of the wider streetscape. Therefore we would assess this harm to be less than substantial. The proposed new design and materials are in keeping with the character of the conservation area. They would therefore preserve its character. As the decision maker when carefully considering the balance as per para 134 of the framework and giving the appropriate weight to the assets conservation this should be taken into account.

Overall it is considered that the design and materials would allow the proposals to sit comfortably within the conservation area thus preserving its character as per policy and guidance. The materials should be conditioned to match those shown on the plans. Render colour and finish, rooflights and Joinery detail and finish subject to approval.

In conclusion, the proposal would therefore be acceptable in its context. The proposed development would also preserve the character and appearance of the Conservation Area.

#### Impact on Trees and Landscaping

No impact

#### Impact on Highway Safety

No off street parking is offered as part of the scheme and this is no different to the current circumstances of the existing dwelling. The site lies in a sustainable location, where development using alternative means of transport should be encouraged. Hertfordshire Highways have confirmed the proposed development would not cause harm to the surrounding road network, congestion and highway safety.

Policies CS8 and CS12 of Dacorum's Local Planning Framework Core Strategy 2012 (CS) seek provision of sufficient safe and convenient parking for development, while policy 57 of the Dacorum Borough Local Plan 2004 (LP) states that parking provision and management will be used to encourage reduced car ownership and usage and that the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards.

Policy 58 of the LP requires parking needs to be met on site, but confirms that parking provision may also be omitted or reduced dependent on the type and location of the development, including conversion or reuse in close proximity to facilities, services and passenger transport. Appendix 5 of the LP sets out maximum car parking standards, described as the starting point for progressive reductions in on-site provision. For C3 residential use, the maximum standards for this site are therefore expressed as a maximum of 1.5 spaces per 3 bedroom dwelling.

The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification.

The site is a town centre location. There are numerous bus routes on the High Street and the main line train station of Berkhamsted is within a ten minute walk of the site. Although the immediate locality is reasonably heavily parked, there are no parking restrictions on Kitsbury Road. Furthermore due to the sites restrictions and its location in a Conservation Area it would not be possible to provide off-street parking.

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to relevant conditions and informative being attached.

*'There is no existing VXO for the current property; no new or altered VXO is proposed and no works are required in the highway. No off street parking currently exists or is proposed for the new dwellings.*

*In conclusion, the proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes being attached.'*

Furthermore regard has been had to a recent Appeal decision (reference APP/A1910/W/17/3173690) dated 2/10/2017 in Kings Langley which was allowed following the refusal of planning permission due to the effect of the development on parking provision. The Inspector highlights National Planning Policies advice to look at the accessibility of development and that local parking standards should only be imposed where there is clear and compelling justification

*Although the proposed development would not include any on-site parking, this is no different to the current circumstances for the existing residential units and the village hall. Neither the bedsit nor the village hall appeared to be in use at the time of my site visit, but I saw nothing which prevented their use in the future. Furthermore, the appeal site lies in a sustainable location within the local centre. In addition to having good access to services, the appeal site lies in close proximity to bus stops on the High Street for services running between Watford and Hemel Hempstead and is approximately 20 minutes' walk from Kings Langley railway station. The use of sustainable transport should therefore be encouraged.'*

It is also worth noting that the recent planning permission for conversion of 305 High Street from a cafe and bed and breakfast to a four bedroom house (ref.4/01399/16/FUL) did not provide and off-street parking.

This appeal decision is a material consideration and following this approach, it is not considered that a refusal on lack of parking can be substantiated.

Impact on Neighbours

An individual objection has been received from one neighbour and a collective comment from the residents at Lockharts Yard (to the rear of the proposal). The main concerns are parking, bin storage along with comments on the effect of the construction process.

The parking issues have been covered above.

The impact of the construction process is not a planning consideration for the purposes of this report.

A dedicated location in the rear garden has been allocated for bin storage to minimise their appearance. It is expected that the bins would be brought to the front via the side of the properties to be collected. This is not an unusual arrangement in a town centre location and is considered acceptable.

In terms of the effect on amenity on the adjoining properties, the design of the proposal has evolved through engagement at pre-application stage.

As such currently the scheme is no higher than the existing dwelling as the new dwellings have been set into the ground. In addition the roof has been hipped to reduce the perception of bulk. The boundary treatment has been retained and enhanced to provide screening.

The spacing between the proposed and 3A Kitsbury Road is retained, albeit the hipped roof (as opposed to the existing gable end) provides for additional spacing at higher level.

The spacing between the side elevation of the garage to the rear of 305 High Street is currently 5 metres and would be reduced to 2.5 metres. The resultant spacing between the rear of 305 High Street and the flank wall of the proposal would be reduced from 12.5 metres to 10 metres. With the addition of the hipped roof the effect on the 25 degree line taken from the nearest rear window of this property shows the effect on light into this property is negligible. It is also worth noting that these windows in 305 High Street are already shaded by the rear garage and the existing trees in this garden.

From site visits, it would appear that the garage to the rear of 305 High Street has been converted to office / living space, however there is no planning history relating to this. There is a window facing the site to the rear of this garage. Therefore, it is worth noting that, due to the levels, the fence which is to be constructed as part of the proposals (permitted development) would obscure light into the rear windows of this converted garage and therefore despite the reduction in spacing, the relationship with the new development and this garage is not effected. No comments have been received from the residents of this property.

There are currently windows on the ground floor of the south east side elevation of the existing property.

The proposal introduces high level velux windows on both the north east and the south west elevations in the roof space. It is not considered that this would introduce a further opportunity for overlooking.

The only other side windows proposed are the high level windows in both the north east and south west elevations, serving the dining spaces. These have been included to provide additional light into the centre of the properties and due to their limited depth and outlook do not cause additional overlooking issues.

To the rear, the existing property has three rear facing windows and the proposed rear windows would not create additional overlooking beyond the existing situation given the distances to the properties at the rear (Lockharts Yard).

In terms of the side windows of 3A Kitsbury Road, there is one small obscure glazed window at ground floor level and a first floor landing window. Although these are not habitable rooms, the proposed replacement dwellings retains the current situation in terms of these windows.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development. The proposal would therefore accord with Policy CS12.

### Other Material Planning Considerations

#### Contaminated Land

The site is located within the vicinity of potentially contaminative current and former land uses. Consequently, the scientific officer has recommended that there may be land contamination issues associated with this site and therefore should permission be granted a suitable contamination condition would be applied to this development.

#### CIL

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

#### Sustainability

A sustainability statement has been submitted in support of the proposal which demonstrates that regard has been given to the objectives of Policy CS29 of the Core Strategy.

The bins for the proposed development can be contained on site.

#### Natural, Historic and Built Environment

The proposed new build will be replacing a house on the same location. The new dwelling is larger than the existing and the Design and Access Statement supplied by the applicant indicates that the new property will be set into the ground considerably more than the existing. It is therefore likely that the new dwelling may disturb previously undisturbed ground beneath (as well as to the side of) the foundations of the original structure.

The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and provisions are recommended to be made should consent be granted.

### **Conclusions**

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve its character and appearance. The site is in a highly sustainable location and the lack of parking is therefore not considered to be a reason for refusal and the Highway Authority raise no objections. The amenity of neighbouring occupiers would not be



adversely affected. The proposal is therefore considered acceptable 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:**

5333.P01  
5333.P02  
5333.P03 A  
5333.P04 A  
5333.P05 A  
53333.P06 B  
5333.P07 A

Design Statement  
Heritage Statement

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

- 3 **No development shall take place until details of the render colour and finish, rooflights and Joinery detail and finish to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Adopted Core Strategy Policy CS27

- 4 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Adopted Core Strategy policy CS27

- 5 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report

establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Adopted Core Strategy CS32

- 6 All remediation or protection measures identified in the Remediation Statement referred to in Condition (5) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Adopted Core Strategy CS32

- 7 **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 building investigation and recording**

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

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 8 i) **No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.**

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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as '*A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.*'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

**Article 35 Statement**

Planning permission 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 2015.