

**4/03264/17/FUL - NEW THREE BED DWELLING.  
105 CHERRY ORCHARD, HEMEL HEMPSTEAD, HP1 3NJ.  
APPLICANT: Mr & Mrs Guiton.**  
[Case Officer - Robert Freeman]

## **Summary**

The application is recommended for approval.

## **Site Description**

The site is located within the Gadebridge neighbourhood area; a large new town neighbourhood consisting mainly of small-scale terraced housing and structured landscaping.

105 Cherry Orchard is the end dwelling in a terrace of five properties at the junction of Chaseden Road and Cherry Orchard. It is located adjacent to the HighView Lodge and Day Centre which is a private residential care home to the south of the site. The site is also adjacent to a footpath linking the distributor roads of Fennycroft Lane and Galley Hill and fronts onto an amenity green.

The property was constructed in the 1950's and is typical of the new town era; simplistic in design, two storey, brick with rendered first floor and with a basic pitched gable roof and projecting flat roofed porch/kitchen. The property shares an access to its rear garden with No.107 and both properties have a rear garden store/outhouse sharing a common boundary wall.

## **Proposal**

The proposal involves the removal of the boundary hedge and construction of a new three bedroom dwelling together with the extension of an existing service road and construction of two additional parking bays to the front of the property.

## **Referral to Committee**

The application is referred to the Development Control Committee as the applicants are employed by the Council.

## **Planning History**

Planning permission was granted in 2014 for a change in use of land to the front of 105-111 Cherry Orchard from amenity green to a vehicular access (4/00449/14/FUL).

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport

CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 12, 13, 18, 21, 51, 54, 58 and 99  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Area Based Policies (May 2004) - Residential Character Area HCA 6: Gadebridge  
Energy Efficiency & Conservation (June 2006)  
Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)

#### **Summary of Representations**

##### Hertfordshire Highways

Comments to follow.

##### Hertfordshire County Council Property Services

The County does not have any comments to make in relation to financial contributions required under its Toolkit. The site is situated within CIL Charging Zone 3 and does not fall within any of the CIL Regulation 123 exclusions. We reserve the right to seek CIL contributions towards the provision of appropriate infrastructure.

##### Strategic Housing

The site falls below the affordable housing threshold.

##### Trees and Woodlands

No objections.

##### Affinity Water

No comments received

##### Thames Water

No comments received

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

## Considerations

### Policy and Principle

The site is located within the urban area of Hemel Hempstead within which there would be strong policy support for the construction of new dwellings as set out in Policies NP1, CS1 and CS4 of the Core Strategy. There is a strong presumption in policies CS10 and CS17 in promoting additional residential use of the site to address the need for new housing in the Borough.

### Layout and Design

Policies CS11, CS12 and CS13 highlight the importance of good design and provide a framework against which the quality of new development proposals should be judged. This advice is under pinned by saved advice at Appendix 3 of the Dacorum Borough Local Plan 1991-2011 on the general layout and design of residential estates with additional guidance being provided in associated residential character appraisals for the main towns in the Borough. The application site is located in Hemel Hempstead and residential character area HCA6: Gadebridge promotes the following development design principles:

**Height:** Should not exceed two storeys. Three storey development may be permitted where adjacent or nearby to buildings of a similar or greater height, dependent upon its impact on the character and appearance of the area. designs are acceptable.

**Type:** All types of dwelling are acceptable, although the specific type should relate well to adjacent and nearby development in terms of design, scale and height.

**Size:** Small to medium sized dwellings are acceptable; large buildings are discouraged.

**Layout:** Dwellings should front onto the road; informally laid out schemes are acceptable; here the provision of landscaped amenity greens around which the dwellings

The proposed dwelling would extend the current terrace of properties and be orientated to provide gabled roof forms to the front and rear. In doing so, it would reflect the property at the northern end of the terrace, 1 Chaseden Road, the principles above and provide an aesthetically pleasing symmetry to the group of properties. The proposed dwelling is considered appropriate in terms of its design, layout, site coverage, scale, height, bulk and use of materials. It would not detract significantly from the visual amenities and character of the neighbourhood in which it is located. As such it is considered to be in broad accordance with policies CS11, CS12 and CS13 of the Core Strategy and saved policies in Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

### Impact on Trees and Landscaping

The proposed dwelling would extend to within 0.4m of the edge of the existing footpath at its closest point and beyond this it is indicated that the existing hedgerow and grass verge would be removed and incorporated within the garden of the proposed dwelling. The plans indicate that a new 1.8m high boundary fence would be constructed at the pavements edge upon the boundary of the site.

The removal of the entire hedgerow defining the south western boundary of the application site as indicated on the submitted plans would not be acceptable to the local planning authority in view of its adverse implications on the visual amenities of the area and having regard to policies CS12 and CS13 and saved policy 99 of the Dacorum Borough Local Plan 1991-2011. The

applicants have agreed in principle to retain the hedgerow beyond the house and patio area and it is therefore suggested that further details regards the enclosure and protection of the hedgerow be secured by condition.

#### Impact on Highway Safety

The proposed development is not considered to result in any significant harm to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. Two parking spaces would be created within the curtilage of the new dwelling for the parking of vehicles and this is considered to be acceptable in accordance with CS12 and saved policies 54 , 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011. It is considered that the further extension of the shared access drive would not result in significant harm to either the visual amenities of the area or pedestrian safety.

#### Impact on Neighbours

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy seek to ensure that new development does not result in a detrimental impact to neighbouring properties and their amenity spaces.

The proposed development has thus been assessed in relation to its impact on neighbouring dwellings in accordance with Policy CS12 and to ensure that there is no adverse impact on daylight, sunlight, privacy or visual intrusion to neighbouring properties. The main issue in this application is to ensure that any development does not have a significant impact on the amenities of the parent building, 105 Cherry Orchard although for the sake of completeness it has also been assessed in relation to High View Lodge.

The proposed development is sited to ensure that a 45 degree angle is maintained to the key windows, doors and openings to No.105 and as such no significant losses in either daylight or sunlight to the original dwelling. No windows are located on the flank elevation to the projecting rear wing and as such there are no concerns with regards to a loss of privacy.

There is no adverse impact on High View Lodge given the juxtaposition of the proposals to this building and given the dense landscaping to the north eastern boundary of their site.

#### Impact on Infrastructure

Policy CS35 of the Core Strategy requires all developments to provide or contribute to the provision of infrastructure necessary to support development either in kind or through financial contributions. The Council has established a Community infrastructure Levy under which such contributions are calculated and secured. The CIL Charging Schedule indicates that the site is located in Charging Zone 3 wherein there is a charge of £100 per square metre of new residential development. The scheme will be charged accordingly. At this stage it is not clear whether the application will be subject to a relief claim.

**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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **No development shall take place until details of all means of enclosure within and around the site whether by means of walls, fences or hedges shall be submitted to and approved in writing. Such enclosures should include any measures to prevent unauthorised access from the drive and parking area to the public footpath to the south of the site. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.**

Reason: To ensure a satisfactory appearance to the development and to assist in the prevention of crime in accordance with policies CS12 and CS13 of the Core Strategy.

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

**PL001**

**PL002**

**PL003**

**PL004**

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

#### Article 31

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.