

4/00521/18/FUL	CONSTRUCTION OF 2- BED DETACHED DWELLING.
Site Address	115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF
Applicant	Mr Mills, 115 Cowper Rd.
Case Officer	Briony Curtain
Referral to Committee	Previous application for similar development refused by Members.

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The principle of residential development is acceptable as the site is located within a residential area. Moreover planning permission has already been granted for the construction of a similar proposal, which is a material consideration that should be afforded significant weight in the current determination. The main differences between the current proposal and that previously approved is; the size of the unit (a two storey rear extension has been added) and the introduction of a basement. Given the extension is to the rear and the basement underground, the proposal would not have any significant adverse impact on the appearance of the site or wider streetscene when compared to that already approved. Its impact on the amenity of neighbouring properties in terms of light, privacy and visual intrusion would be minimal. An acceptable level of residential amenity is provided for future occupants including, whilst smaller than the previously approved, an acceptably sized private garden area. The access and car parking is deemed satisfactory and has not changed from the previous approval. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policies 58, and saved Appendices 5 and 7 of the DBLP.

3. Site Description

3.1 The application site; No. 115 Cowper Road, is located on a corner plot at the junction between Cowper Road and Gravelhill Terrace, within the Hemel Hempstead Character Area 8 (Counters End). The plot currently comprises a large, detached, two-storey dwelling constructed with light brick, plain tiles and white uPVC. The property benefits from a fairly large rear garden. The surrounding area comprises predominantly detached dwellings with occasional examples of semi-detached housing.

4. Proposal

4.1 The application seeks planning permission for the construction of an amended two-storey, two-bedroom detached dwelling within the residential curtilage of 115 Cowper Road. The proposed dwelling would be sited in the rear of the garden, adjacent to 11 Gravelhill Terrace. Whilst the proposed dwelling remains as approved when viewed from Gravel Hill Terrace, the current proposal differs from that previously approved as a basement and two storey rear wing have been introduced. The introduction of these elements has reduced the size of the private amenity space. The parking and access remains as approved.

5. Relevant Planning History

4/00173/16/FUL CONSTRUCTION OF ONE 2-BEDROOM DETATCHED HOUSE
 Refused (- **allowed at appeal**)
 19/05/2016

4/01650/10/FHA SINGLE STOREY FRONT EXTENSION AND GARAGE CONVERSION
 WITH NEW ATTACHED GARAGE TO SIDE

Granted
15/11/2010

4/01653/99/4 FIRST FLOOR EXTENSION AND ALTERATIONS TO GARAGE
Granted
20/10/1999

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy –

NP1, CS1, CS4, CS11, CS12, and CS29.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, and 13. Appendix 3, 5 and 7.

6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 8; Counters End.
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- 45.7M AIR DIR LIMIT
- CIL3
- TREE PRESERVATION ORDER

8. Representations

Consultation responses

8.1 Herts County Council Highways raise no objection. The Woodlands Officer raises no objection. Their comments are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 Three Neighbour Objections received. These are reproduced in full at Appendix B.

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on site / street scene
- Impact on residential amenity (existing and future)

- Impact on Highway Safety
- Other - CIL

Policy and Principle

9.2 The site is located within the residential area of Hemel Hempstead where the Core Strategy, Policies CS1, CS4, CS11 and CS12 are relevant. Policy CS4 supports appropriate residential development, whilst CS11 and CS12 are concerned with quality of neighbourhood and site design. In terms of compatibility with the Character Area Appraisal (HCA 8), the development principles for the area are as follows:

- Design: Scope for variety, innovation and modernity in design.
- Type: Detached dwellings are strongly encouraged.
- Height: New buildings should not normally exceed two storeys.
- Size: Medium to large dwellings are encouraged.
- Layout: Informal layouts are acceptable, although dwellings should follow a defined building line. Spacing should be provided in the medium range (2m to 5m).
- Density: Development should be compatible with the character in the existing density range of 15 dwellings/ha.

The construction of the dwelling is acceptable in principle in this residential location and furthermore, planning permission has already been granted (allowed at appeal) for the construction of a two bed dwelling on the site.

The main considerations in the determination of this current application are thus the differences between the two proposals and the impact of these.

Layout, Design, Scale, impact on street scene

9.3 The siting of the proposed dwelling, its general layout, and overall design all remain as previously approved. The front elevation also remains exactly as approved.

The scale of the dwelling has increased as a two storey rear wing has been added. However, notwithstanding the larger footprint and additional floor space now proposed, the dwelling is still considered to be of an appropriate size and scale for the plot. The development principles for the area; HCA 8, state medium to large dwellings are encouraged. The increase in the size of the dwelling is therefore considered acceptable, in accordance with the principles for the area, and more in line with the size and scale of the surrounding built form. Adequate space is maintained in and around the building so as to not appear cramped or excessive in relation to the plot or the wider area.

From public vantage points, the front, western side elevation and part of the eastern elevation of the proposed dwelling would be visible. The two storey rear addition, now proposed, is located to the far south-eastern corner of the previously approved dwelling, and given it extends only part way across the rear elevation, it would not be readily apparent from public vantage points. Whilst visible, it is set back from the main western side elevation so would appear subservient and would be entirely set against the back drop of the larger, deeper side elevation of No. 11 Gravel Hill Terrace behind. The impact of the additional wing on the overall character and appearance of the street scene would thus be very minimal.

As the Inspector notes, in their considerations of the allowed appeal, '*the appeal proposal would be a compact dwelling and although it would appear noticeably smaller than the majority of the buildings surrounding it, there would be limited public vantage points where this would be apparent*'. The dwelling allowed at appeal is similar in width to the existing properties of Gravel Hill Terrace so the Inspector comments; '*noticeably smaller*', must refer to the

dwellings depth. The introduction of the rear wing would make the depth of the proposed dwelling more comparable to those of adjacent dwellings and thus more in keeping with the remainder of the street scene. In visual terms this may in fact ensure a better integration into the existing street scene when compared to the previous approval.

The dwelling would integrate with the existing street scene character and complies with Policy Cs12 in this regard.

Residential Amenity

9.4.1 Existing Neighbouring Properties

Being underground, the addition of the basement would not impact on the residential amenity of adjacent properties in terms of light, privacy or visual intrusion.

The two storey rear addition now proposed would affect outlook from, and light to, windows serving habitable windows in the flank elevation of No. 11 Gravel Hill Terrace. However, the rooms they serve also have the benefit of other windows (front and rear facing) which would not be affected by the development). Whilst the depth of the dwelling has been increased by 3.5m, given the position and orientation of the windows, the fact they are secondary serving windows and the fact the existing boundary treatment will already have a limiting effect on the ground floor windows, the development as amended would not materially harm the living conditions of the occupiers of No. 11, especially when compared to the dwelling already approved.

The proposal would not have a detrimental impact on the residential amenity of the occupiers of No. 113 in respect of overlooking. In line with the previous approval, the rear facing windows would both serve bathrooms and be obscure glazed. A condition requiring obscure glazing and non-opening (below 1.7m from floor of room) would be conditioned.

9.4.2 Future Residents

The enlargement to the footprint of the dwelling now proposed, and the lightwells/ access associated with the basement both reduce the size of the rear garden. However, it is still considered that an acceptable amount of amenity space for the size of the dwelling is being provided. Three distinct amenity areas are maintained; an area 14m in width by 3.5m in depth is located to the very rear of the plot; a 4m by 3.5m area is provided between the living room and basement lightwell; in addition, the space to the rear of the building would be supplemented by an additional 6m by 7m garden to the front. All three areas are considered functional in their shape and collectively would adequately serve the dwelling. A total of 107 square metres of garden is provided (excluding the area to side of basement lightwell and parking area) which is considered acceptable to serve a two bedroom property in this location. There are larger properties, in the area which have smaller or comparable sized amenity spaces.

It is acknowledged that in allowing the appeal, due to the restricted size of the site, the inspector removed Class A permitted development rights. However class A would permit numerous extensions in a variety of different configurations some of which would be harmful and would result in a substandard amount or shape of amenity. The removal of Permitted Development Rights does not prevent all future extensions, but results in them requiring consent. This allows the LPA to retain control.

On balance it is considered a refusal based on amenity space could not be sustained.

Impact on Highway Safety

9.5 Saved Appendix 5 of the Local Plan advises that as a maximum standard, dwellings

comprising two bedrooms should accommodate 1.5 parking spaces. The resultant site layout would comprise two off-street parking spaces. Considering this and considering the proximate (walking distance) to local centres within Hemel Hempstead and nearby public transport links, the proposal is deemed acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan. Moreover the provision of a two bedroomed dwelling with two off-street parking spaces in the same arrangement has already been accepted by the Planning Inspector and granted planning permission. This is a material consideration that should be afforded significant weight. With regards to the access and highway safety, Hertfordshire County Council (Highways Department), have not raised any concerns, however, they have asked for a number of conditions and informatives to be included. Where considered necessary and reasonable these have been imposed.

CIL

9.6 Policy CS35 of the Core Strategy 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 1 July 2015. This application would be CIL liable.

11. RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials; means of enclosure; soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; car parking layouts and other vehicle and pedestrian access and circulation areas;</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
4	<p>The dwelling hereby permitted shall not be occupied until the arrangements for vehicle parking, shown on Drawing No. MM01 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water</p>

	<p>from the site to be intercepted and disposed of separately so that it does not discharge in to highway.</p> <p>Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.</p>
5	<p>The windows at first floor level in the rear elevations of the dwelling hereby permitted shall be non opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed) and shall be permanently fitted with obscured glass up to a height of 1.7m above the floor of the room in which the window is installed.</p> <p>Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.</p>
6	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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:</p> <p>Schedule 2 Part 1 Classes A, B, C, E, and F</p> <p>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.</p>

Appendix A

Consultation responses

1. Hertfordshire county Council – Highway Authority

Do not wish to restrict grant of planning permission. Recommend conditional approval.

The development proposal is for erection of 2 bedroom detached dwelling. Site and surrounding:

The site is located at 115 Cowper Road which is the corner plot of Cowper Road and Gravel Hill Terrace. Both Cowper Road and Gravel Hill Terrace are unclassified local access roads. In terms of accessibility the application site is in a residential neighbourhood

Capacity and Safety

The highway network in the vicinity of the site does not have capacity or road safety issues. The Additional vehicle trips associated with a proposal is unlikely to have any noticeable impact on the local road network.

Vehicular Access and parking

The proposal is to serve the site via a dropped kerb from Gravel Hill Terrace. The applicant proposal is to provide two car parking spaces. In terms of access the applicant should take a note of Condition and AN1

Refuse Collection

Refuse collection as existing.

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes

2. Woodlands Officer

I have reviewed the above planning application. I have no objections, there are a small number of trees require removal to build new dwelling – trees are of low quality so not opposed. Landscaping details are required.

Appendix B

Neighbour notification responses

2 Objections Received;

Address; 113 Cowper Road	Comments; Over-Development of the Site and Cramped Design Impacting Living Conditions of Neighbours. The previous planning application for this site (4/00173/16/FUL) started out with larger dwellings, then a single dwelling, and these designs were iteratively reduced in scale until a plan was put forward that was deemed to be potentially acceptable by the planning officer, but was still subsequently rejected by the development committee as ' <i>The proposal would by reason of its cramped and contrived layout result in the overdevelopment of the site</i> '. Clearly from these iterations, the scale of the development for 4/00173/16/FUL was at the very limit of acceptable. To crystalize this point, the appeals inspector ' <i>Exceptionally</i> ', and specifically, removed development rights ' <i>given the modest size of the proposed house, its outdoor space and its relationship to neighbouring dwellings</i> ' in order to ' <i>avoid adverse effects on the living conditions of existing and future occupiers</i> '. 'Occupiers' in this sense, includes those of neighbouring properties, not just occupiers of the development, and this planned development is unquestionably cramped
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and overbearing to neighbours.

There has been no change to the size of the proposed site, so there is absolutely no justification for an increase in the footprint and scale of the dwelling, so the plans must be rejected on this basis.

Insufficient Amenity Space

The Dacorum Borough Local Plan recommends a rear garden length of 11.5m. The previous application had a garden length of 7m, but this plan has reduced that to 3.5m. The Local Plan acknowledges that reduced depth may be acceptable for '*Starter Homes*', and the Appeals Inspector accepted this circumstance for the previous application due to its '*small size*'. The dwelling in this application is much larger in scale than that in the previous application, and it can in no way be described as a starter home, so even the 7m should be considered insufficient for the scale, and definitely the reduced 3.5m is insufficient and the plans must be rejected.

Overlooking 113 Cowper Road & Window Design

This new design has bathrooms at the back overlooking the garden of 113 Cowper Road. The plans do specify obscure glass, but the windows shown are large, overbearing and opening. It is typical of these applicants that they have shown no consideration for their nearest neighbours in design of these windows. The ensuite bathroom could have had a small high-level window either facing south or towards 115 Cowper Road, in obscure glass opening only above 1.7m and tilting open towards the sky rather than downwards. The

main bathroom flank (only 3.5m from the boundary with 113 Cowper Road and overlooking a private patio), could have had no window facing 113 Cowper Road at all – instead the bathroom window could have been designed to face the brick wall flank of 11 Gravel Hill Terrace, and be sited as a long, high level, obscure glass window at 1.7m height and hinged at the bottom, so tilting open upwards. This would have had little impact on the amenity of the development, but would have been a much more sympathetic design for the occupants of 113 Cowper Road.

The plans must be rejected on the design of these windows. In the appeal decision for the previous application, the inspector stated: '*In order to protect the living conditions of neighbours the first-floor rear windows must be obscured and non-opening for that height where overlooking might otherwise be likely to occur.*' The inspector's decision note further states: '*no part of those windows that are less than 1.7metres above the floor of the room in which they are installed should be capable of being opened.*'

Overlooking 115 Cowper & 113 Cowper Road.

These latest plans include patio doors facing west. These door face directly into the primary rooms of 115 Cowper Road, and additionally look into, and are overlooked by, a bedroom at the rear of 113 Cowper Road. This constitutes loss of privacy to the inhabitants of Cowper Road, and the plans must be rejected on this basis.

Proximity to 11 Gravel Hill Terrace for basement construction

This plan includes a basement, which will need to

	<p>be excavated very close to 11 Gravel Hill Terrace. The basement is close enough to 11 Gravel Hill Terrace for The Party Wall Act to be invoked and formal notifications and agreements with occupants of 11 Gravel Hill Terrace will be required.</p> <p>As the basement plan extends beyond the footprint of the house above ground, it is unlikely that the apple tree retained in the layout scheme for the previous planning application could be retained.</p> <p>The plans give no indication for the design and safety of the light well. It is not clear if it is an open pit or covered structure.</p>
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Address; 11 Gravel Hill Terrace	<p>Comments; I believe that, in judging this application, the Council should consider previous comments on application ref. 4/00173/16/FUL, their own local plan and, most importantly, the relevant sections of the appeal decision (ref: APP/A1910/W/16/3153122) allowing construction of what was described as "a small starter home", in particular: -</p> <ol style="list-style-type: none"> 1. The reasons for removing permitted development rights (para.15 of appeal decision) and, 2. The comments regarding functional amenity space (para.9 of appeal decision) in relation to the proposal's size (now considerably increased). <p>I submit that, in light of the above, this application should be rejected.</p> <p>The appeal decision to grant planning permission for the erection of one 2-bedroom house included the statement "it is necessary to remove permitted development rights for extensions to the house...." and continues "This would be to avoid adverse effects on the living conditions of existing and future occupiers." This application seeks not only to add a basement extension but also to considerably increase the footprint.</p> <p>The decision acknowledges that the rear garden (7 metres long) is shorter than the average 11.5 metres but may be acceptable for "a small starter home." It also notes the Council's consideration that "it would provide adequate functional amenity space for the proposal's size." The current application is</p>
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for a considerably larger property with corresponding loss of amenity space and a rear garden of approximately 3.5 metres. Surely this is an unacceptable reduction.

I submit that, in order to respect the conditions of the appeal decision this application should be rejected.