

4/02625/17/FHA	EXTENSION OF BOUNDARY WALL AND FENCING AND WORKS TO DRIVEWAY
Site Address	2 WHITEWOOD ROAD, BERKHAMSTED, HP4 3LJ
Applicant	MEHUL PATEL, 2 WHITEWOOD ROAD
Case Officer	Joan Reid
Referral to Committee	Objection from Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The scheme from a boundary wall and works to the driveway would not result in significant harm to the character or appearance of the area. Whilst, it is not ideal, the scheme is materially similar to that already approved and any harm is outweighed by benefits of allowing for a safe and secure garden.

3. Site Description

3.1 The application site comprises a two storey detached property which has recently been extended and modernised, located to the south of Whitewood Road. The property sits on a constrained site, whereby the rear garden is small and there is a significant difference in ground levels with the properties along Finch Road, elevated above. Majority of the garden associated with the property is located to the front and side. Within Whitewood Road, there is a general uniformity present as evidenced with the similarly designed and spaced dwellings.

4. Proposal

4.1 The application seeks permission for the construction of a wall and fence to the front and side of the side garden together with regrading of the driveway and front garden and small wall around the driveway. Landscaping is also proposed.

5. Relevant Planning History

4/00490/16/LDP SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION
Granted
17/03/2016

4/01046/14/FHA FIRST FLOOR SIDE AND GROUND FLOOR FRONT EXTENSIONS AND GARAGE CONVERSION (AMENDED SCHEME)
Granted
16/07/2014

4/00308/14/FHA FIRST FLOOR SIDE EXTENSION AND INTERNAL ALTERATIONS
Withdrawn
10/04/2014

4/00798/13/FHA CONSTRUCTION OF WALL AND FENCING
Granted
19/06/2013

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.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 58 and 99

6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area BCA 16: Durrants Lane

7. Constraints

- 15.2M AIR DIR LIMIT
- HALTON DOTTED BLACK
- CIL1

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on character of the Streetscene
- Impact on Highway Safety

Policy and Principle

9.2 The site is located within the residential area of Berkhamsted, where in accordance with policy CS4, the principle of extensions and alterations to properties is acceptable subject to compliance with other policies of the plan. The main considerations of this case are how the works affect the character and appearance of the area. Policy CS12 of the Core Strategy states that development should:

- a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv.

scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space.

It is considered that the works comply with parts a to e of policy CS12 and therefore compliance with parts f and g is discussed below.

The Character Area Assessment (BCA16 Durrants) generally considers that within this character area, front gardens and forecourts should be provided at a depth common to adjacent and nearby plots, following the established building line. It goes on to say that enclosure of front areas is not encouraged where this would harm the appearance of the street scene. In terms of landscaping and planting: schemes for new development will be required to provide landscaping to enhance the appearance of the area.

Impact on Street Scene

9.3 The boundary wall extends the wall bounding the side garden of 17 Finch Road down across the frontage of the side garden of number 2. The applicants have constructed this in order to allow safety and security for their children and the height has been informed by the height of the garden behind, which is significantly above the height of the road. It is considered that the height and bulk of the boundary wall is not ideal and a more open or less intrusive enclosure would be better however whilst the proposal is different from the original character and boundaries within the immediate streetscene, it is not considered to be overly harmful. The wall continues the wall surrounding the garden of 17 Finch Road and only encloses the side garden of the property wherein the majority of the frontage remains open. A Laurel hedge is also proposed to soften the appearance of the wall. Weight should also be given to the previous consent for a similar boundary wall at a similar height to that constructed, however the consented scheme had a small diagonal cutaway nearest the driveway. It is considered that the amended scheme is of similar appearance to that already consented. No objection is raised to the works to the driveway itself.

Impact on Highway Safety

9.4 The scheme would not result in any harm to Highway Safety.

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

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>Within 3 months of the date of this decision, details of the soft landscape works shall have been submitted to and approved in writing by the local planning authority.</p> <p>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;</p> <p>The approved landscape works shall be carried out within the first planting season following approval.</p>

	Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12.
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Location Plan DD 18/095.1</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>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.</p>

Appendix 1

Neighbour notification/site notice responses

Objections

Address	Comments
9 WHITEWOOD ROAD, BERKHAMSTED, HP4 3LJ	<p>The new wall & fencing which has already been constructed is far too high and destroys the character of this road.</p> <p>The houses opposite are some 2 metres below road level which amplifies the height.</p> <p>The wall and fencing erected in 2013 was subject to retrospective consent for which we were not given the opportunity to object to.</p> <p>The consent given was for a brick wall no higher than 1 metre with either 3 foot or 4 foot maximum fencing.</p> <p>This wall has now been raised by additional brickwork and concrete gravel boards well above the 7'3" height granted.</p> <p>I feel that this wall has been erected knowing that prior consent should have been sought.</p> <p>The plan submitted to you is not to scale.</p> <p>I have very strong doubts that the extended wall has any foundations at all suitable for taking the weight of all the soil packed behind it.</p> <p>Safety is a very strong issue here especially as this road is on a junior school route.</p> <p>I also believe there are restrictive covenants that this construction breaches.</p>
BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD	<p>BTC comment</p> <p>The wall is overbearing and out of keeping with the street scene. It is much too high and seriously impinges on the amenity of neighbours. Consent should not be granted and the proposals previously approved should be implemented as a</p>

	<p>matter of urgency. A site visit by a Planning Officer is also requested.</p> <p>CS11, CS12.</p>
<p>9 WHITEWOOD ROAD, BERKHAMSTED, H P4 3LJ</p>	<p>This application does not differ from the previous application except for the addition of a laurel hedge to the east. All our previous objections still strongly apply, ie the wall is overbearing and far too high. Visible cracks are now showing top to bottom which reinforces our previous view that this retaining wall was not constructed in accordance with building regulations and still presents a safety hazard.</p>
<p>13 WHITEWOOD ROAD, BERKHAMSTED, H P4 3LJ</p>	<p>This work has been carried out without consultation or consideration. The height of the wall and fence dominate the entire road. The materials used have no sympathy with their surroundings and it has changed the character of the road from a pleasant green outlook to one of overlooking a compound. No amount of Laurels will soften the impact this development has had on Whitewood Road.</p>