

**4/01804/17/FUL - TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING.  
17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL.  
APPLICANT: Mr & Mrs J Bennett.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

The application proposes extensions to the existing property No. 17 Chestnut Drive and the construction of an attached four-bedroom dwelling.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

The additional dwelling would essentially mirror the form, scale and detailing of the existing dwelling creating a symmetrical, semi-detached pair. The layout and design is acceptable and would achieve an acceptable level of integration with the neighbouring properties. The extensions are considered an acceptable addition in terms of their size, scale and form and would not harm the host building. Given the design, position and orientation the development would not adversely affect the residential amenities of adjacent properties (neither the existing properties or those recently granted planning permission). Adequate parking and private amenity space is provided.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS8, CS11 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

### **Application Site and Surrounding Area**

The application site is located on the south side of Chestnut Drive, Berkhamsted which resides within the Swing Gate Character Area Appraisal (BCA2). The application site currently comprises a detached two-storey dwelling, detached single garage which is set well back within the plot and associated gardens and parking.

The application site currently comprises the side garden of No. 17.

The surrounding area is characterised by a mixture of semi-detached and detached dwellinghouses and bungalows. Each property is relatively uniform in regards to build line but varied in terms of architectural style, roof form, size, separation distances and height.

There have been a number of recent developments and in-fill dwellings in the street scene and planning permission has very recently been granted for the demolition of the adjacent bungalow and construction of a pair of semi-detached dwellings.

## **Proposal**

Planning permission is sought for extensions to the existing dwelling and the construction of an attached, 4 bedroom property.

## **Referral to Committee**

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

## Relevant History

None on record

## **Policies**

### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing

### Saved Policies of the Dacorum Borough Local Plan (2004)

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

### Supplementary Planning Guidance (2004)

Swing Gate Character Area Appraisal (BCA2).

## **Constraints**

Established residential area of Berkhamsted

- Green Belt land to rear of site

## **Summary of Representations**

Berkhamsted Town Council

Amended Plans;

### **Object**

Notwithstanding the removal of a dormer, the proposals continue to represent an overdevelopment of the site contrary to Policies CS12; appendix 7 (vi).

Original Plans;

### **Objection**

The proposals which include dormers to front and rear represent an overdevelopment of the site.

CS 12; appendix 7 (vi)

HCC Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

There is no material difference between this amendment and the original application from a Highways perspective, therefore the same response applies: Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### **CONDITIONS:**

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, 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 new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, 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. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted

and disposed of separately so that it does not discharge into the highway.

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

5. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

6. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .

Reason: In the interests of the safety of persons using the access and users of the highway.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

#### INFORMATIVES:

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

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

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### COMMENTS

This application is for Two storey, single storey extension, front and rear dormer to existing dwelling. Construction of new 4 bed dwelling adjacent to existing dwelling

#### PARKING

Each property will have two parking spaces on a new hard standing to the front. I notice from drawing no "DBC/17/6/2 A" that the measurements for minimum parking space size have been met.

ACCESS The current property has an existing vxo onto Chestnut Drive, which will be altered to provide access to the parking spaces for the new dwelling, while a new double vxo is proposed for the existing dwelling. The maximum size for a double width VXO is 7.2m (6 standard kerbs plus two dropped kerbs). Chestnut Drive is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

### **Comments received from local residents**

Two representations received - OBJECT.

- dormer to front would effect privacy to properties opposite
- any increase in ridge height would effect light levels to properties opposite
- parking is already a problem with cars overhanging the footpath. how many cars will be catered for as many recent developments and the amount of extra cars wanting to park is of concern.
- flat roof to rear out of keeping
- second floor dormer to front out of keeping

### **Key Considerations**

#### Policy and principle

The application site is located within the town of Berkhamsted.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

Moreover, as stated, there have been a number of in-fill dwellings and residential developments (bungalows replaced with semi-detached dwellings) recently approved and as such the principle has been established.

Taking the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is therefore in accordance with Policies CS1, CS4, CS17, CS18 and CS33 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

#### Layout, density and design

The application site comprises the side garden area of No. 17, a two storey detached dwelling.

The spatial layout of Chestnut Drive comprises predominantly of residential dwellings which all have a relatively linear relationship with the street. The surrounding properties comprise a variation of detached bungalows, dwellinghouses and semi-detached properties. Each property is relatively varied in regards to height, size, separation distance and architectural detailing. The roof forms within the immediate area are varied with hip, gable and half hip roof forms prevalent. Parking is predominantly provided to the front.

The proposal seeks to subdivide the plot creating a pair of symmetrical dwellings. The additional dwelling would mirror the height, build line and form of the existing building. The

subdivision would maintain the conventional layout pattern within the wider neighbourhood and the resulting plot width would not be incongruous with surrounding development. Further, the dwelling would front the road, as encouraged by the guidelines of the Residential Character Area of BCA2 and essentially mirror the existing building, which itself does not appear incongruous. Parking would be provided to the front.

Spacing between dwellings in the area is highly varied. The separation distances created would not be noticeably smaller than gaps within the existing street or those recently approved on other developments. The proposed street setback would be appropriate, equalling the existing dwelling and noting the established line of buildings on the southern side.

With regard to design, the scheme has been amended during the course of the application. The flat roof to the two storey rear addition, which was considered incongruous has been replaced with a hipped roof to better relate to the host building. The front dormers, which were considered out of keeping with the remainder of the street scene have been omitted and replaced with roof lights. It is proposed to alter the materials, the tiles being replaced with slate to the front and render being applied at first floor over brick at ground floor. The street scene is varied and the materials will harmonise well.

Other detached bungalows within the street scape have been demolished and replaced with semi-detached dwellings, such examples include No. 8 Chestnut Drive (4/00413/12/FUL) and more recently the immediate neighbour No. 15. The proposal would have an acceptable relationship to both the existing and the recently approved buildings on the neighbouring plot.

The proposed design and layout would be acceptable in its context and achieve a suitable level of integration with the neighbouring properties and therefore not have any adverse impact on the character or appearance of the street scene.

The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy.

#### Impact on residential amenity

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion and loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposal would not have a significant adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. Despite extending further to the south than No. 19 to the west, the proposed extensions and new dwelling would not breach the 45 degree line as drawn from the rear or front habitable windows. Moreover, due to the layout and orientation, the development would not result in a significant loss of outlook or daylight to neighbouring habitable windows than the existing site situation. It is not proposed to introduce any windows to the side elevations and the dwelling follows the same front building line as the existing building and remainder of the street scene, as such, overlooking and privacy levels would remain similar to existing.

With regard to the amenity of future residents, an acceptable standard and layout of

accommodation is provided. Saved appendix 3 of the Local Plan (1991) states that a dwelling house should be provided with a minimum 11.5 metre deep garden space. The proposed rear garden depth, for both the new units would be far in excess of this and therefore both sufficient to meet the needs of the future occupiers.

The proposal accords with the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Highway Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide off street parking provision for two domestic cars per dwelling. Although this would create a total shortfall of two off street parking space (at 100% provision) this is not considered reason enough to refuse permission due to the availability of on street parking and DBC parking standards outlining maximum provision only. Furthermore the provision of two spaces is in line with existing properties and all other recent approvals for residential development in the immediate area.

The parking would cover the majority of the frontage of the site, which is not ideal, but in light of recent consents on adjacent sites, which had similar arrangements it is concluded that a refusal could not be sustained. In addition, it is important to note the the entire existing frontage could be hard surfaced in a porous material without the need for planning permission and this would result in the same overall visual appearance. The proposed block plan does indicate a landscaping strip between the two parking areas and one to the side, which should help soften the overall visual impact. A condition will be imposed.

Concern has been raised with regard to vehicles overhanging the footpath, however 6m is provided to the front of the dwelling which exceeds the 4.8m standard depth and would thus ensure no overhang. Conditions have been imposed with regard to the parking layout.

Hertfordshire County Highways were consulted on the proposal and provided the following conclusive representation: "Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways." Numerous conditions were requested to be imposed. Some have not been included as they would not meet the necessary tests of being reasonable and necessary for the development to proceed without harm. For example the plans clearly show parking spaces exceeding 2.4m x 4.8m in size and as such a condition requiring this is not necessary. In addition it is an offence to store goods / obstruct the highway and this could be enforced using alternative legislation. The remainder of the requested conditions have been included.

Due to sufficient off street parking proposed for maximum guidelines and Highways raising no objection, the development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with Policy CS12 of the

Core Strategy (2013) and Saved Policy 58 and Appendix 5 of the Local Plan (2004).

### Community Infrastructure Levy (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; the application is CIL liable.

### Other Considerations

Given the amendments sought during the course of this application and the relationship of the proposal with adjacent properties it is considered necessary and reasonable to remove PD rights with regard to class A extensions.

**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:**

**DBC / 17 / 6 / 1**  
**DBC / 17/ 6 / 2A**  
**DBC / 17/ 6 / 3A**  
**Design and Access Statement**  
**Application form.**

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

- 3 **The development hereby permitted shall be constructed fully in accordance with the materials specified on the approved drawings and application form.**

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

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

#### **Schedule 2 Part 1 Classes A**

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.

- 5 **The additional dwelling hereby permitted shall not be occupied until the arrangements for vehicle parking, shown on Drawing No. DBC/17/6/3A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 6 **Pedestrian visibility splays of 2 m x 2 m shall be provided before the new dwelling is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .**

Reason: In the interests of the safety of persons using the access and users of the highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

Article 35;

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.

INFORMATIVES:

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

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

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

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

0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. All materials and equipment to be used during the construction should be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.