

4/00536/18/FUL	CONSTRUCTION OF 2 BED DWELLING (AMENDED SCHEME)
Site Address	2 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PR
Applicant	Jevon Homes, 90 Mill Lane
Case Officer	James Gardner
Referral to Committee	Contrary views of Markyate Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 In accordance with Policy CS12 of the Dacorum Core Strategy, which states that development should integrate with the streetscape character, the dwelling is considered to be of an appropriate design and complement the other residential dwellings in the area. There would be no significant impacts on the residential amenity of the surrounding dwellings. A suitable amount of space would be demised to the proposed dwelling and it would not appear unduly cramped within the plot, thus complying with saved Appendix 3 of the Dacorum Local Plan (2004).

The proposal would make a small but valuable contribution to the Borough's housing stock.

3. Site Description

3.1 The application site comprises an area of approximately 0.016 hectares and is located to the rear of no. 2 Cowper Road, which is currently occupied by an ancillary single storey garage / workshop.

3.2 The area is of mixed character. Old Vicarage Gardens includes terraced and semi-detached dwellings which generally front the highway, although there are exceptions: numbers 2-8 Old Vicarage Gardens front an amenity green and do not have vehicular access to the front. Along Cowper Road there is a similar mix of terraced and semi-detached dwellings.

4. Proposal

4.1 Planning permission is sought for the demolition of an existing outbuilding and the construction of a 2-bedroom chalet bungalow.

The dwelling would measure 7.56m (D) x 7.00m (W) x 6.06m (H) with an eaves height of 3.53m. In terms of design and architectural detailing, there would be two modest pitched roof dormers on the southern elevation and two on the northern elevation. The roof form would be an open gable with a Dutch hip on the front and back and it is proposed to construct the dwelling from facing brickwork with uPVC windows and doors.

Main access to the dwelling would be located on the eastern elevation. A new vehicular crossover is proposed to provide access to a hardstanding with space for up to one car.

5. Relevant Planning History

4/02650/17/FUL DEMOLITION OF EXISTING WORKSHOP. CONSTRUCTION OF A 3-BED DWELLING
 Refused
 27/12/2017

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS8, CS9, CS11, CS12. CS17, CS18, CS19, CS29, CS31, CS32, CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 57, 58

Appendices 3, 5, 7

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

- Area Based Policies (May 2004)

7. Constraints

- 15.2M AIR DIR LIMIT
- LARGE VILLAGE
- CIL3

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- The Quality of the Design and Impact on Character and Appearance of the Area
- Amenity Space
- Impact on Highway Safety
- Other Considerations

Policy and Principle

9.2. Policy CS1 states that the market town and large villages will accommodate new development for housing provided that it:

- a) is of a scale commensurate with the size of the settlement and the range of local services and facilities;
- b) helps maintain the vitality and viability of the settlement and the surrounding countryside;
- c) causes no damage to the existing character of the settlement or its adjoining countryside; and
- d) is compatible with policies protecting the Green Belt and Rural Area.

9.3 Policy CS4 states that in residential areas appropriate residential development is encouraged.

9.4 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

9.5 The National Planning Policy Framework encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed.

9.6 Saved Policy 10 of the Dacorum Core Strategy (2004) seeks to optimise the use of available land within urban area.

9.7 The proposal would make a contribution to the Borough's existing housing stock (in accordance with Policy CS17. As such, given that the development would be located within Markyate (a sustainable location), the proposal is in accordance with policies NP1, CS1, CS4, CS17.

The Quality of the Design and Impact on the Character and Appearance of the Area

9.8. Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. Chapter 7 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and, in particular, states that permission should be refused for development of a poor design which fails to improve the character and quality of the area.

9.9. Saved Appendix 3 of the Dacorum Local Plan states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes.

9.10 Policy CS12 on each site development should respect adjoining properties in terms of layout, site coverage and landscaping and amenity space.

9.11 Consideration has been given to the positioning of the dwelling within the plot, how it addresses the street and the scale of development. The previous application was refused partly due to the negative impact it would have had on the character and appearance of the area. However, it is considered that the plans submitted in support of this application have taken on board the case officer's comments. The main changes are summarised below:

- Ridge height reduced from 8.50 metres to 6.06 metres.
- Eaves height reduced from 4.80 metres to 3.53 metres.
- Front entrance re-positioned from southern elevation to eastern elevation.
- Property re-oriented to face Old Vicarage Gardens, providing an active frontage
- Footprint reduced from approximately 70 sq. metres to 53 sq. metres.
- Dwelling set-in from all boundaries.

9.12 The original design failed to adequately have regard to the site's context, and whilst such a design would not have looked out of place on a larger plot, the size and location dictates that a bespoke design is used.

9.13 In accordance with the prevailing character in the area, the dwelling would now front a highway. The importance of an active frontage on the eastern elevation should not be underestimated; indeed, this would result in an enhancement to the streetscape character, replacing an unattractive utilitarian outbuilding with a thoughtfully designed starter home which addresses the street in a traditional manner.

9.14 Whereas before the two-storey flank wall and gable would have resulted in an overly dominant appearance, the amended design would ensure that the dwelling sits comfortably within the street and its plot.

9.15. Given the context, facing brickwork and concrete roof tiles, as proposed in Section 9 of the planning application form, are acceptable. Should planning permission be granted, a condition requiring samples of materials will be imposed so as to ensure that they satisfactorily integrate into the local area.

9.16 Markyate Parish Council have objected to this application for the following reasons:

- Infilling
- Over-development of site
- No garden
- No back door – fire safety issue

9.17 In terms of the first point (infilling), the proposal does not meet the definition of an infill dwelling.

9.18 The Council's Core Strategy provides the following definition of infilling:

Infilling is a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or between a group of buildings.

9.19 Irrespective of whether or not the dwelling is classified as infilling, as per Policies CS1 and CS4, the principle of a new dwelling in Markyate is acceptable.

9.20 The objection concerning overdevelopment has not been elaborated upon. The rear of the site is already occupied by a substantial single storey outbuilding. Furthermore, footprint of the proposed dwelling would be less than the existing outbuilding. A balance needs to be reached between optimising the use of urban land and protecting the character and appearance of an area.

9.21 Saved Policy 21 of the Dacorum Local Plan (2004) provides guidance pertaining to density:

Careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land.

Densities will generally be expected in the range of 30 to 50 dwellings per hectare net.

Higher densities will generally be encouraged in urban areas at locations where services and/or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centre.

Proposals which have a density of below 30 dwellings per hectare net.

9.22 The combined area of the application site and the area of land to be retained by no. 2 Cowper Road equates to 0.05 hectares. Two dwellings would result in a density of 40 dwellings per hectare (2 dwellings / 0.05 hectares). As a result, the density is not considered out of keeping with the area.

9.23 The dwelling has a reasonable sized garden located to the side. An assessment of the amenity space has been provided in the section entitled "Amenity Space".

9.24 The lack of a backdoor and any associated fire safety issues which this may give rise to are matters for consideration by Building Control under Approved Document B of the Building Regulations 2010.

Amenity Space

9.25 Saved Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. A reduced garden depth may be acceptable for small starter homes.

9.26 The total area of land demised to the dwelling would equate to approximately 89 sq. metres with a maximum depth of 10.40 metres. It would be rectangular in shape and located to the south of the dwelling. Whilst it is acknowledged that the depth falls below the standard 11.5 metres requirement, the inherent flexibility within the policy means that gardens of lesser depth can be acceptable for starter homes. The space would be functional and afford future occupiers the option of sitting out in the summer, drying washing, sunbathing etc. Direct access to the house would be possible by way of patio doors on the southern elevation.

Effect on Amenity of Neighbours

9.27 Saved Appendix 3 of the Dacorum Local Plan states that a minimum distance of 23m between the main rear wall of a dwellings and the main wall (front or rear) of another should be met to ensure an acceptable level of privacy, but that this distance may be increased depending on character, level and other factors.

9.28 Policy CS12 of the Core Strategy states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

9.29 The proposed layout has been amended in order to address one of the previous reasons for refusal; that is to say, disturbance to numbers 2 and 4 Cowper Road.

9.30 By moving the access to the eastern elevation and reducing the number of car parking spaces from two to one, the locus of activity will shift away from the adjoining boundaries.

9.31 Due to the skewed nature of the site there would not be a direct back-to-back relationship with number 2 Cowper Road. Nevertheless, a distance of 23 metres would still be maintained.

9.32 Number 4 Cowper Road would have a similar spatial relationship to number 2. The distance from the first floor windows would meet the required 23 metres and, furthermore, the windows are annotated on the plans as being fitted with frosted glass. Should Members be minded to approve the application, a condition will be imposed to ensure that the windows remain obscured in perpetuity.

9.33 Concern has been raised by number 6 Cowper Road over, amongst other things, overlooking. The rear wall of number 6 is located approximately 28 metres away and at a somewhat oblique angle. Furthermore, as already mentioned above, the first floor windows on the southern elevation would be obscured so there would not be any loss of privacy.

Impact on Trees and Landscaping

9.34 The application site does not contain any significant trees. Trees and Woodlands have been consulted and advise that a landscaping condition is not necessary.

Impact on Highway Safety

9.35 Policy CS9 states that the traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account planned improvements and cumulative effects of incremental development.

9.36 Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF 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. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the NPPF and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

9.37 In existing residential areas, which are often subject to considerable parking pressure, the general approach is for development to meet the Council's maximum parking standard.

9.38 The development is located outside of Accessibility Zones 1 and 2 and therefore subject to a maximum parking standard of 1.5 spaces.

9.39 The proposed site layout indicates that one off-road parking space would be provided at the far end of the amenity area and have dimensions commensurate with the size of a modern vehicle. It is acknowledged that one space represents a shortfall of 0.5 spaces. However, a reasonable amount of unrestricted on-street parking appears to be available within the area. And whilst additional parking could be provided within the plot, regard also needs to be had to the quality of the remaining amenity space.

9.40 The provision of an additional off-street parking space would be to the detriment of the amenity of future occupiers of the dwelling and as such, on balance, the negatives of the additional parking outweigh the positives.

9.41 It is important to note that the parking arrangements were a concern which contributed to the refusal of the previous planning application, in which 2 tandem-style parking spaces were to serve a 4-bedroom dwelling. The layout was considered to be contrived as sizes of the vehicles shown on the site plan were unrealistically small. Secondly, tandem parking is impractical and results in unnecessary vehicular movements. By reducing the scale of development (itself a concern), it has been possible to decrease the number of parking spaces without, in the case officer's view, there being a significant impact on highway safety.

9.42 In term of the new access, the Highway Authority has indicated that they do not wish to restrict the grant of planning permission subject to conditions. The conditions are considered reasonable and will be included with the permission should Members be minded to approve the application.

Other Material Planning Considerations

Refuse and Recycling

10.1 Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling.

10.2 The proposed site plan indicates that bin storage is to be provided within the rear garden. This is considered to be reasonable practical and thus does not engender any concerns.

Contaminated Land

11.1 The comments from the Council's Scientific Officer in respect of application 4/000000/17/FUL remain relevant:

11.1 *The on-site workshop represents a potentially contaminative land use (potential for the storage and possible leakage/spillage of fuels, oils and chemicals). The site is also located within the vicinity of the following potentially contaminative former land uses:*

- Works
- Smithy
- Cemetery
- Brewery
- Engineering works
- Unknown filled ground

11.2 *Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions (CONT1 and CONT2) 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).*

11.3 In light of the above it would be reasonable to include the standard contamination conditions with any grant of planning permission.

Permitted Development

12.1 The Government's Planning Practice Guidance provides useful advice to Local Planning Authorities as regards the use of conditions:

12.2 When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

12.3 Paragraph 206 of the NPPF states "Planning conditions should only be imposed where they are:

- Necessary
- Relevant to planning and;
- To the development to be permitted
- Enforceable;
- Precise and;

- Reasonable in all other respects

12.4 The 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

12.5 Any proposed condition that fails to meet any of the 6 tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party.

12.6 Specific guidance in relation to conditions which remove permitted development rights is also provided:

Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.... Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

12.7 The orientation of the dwelling and the size of the plot are such that there is the potential for future development to have a detrimental impact on surrounding dwellings and the locality in general.

12.8 At present there is one high level window shown on the western (rear) elevation which backs onto residential gardens. Class A permitted development rights would allow an unobscured window to be constructed on this elevation without planning permission. While the window would admittedly overlook the rearmost section of the garden, which is generally considered to be less sensitive, consideration needs to be had to the existing baseline conditions. No close quarters overlooking currently exists to this area and therefore substantial weight should be given to any loss of privacy. On this basis it would be appropriate to restrict Class A development pertaining to new window openings.

12.9 Utilisation of the roof space is an effective way of reducing the overall bulk and mass of the dwelling. The current pitched roof dormers shown on the plans do not give rise to any concerns from a visual perspective; yet it is noted that the orientation of the dwelling means that the side elevations are more prominent than they would otherwise be. Were a flat roof dormer to be constructed on these prominent roof slopes, the visual effect could be unsatisfactory. As such, it would be reasonable to restrict Class B permitted development rights.

12.10 The size of the plot, whilst suitable for a dwelling of the current size, may not be capable of accommodating substantial extensions. Accordingly, it is proposed that Class A permitted development rights relating to extensions are removed.

12.11 As alluded to in preceding sections – namely, “Amenity Space” and “Impact on Highway Safety” - the provision of an extended area of hardstanding would be to the detriment of future occupiers, reducing the available area of space for outdoor pursuits and could prove to be problematic from a highway safety perspective. The removal of Class F permitted development rights is therefore justified.

Response to Neighbour comments

13.1 The issues regarding the impact on residential amenity and the character of the area have already been addressed above. Points not addressed thus far can be summarised as follows:

- Lack of parking.
- Schools and doctors surgery oversubscribed.

- Plenty of properties on the market - no need for infill house.
- Non receipt of consultation letter.

Lack of Parking:

13.2 As already discussed above, the parking provision is considered to be acceptable, notwithstanding a slight deficit of 0.5 spaces.

Schools and doctor's surgery oversubscribed:

13.3 Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) the Council is expected to publish a list of infrastructure projects that may benefit from CIL funding.

13.4 The Regulation 123 list sets out those projects or types of infrastructure that Dacorum Borough Council intend will be, or may be, wholly or partially funded by CIL.

13.5 The following categories are of relevance and appear on the aforesaid list:

- Early Years Education and Childcare Facilities.
- Primary Education Facilities.
- Secondary Education Facilities.
- Further Education.
- Health Facilities.

13.6 It is unlikely that the construction of one modest dwelling would have a discernible impact on the local infrastructure. Nevertheless, the CIL contribution from the development may potentially be used to fund infrastructure improvements in the future should this be deemed appropriate.

No need for infill house:

13.7 It is common knowledge that there is a national shortage of housing.

13.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. Policy NP1 of the Core Strategy compliments this, stating that:

Proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise.

13.9 As such, providing the application accords with the development plan it should be approved without delay.

Non-receipt of consultation letter:

13.10 A consultation letter was not sent to no. 6 Cowper Road. Whilst the registration team do their best to identify neighbouring properties which may be affected by a development proposal, unfortunately, there will be times when this does not occur. Inevitably, perceptions of when a development proposal would have an impact will vary from person to person. No. 6 does not directly abut the application site and therefore it would not automatically have been consulted. However, a site notice was attached to a lamppost at the junction of the Council owned garages and Old Vicarage Gardens, alerting local residents to the fact that an application had been submitted.

Community Infrastructure Levy (CIL)

14.1 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 is CIL liable.

15. Conclusions

15.1 The application would make effective use of underutilised land and result in the creation of an additional dwelling. The design would respect and enhance the character of the local area and there would be no significant adverse impacts on the residential amenity of the surrounding properties.

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

No	Condition
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>A100 Rev. C A101 Rev. C A102 Rev. D</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place until details of the materials 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.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Policy CS12 of the Dacorum Core Strategy.</p>
4	<p>No development (other than demolition) shall commence until a Phase I Report to assess the actual or potential contamination at the site has been 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 development (other than demolition). 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.</p> <p>For the purposes of this condition:</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Core Strategy.</p>
5	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum 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 and D</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 and in the interests of highway safety, in accordance with Policies CS8, CS11 and CS12 of the Dacorum Core Strategy.</p>
7	<p>Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on each side of both accesses, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.</p> <p>Reason: In the interest of highway safety.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant prior to the submission of the application which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186</p>

<p>and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>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/</p> <p>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.</p> <p>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</p>

Appendix 1

Consultation responses

1. Town/Parish Council

As per our telephone conversation, please note that the Parish Council are still very strongly opposed to this application.

This is an amended scheme, the original number was 4/02650/17/FUL and our objections were as follows:

- Infilling
- Over-development of site
- No garden
- No back door – fire safety issue

Should you require any further information, please do not hesitate to contact me.

2. Hertfordshire county Council – Highway Authority

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:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

CONDITIONS

1. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on each side of both accesses, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.

Reason: In the interest of highway safety.

2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use. Reason: In the interests of satisfactory development and highway safety.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

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 Construction Of 2 Bed Dwelling (Amended Scheme

ACCESS

There is no current vehicular access serving the site. The proposal is for two new accesses on Old Vicarage Gardens to serve the proposed new parking spaces for both properties. The site is located on the corner of Cowper Road with Old Vicarage Gardens, both of which are unclassified local access roads. The current double gated access will be used for the pedestrian access for the new property.

PARKING

One parking space will be provided for each property, at the back of each garden.

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, subject to the conditions and informative notes above

3. Trees and Woodlands

There are no trees or landscape issue that are a constraint to development.

Landscape condition, unnecessary.

4. Building Control

I have taken a look at the information and I have no comments to make.

5. Thames Water Utilities

No comments received.

6. Affinity Water

No comments received.

7. Herts Property Services

No comments received.

Appendix 2

Neighbour notification/site notice responses

Objections

Address	Comments:
6 Cowper Road, Markyate	Once again I strongly object to squeezing another property into a tiny space. As outlined before; there is not enough parking available for residents currently, the house will still overlook our property and the schools and doctors surgery are oversubscribed. Markyate has had lots of recent developments and plenty of properties have been coming onto the market. There is just no need for yet another in fill house. The idea of building a house with parking and a

	<p>garden on that plot is ludicrous. Just because you could do it does not mean you should do it.</p> <p>I also still fail to understand why we are finding out about this appeal through neighbourhood gossip and not through any formal means. We had notice of someone building a one storey extension in Cavendish road that had no impact on us, yet the house that will overlook our garden has had no notification e.g a letter through the door.</p>
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