

<b>4/02726/18/ROC</b>	<b>VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME).</b>
<b>Site Address</b>	<b>LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP</b>
<b>Applicant</b>	<b>MR WINGROVE</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>The application is referred to the Development Management Committee due to a call in from Cllr Birnie on grounds of highway safety and over development.</b>

## **Recommendation**

1.1 That planning permission be **Granted**.

### **2. Summary**

2.1 The proposed changes to the design and size of the dwellings from the previously approved application ref: 4/00726/17/FUL are not considered to materially change the original assessment made.

2.2 The proposed development remains acceptable in terms of principle of development, visual amenity of the area, residential amenity of neighbouring properties and matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the Local Plan (2004), Hemel Hempstead Urban Design Assessment (2010) and the HCA18 Belswains Area Character Appraisal (2004) .

2.3 Moreover, since the previous application was approved, the Borough can no longer demonstrate a 5-year land supply. Therefore, the tilted balance in favour of sustainable development is engaged and adds further weight in favour of the approval of the application.

### **3 Site Description**

3.1 The application site relates to former rear garden land of houses Nos. 76 and 78 Belswains Lane. The site is accessible via an existing site entry between these two properties. The site adjoins the rear gardens of the three storey townhouses at Nos. 203 – 211 Ebberns Road towards the south, and rear gardens of property Nos. 74 – 78 Belswains Lane to the north-west. The eastern side of the site runs parallel to a narrow public footpath immediately fronting 1 and 2 Belswains Cottages. The land slopes downwards towards Ebberns Road, at the rear.

3.2 Belswains Lane is characterised by a mix of detached and semi-detached properties of varying build line, size and architectural detailing. Ebberns Road comprises predominantly of three storey terraced town houses. The overall character of the immediate area is varied.

### **4. Proposal**

4.1 The application seeks a variation to approved scheme for the construction of two detached,

3 bed dwellinghouses. The scheme has been amended since the approval of the previous application for two, three bed detached dwellings by Development Management Committee on the 17<sup>th</sup> August (application ref: 4/00726/17/FUL).

4.2 The changes under this current application to the approved scheme are as follows:

- Increase in property ridge height by 0.40 metres (plot 1) and 0.8 metre (plot 2);
- Change in architectural appearance of properties;
- Increase in property width by 3.3 metres (plot 1) 1.5 metres (plot 2); and
- Increase in property depth by 1 metres (plot 1) 2.5 metres (plot 2).

4.3 Despite the minor nature of these changes the planning application will be fully re-assessed below.

## **5. Planning History**

4/00726/17/FUL TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)

Granted

24/08/2017

4/03037/16/FUL TWO THREE BED DETACHED DWELLINGS WITH TWIN GARAGES

Refused

03/01/2017

4/01921/11/FUL TWO DETACHED RETIREMENT BUNGALOWS (AMENDED SCHEME)

Granted

18/09/2012

4/00716/11/FUL TWO DETACHED RETIREMENT BUNGALOWS

Withdrawn

24/06/2011

4/01093/10/OUT FIVE ONE-BED DWELLINGS

Refused

21/10/2010

4/02066/01/OUT CONSTRUCTION OF DETACHED HOUSE AND GARAGE WITH

VEHICULAR ACCESS

Granted

14/06/2002

## **6. Policies**

### 6.1 National Policy Guidance (2018)

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

### 6.2 Adopted Core Strategy (2013)

NP1: Supporting Development  
CS1- Distribution of Development  
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  
CS29 - Sustainable Design and Construction

### 6.3 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 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

### 6.4 Supplementary Planning Guidance

Belswains Lane (HCA18) Area Character Appraisal (2004)  
Hemel Hempstead Urban Design Assessment (2010)

## **7. Constraints**

Established residential area of Hemel Hempstead

## **8. Representations**

### 8.1 Consultee Responses

These are reproduced in full at Appendix A

### 8.2 Neighbour notification responses

These are reproduced in full at Appendix B

## **9. Considerations**

9.1 The main issues to consider are:

- Principle of Development
- Impact on Street Scene
- Effect on Amenity of Future Occupiers and Neighbours
- Highway Safety and Parking Provision
- Impact on Trees and Landscaping
- Sustainability
- Consultation Responses

### Principle of Development

9.2 The application site is a windfall site located within the residential town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

9.3 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.4 Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.5 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2018).

### Impact on Street Scene

9.6 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

9.7 In addition, paragraph 130 of the NPPF states that '*permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.*'

9.8 Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies of 10, 18, 21 and Appendix 3.

9.9 The Area Character Appraisal for HCA18 Belswains describes the character and spatial layout of the area as, “variety throughout with no unifying design features to the area, although detached and semi-detached dwellings are the most common”.

9.10 The application site is located within The New Town Neighbourhood zone in accordance with the Hemel Hempstead Urban Design Assessment (2010) where a range of typologies and densities are acceptable. This zone should provide quality low-rise (two-three storey), medium to very high-density housing.

9.11 The proposal seeks to erect two detached dwellings. There would be a 1.5 metre separation distance between both units, maintaining to some extent the typical spacing between dwellings within the street scene.

9.12 The proposed architectural form for the two units would have a front gable and a simple pitched roof. The proposed units would be two storey in height (approximately 8.2 metres); this is considered an appropriate height for a two storey unit. Given this proposed height, decline in site land level and 33 - 37 metres (approximate) set back from Belswains Lane it is not considered that the proposed units would be overtly visible from the street scene. Although, limited views of the development may be glimpsed when standing directly in front of the site entrance.

9.13 Due to the three storey height and terraced form of properties on Ebbens Road it is not considered the proposed units would be overtly visible from this street scene.

9.14 There would be views of the development from the public footpath running to the south east of the site; however, these views would be limited due to the set back of plot 2, 8.2 metres from the public footpath and boundary treatment which comprises a 1.8 metre high close boarded wooden fence and foliage.

9.15 As such, it is considered that the proposed architectural form of the two units would not result in detrimental impact to the character and appearance of the surrounding street scenes.

9.16 Turning to built form across site, the proposed properties would be located in a relatively central plot position; retaining an approximate 4.5 - 8 metre separation distance to south eastern and western site boundaries. The dwellings proposed would cover only 14% of the site (160 sq.m); including the access road/turning area and parking spaces 45% of the site would comprise built form and hardstanding, with the remainder green space. The proposed scheme has a density of 18 dwellings per hectare which is lower than the 30 to 35 dwellings/ha outlined within the HCA18 Area Character Appraisal. The open space around the proposed dwellings, density and percentage of built form to open space is considered acceptable and indicates that the proposed development would not result in overdevelopment or over residential intensification of the site.

9.17 In short, the proposed amendments to the previously approved scheme would not affect the visual assessment made under application ref: 4/00726/17/FUL. Therefore, the proposal remains acceptable in terms of architectural appearance, visual appearance from the street scene and spread of bulk and mass across the site. It is considered that the proposal relates to the spacious, open, character of the wider area and complies with Policies CS10, CS11 and CS12 of the Core Strategy (2013), Saved Policies 10, 18 and 21 and Appendix 3 of the Local

Plan (2004), the NPPF (2018), HCA18 Belswains Area Character Appraisal (2004) and Hemel Hempstead Urban Design Assessment (2010).

### Effect on Neighbours

9.18 The NPPF (2018) outlines the importance of planning in securing high 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 (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.19 Saved Appendix 3 of the Local Plan (2004) outlines a minimum 23 metre separation distance between the main rear wall of dwelling and main wall (front or rear) of another. The proposed units would retain a 23 metre (approximate) separation distance to the properties Nos. 205 and 207 on Ebberns Road and a 22 metre separation distance from Nos. 209 and 211 Ebberns Road. Although this would fall 1 metre short of the 23 metre separation distance standard, the impact of this is not considered to be significantly harmful so as to warrant a refusal of the planning application. No. 209 Ebberns Road would be located 17.5 metres approximately away from Plot 1, nevertheless this would be at an oblique angle and not a direct rear-to-rear relationship.

9.20 The proposed dwellings would be located 23 metres away from property No.76 Belswains Lane and 20 metres away from No. 78 Belswains Lane, respectively. The perceived loss of outlook and privacy to neighbouring residents at Belswains Lane would be lessened as a result due to the incline of land levels towards Ebberns Road and therefore these separation distances are considered acceptable. It is noted that a two storey side extension with a rear projection at No.78 Belswains was granted under app ref: 4/01425/16/FHA, which reduces the rear-to-rear separation distance further. Nonetheless, this side extension would not be directly opposite plot 2 and has not yet been implemented; therefore, this extension is given very limited weight.

9.21 Plot 2 would be located approximately 11.5 metres away from the front elevation windows of Belswains Cottages, this separation distance combined with the 8.2 metre height of the dwelling is not considered to result in a significant loss of outlook to these neighbouring residents. Furthermore, this relationship would be side to front, of which DBC have no separation distances policy guidance. The proposed dwelling would also not breach the 25 degree line as drawn from the front habitable windows of 2 Belswains Cottages. This indicates that the proposed dwelling would not result in a significant loss of daylight or sunlight to this property.

9.22 As the site access is already existing the intensification of use of this access track to serve two new dwellings is not considered to result in significant noise and disturbance to neighbouring residents.

9.23 Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwellinghouse should

be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The two proposed units would meet this provision with garden depths of 12.4 and 11.5 metres respectively, in conjunction with generous widths of 15 and 16 metres.

9.24 The proposed amendments remain acceptable in terms of residential amenity and in accordance with the NPPF (2018), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Highways Safety and Parking Provision

9.25 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low 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.

9.26 The application seeks to provide 2x three bed dwellings which in accordance with Saved Appendix 5 of the Local Plan (2004) would require a total of 4.5 off street parking spaces (2.25 per dwelling) within Zones 3-4. The proposal would provide sufficient off street parking provision to accommodate 4 domestic cars (2 per dwelling) with an additional space for a further 5<sup>th</sup> car, or motorcycles, thereby meeting maximum standards.

9.27 No changes to the access or bin collection arrangements would be made from the previously approved scheme. The only change proposed is to the turning space. Hertfordshire County Council were consulted on the planning application and have not altered their comments from the previous application. To reiterate the comments on the previous planning application were as follows:

- The access is existing and therefore regard is given to the intensification of use only, rather than construction against modern standards. It is not considered that the quantum of 2 dwellings (which might reasonably generate 1 to 2 movements out in the morning peak and a similar level in during the evening peak) would result in sever impact to Highway movement and thereby safety.
- The constraints of the existing access are retained amongst many other properties on Belswains Lane. Highway records of accident data contains no evidence that this arrangement of being unable to enter and exit in forward gear and limited visible splay (below standards) has been the cause of accidents within the area.
- The planning application improves site circumstance by providing a turning area within the site which would enable forward gear entrance and exit, in addition to wider site visible splays.
- Previous granted planning applications 4/01921/11/FUL and 4/02066/01/OUT proposed identical site access arrangements and quantum of development currently proposed. Since these applications were given approval, the NPPF has been introduced, relaxing requirements further, identifying that development may only be refused if the impacts on the network are severe.

9.28 The proposed amendments do not alter the assessment made in regards to highway safety and operation.

#### *Control of Site Visibility Splays*

9.29 Within application ref: 4/00726/17/FUL the applicant submitted two confidential documents (Land Ownership and Deed) which demonstrated control of site visibility splays to the front of Nos. 76 and 78 Belswains Lane. The DBC solicitor looked over these documents and provided the following summarised comments:

- The document transfers the land to the rear of 78 Belswains Lane and land forming part of the rear of 76 Belswains Lane (shown on a plan attached to the Transfer) from Mohammed Awais Ahmed to Nigel John Wingrove.
- Within the document there are various restrictive covenants by Mohammed Awais Ahmed, but the one of relevance here states:

“3. Not at any time to obstruct or diminish the sight lines at the front of number 76 Belswains Lane aforesaid hatched blue on the plan so as to enable access to and egress from the Property hereby transferred and the Transeree's other adjoining land providing safe exist to the highway and from the highway vice versa and the Transferee's adjoining land.”

“4. Not to allow the boundary fences between points A and B and C and D on the Plan to fall into disrepair and to be responsible for the same”

- **This is, therefore, an appropriate and enforceable way for the applicant to control the site visibility splay for land to the front of number 76.**
- The document does not make any reference to the visibility splay for land to the front of number 78.
- There is, however, a restrictive covenant in a 1927 conveyance (which binds future purchasers so would remain enforceable) which would **prevent the erection of any structure fence wall hedge or other means of enclosure and prohibit the planting of trees or shrubs to land affronting number 78.**

9.30 In short, the DBC Legal Officer was satisfied that the legal documents submitted demonstrate that the applicant has enforceable control over the visibility splays in front of Nos. 76 and 78 Belswains Lane. Condition 6 has been recommended to ensure the applicant enforces that the visibility splays are maintained.

#### Impact on Trees and Landscaping

9.31 Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.32 The existing vegetation on site is relatively sparse with no TPOs residing on, or adjacent to the site. Nonetheless, the Trees and Woodlands Officer was consulted on the key trees within Nos. 74 and 76 Belswains Lane labelled Pine and Cherry) and have provided no comment in relation to the amended scheme.

9.33 The proposed scheme has the potential to provide soft and hard landscaping on site. A condition has been recommended requesting details of materials for landscaping and boundary treatment to ensure a sufficient screen of landscaping on the boundary between Ebbers Road and the application site.

9.34 The application site is located on a former land use constraint therefore two contaminated land conditions have been attached to the grant recommendation.

9.35 The proposal is considered to accord with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Presumption in Favour of Sustainable Development

9.36 Paragraph 8 of the NPPF (2018) identifies three aspects of sustainable development: social, economic and environmental. Due to the fact that the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply, paragraph 11 of the NPPF (2018) is engaged. Paragraph 11 of the NPPF states that decisions should apply a tilted presumption in favour of sustainable development unless policies in protected areas of particular importance provide a clear reason for refusing the development proposed.

9.37 Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date" when the LPA cannot demonstrate a five year supply of deliverable housing sites. The most important policies for determining a housing application are considered to be Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages) and CS17 (New Housing).

9.38 It must therefore be considered whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, as outlined in paragraph 11 of the NPPF (referred to as 'the tilted balance' in favour of sustainable development). Policies for the supply of housing should be given less weight where these circumstances apply.

#### *Environmental*

9.39 The proposal would be located within a sustainable area on a brownfield site within a built up residential area.

#### *Social*

9.40 The proposal would make a small contribution to the Borough's housing supply, thereby facilitating the Government's aim of boosting the supply of housing.

#### *Economic*

9.41 The proposal would result in economic benefits during the construction of the units, although this would be for a limited period. In addition, it is likely that future residents would support the local economy such as using the amenities at the Town Centre.

## *Conclusion*

9.42 Overall, the proposed development would be realised across the three objectives outlined above and the proposal would constitute sustainable development and the tilted balance in favour of development is applied.

## Consultation Response

9.43 Several concerns were received as a result of the application. The main concerns are addressed below:

*Overdevelopment/ over residential intensification/ proposal would appear cramped within its plot-* This has been addressed within the 'Impact on Street Scene' section above.

*Loss of privacy, outlook, daylight and sunlight to Belswains Cottages and properties at Belswains Lane and Ebberns Road-* This has been addressed within the 'Effect on Neighbours' section above.

*Scale on plans not accurate-* The applicant has signed the application form declaring that the plans/ drawings submitted are 'true and accurate'.

*Previous history of refusals on site-* The previous planning history has been listed within this report and has been taken into consideration in the determination of the this planning application.

*Root damage to adjacent trees-* This has been addressed within the 'Impact on Trees and Landscaping' section above.

*Unsatisfactory manoeuvrability space provided for parking and turning areas-* The amended scheme seeks to retain the parking area within the site which was considered acceptable by Hertfordshire Highways in the original application.

*Applicant does not have control of maintaining site visibility splays-* Please see the Impact on Highways Safety and Parking Provision section.

## Community Infrastructure Levy

9.44 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. This application is CIL Liable.

## **10. Conclusion**

10.1 The proposed changes to the design and size of the dwellings from the previously approved application ref: 4/00726/17/FUL are not considered to materially change the original assessment made.

10.2 The proposed development remains acceptable in terms of principle of development, visual amenity of the area, residential amenity of neighbouring properties and matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the

Local Plan (2004), Hemel Hempstead Urban Design Assessment (2010) and the HCA18 Belswains Area Character Appraisal (2004) .

10.3 Moreover, since the previous application was approved, the Borough can no longer demonstrate a 5-year land supply. Therefore, the tilted balance in favour of sustainable development is engaged and adds further weight in favour of the approval of the application.

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 24th August 2017.</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>25 degree line 08/18/76BLHH-402 Rev A 08/18/76BLHH-401 Rev A NB- 247 Sheet 4 of 4 issue 4 20/12/18</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.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Informative</p> <p>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>
4	<p>No dwelling shall be occupied until 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; height and type of boundary treatment; 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; trees to be retained and measures for their protection during construction works; proposed finished levels or contours;</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; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policies 99 and 100 of the Local Plan (2004).</p>
5	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of the reinstatement landscaping detailed in condition 5 shall be carried out in the first planting and seeding seasons following one year post implementation of the development hereby approved; and any trees or plants which within a period of five years from this date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper reinstatement of the site and implementation of the agreed landscape details in the interest of the amenity value of the development; in accordance with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).</p>
6	<p>Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan ref: NB-247 Sheet 4 of 4 issue 4 20/12/18. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway</p> <p>Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Core Strategy Policies CS8 and CS12 (2013) and Saved Policy 51 of the Dacorum Borough Local Plan (2004).</p>
7	<p>Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be 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 the development. 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 CS12 of the Core Strategy (2013) and the NPPF (2012).</p>

8	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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 CS12 of the Core Strategy (2013) and the NPPF (2012).</p> <p><b>Informative:</b> 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 <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p>
9	<p>Prior to the first occupation of the development hereby permitted details outlining a no dig construction method for the parking bays shall have been submitted to and approved in written by the Local Planning Authority.</p> <p>Reason: To ensure parking provision does not detriment the root protection areas of adjacent trees; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).</p> <p><b>Informatives</b> <b>Highways</b></p> <p>AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> by telephoning 0300 1234047.</p> <p>AN2) 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 <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300 1234047.</p> <p>AN3) 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</p>

	<p>such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300 1234047.</p> <p><b>Ecology informative</b> The developer is advised to check for badgers presence prior to any works commencing on site should be undertaken. Should any presence be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p> <p><b>Article 35 Statement</b></p> <p>Planning permission has been granted for this proposal. The Council acted proactively 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 and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## Appendix A consultation responses

### Herts Property

Thank you for your email regarding the above mentioned planning application.

Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([growth@hertfordshire.gov.uk](mailto:growth@hertfordshire.gov.uk)).

### Contaminated Land

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/02726/18/ROC for the variation of condition 2 (Approved Plans) attached to planning permission 4/00726/17/FUL and I will like to advise that **we have no comment nor objection on the issue of Noise, Air Quality and Contaminated Land** in relation to the variation of the approved plans.

### 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:

No additional comments or objections to those submitted by HCC as Highway Authority to original application.

Crime Prevention Officer

**No Comment**

Trees and Woodlands

**Objection**

If we're back to a dwelling (and to a lesser degree car parking) within the RPA of important landscape trees in adjacent property, we're also back to our previous objection to the scheme; tree damage from development, possible damage to the dwelling from the action of trees, tree dominance over the dwelling, post-development pruning pressure, antagonism between neighbours...

Rights of Way Officer

The development site abuts Hemel Hempstead public footpath 71.

**Appendix B Neighbour notification/site notice responses**

**Objections**

Address	Comments
74 BELSWAINS LANE, HEMEL HEMPSTEAD,, HP3 9PP	<p>74 Belswains Lane Objection (as summarised) Design is cramped and would appear out of character with street scene Application should be refused for same reasons as previous refused applications Loss of privacy and daylight to residents at Nos. 1 and 2 Belswains Cottages. Loss of privacy to 203-211 Ebberns Road as fails to meet 23 metres spacing distance to both properties on Ebberns Road and Belswains Lane. Root damage to adjacent trees and undue pressure to fell trees in future. Required site visibility splays and line of site cannot be achieved. Plans submitted missing extensions to rear of Nos.74 and 78 Belswains Lane. No viable turning head to allow vehicles to turn around within the site, resulting in dangerous site access. Numerous accidents on Belswains Lane. Loss of daylight and sunlight to properties on Belswains Lane. Noise and disturbance as a result of cars to the of properties on Belswains Lane.</p> <p>Amended Comments (as summarised) Cramped design Loss of privacy daylight and sunlight to properties on Belswains Lane, Belswains Cottages and Ebberns Road Root damage to adjacent trees Site access does have the required visibility splay of 2.4m x 43m increasing risk of collision. The applicant has no control over achieving this visibility splay Location plan missing extensions on 76, 78 Belswains Lane and Ebberns Road</p>

	<p>No turning area within the site Additional noise and disturbance from cars manoeuvring in site.</p>
209 EBBERNS ROAD, HEMEL HEMPSTEAD,, HP3 9RD	<p>Please see below objections to the proposed amendment to plans for garden space to rear of 76-78 Belswains Lane: ref 4/02726/18/ROC</p> <p>It is very hard to accept that this is a variation on the previous plan... this is doubling the size of the properties, and as such must surely require an entirely new application. With previous objections the Scale of Development on the site was a concern, and clearly by doubling the footprint of the buildings this remains an issue for all neighbouring properties. In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined "in order to preserve neighbouring resident's outlook and privacy. A previous council ruling on the plans noted "an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within the plot and would fail to maintain or enhance the quality and character of the surrounding area". The Belswains Cottages particularly will be negatively impacted re outlook, privacy and daylight.</p> <p>What was apparently two retirement homes looks to have been amended to two "executive" homes. The apparent inclusion of a dressing room equal in size to the bedrooms would suggest these could readily become 4 + bedroom homes. This brings the prospect of more residents (and more cars) than was initially approved, with knock on effect to access and egress to the plot from Belswains Lane.</p> <p>Parking spaces: The amendment is impacting on the provision of parking space, turning space for cars and other amenities like bin stores.</p> <p>We feel the plan remains to use the Council's own previous words an "inappropriate development of residential gardens". The amendment would result in over development of the site and an over-intensification of built residential form within the immediate area.</p> <p><u>Comments on Amended Plans</u></p> <p>Objection to the variation of Condition 2 as notified by your letter ref 4/02726/18/ROC</p> <p>Whilst smaller in size than the initial variation, these new plots are still 30% bigger than the original approved plan, so as such should surely be subject to a new plan proposal. The increase in size has been achieved by building closer to 74 Belswains Lane and 2 Belswains Cottages, both properties have previously joined us in complaining against over development of this space.</p>

	<p>As other objectors have commented it would be reassuring to see some actual measurements used rather than the elastic estimates. The sketch of the plot areas is misleading and does not reflect a 30% increase in size.</p> <p>209 Ebberns Road remains the closest property to the western plot though this measurement is still to be shown on a plan.</p> <p><u>Further Comments</u></p> <p>(Objection resubmitted assuming site malfunctioned) The plans submitted 07/12/18 show an increase in property footprint of 30%... this would suggest an entirely new application needed given neighbours concerns about over development of the former garden site.</p> <p>Increase in size has been achieved by building closer to Belswains Cottages and 74 Belswains Lane</p> <p>Elastic plan distances still seem to be accepted, and the distance to 209 Ebberns Road is still not shown, despite it being the nearest property to the western plot.</p>
2 BELSWAINS COTTAGES,BELSWAINS LANE,HEMEL HEMPSTEAD,,HP3 9PR	<p>We strongly object to this application for the following reasons:</p> <p>1. The revised plans should not be considered as a "Variation of condition" as they propose doubling the floor area of the properties and should therefore be submitted as a new application.</p> <p>The following is from the government guidance for Variation of condition (section 73 of the Town and Country Planning Act 1990)</p> <p><a href="https://www.gov.uk/guidance/flexible-options-for-planning-permissions">https://www.gov.uk/guidance/flexible-options-for-planning-permissions</a></p> <hr/> <p>How are the conditions attached to a planning permission amended?</p> <p>An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a MINOR MATERIAL AMENDMENT, where there is a relevant condition that can be varied.</p> <p>...</p> <p>Is there a definition of 'minor material amendment'?</p> <p>There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a DEVELOPMENT WHICH IS NOT SUBSTANTIALLY DIFFERENT FROM THE ONE WHICH HAS BEEN APPROVED.</p> <hr/> <p>Searching for "Variation of condition 2" on the dacorum site gives results such as changing the type of tiles on a roof. If</p>

this application is allowed it will set a precedent that others can follow and will make a mockery of the planning process.

2. Not enough space for properties of the proposed size. The size of the proposed properties is similar to those in application 4/03037/16/FUL which was rejected for several reasons, including:

"The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012)."

3. Although the houses in the revised plans are shown as having 3 bedrooms, the size and layout of the properties means they could easily be converted into 4 or 5 bedroom houses.

4. The increased size of the property behind 78 Belswains Lane will result in significant visual intrusion and reduction in light for 2 Belswains Cottages. The application includes a diagram of the front of 2 Belswains Cottages with a 25 degree line from the window that passes over the top of the development, but the measurements are wrong and the BRE report states that the 25 degree line should be measured from the centre of the window, not the top.

5. Overlooking of the houses on Ebberns Road. The approved plans for the property behind 76 Belswains Lane has a single small frosted window on the side facing Ebberns Road to prevent overlooking and loss of privacy. The revised plans for the property behind 76 Belswains Lane has 4 large windows, 2 small windows and a large set of patio doors on the side facing Ebberns Road which will result in unacceptable loss of privacy for the houses on Ebberns Road.

6. The increased size of the property behind 76 Belswains Lane will damage the root protection zones of the trees which should be protected.

7. Bin storage and collection. The bin storage areas provided in the approved plans have been removed and there is no indication where the wheelie bins will be stored. If they are stored next to the houses, the residents will have to wheel the bins more than 40m uphill when they are full. Dacorum council guidance states that residents should not have to wheel bins further than 25m (see Page 14):

	<p><a href="https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0">https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0</a></p> <p>8. Exit onto Belswains Lane. The exit from the site onto Belswains Lane is dangerous because of the lack of visibility when leaving the site. The approved plans include provision for visibility splays at the exit onto Belswains Lane. Since the plans were approved, a low fence has been erected at the side of 78 Belswains Lane that runs in a straight line to the road. This cuts off the visibility splay and allows cars to park in front of 78 Belswains Lane inside the visibility splay, blocking the view when exiting the site.</p>
211 EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD	<p>We object to the proposed variation on the following grounds: The variation involves a virtual doubling of the footprints of the units and should require a new planning application. Although still nominally 3- bedroom, the new designs have at least one and possibly two rooms which could easily be converted into additional bedrooms. So we are effectively talking about 4/5 bed houses</p> <p>The new designs are bulkier and even more dominating of the site than even the units in the original rejected plan; the original designs had double garages which were at least lower than the main part of the houses. The first ground for refusal of the original application was:</p> <p>'The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012).'</p> <p>This ground for refusal is clearly also valid for the proposed 'variation'.</p> <p>The new designs have six windows and a patio door overlooking 211 and 209 Ebberns rd, giving unacceptable loss of privacy, and the distance to the houses in Ebberns rd is still less than the allowed 23 m limit</p> <p>The new design will also impinge significantly on 2 Belswains cottages with loss of light and restriction of outlook</p> <p>For these reasons we strongly object to the proposed variation and consider that it is clear that it should be refused</p>

76 BELSWAINS LANE, HEMEL HEMPSTEAD,, HP3 9PP	Due to the increased size the alteration is not minor & should be rejected, I object to the new proposal as feel this is significantly different to the original plan. This proposal will be later altered to 4 semi detached houses causing double the congestion & increased traffic
203b EBBERNS ROAD, HEMEL HEMPSTEAD,, HP3 9RD	<p>I object to the proposed amendments on the following grounds.</p> <ol style="list-style-type: none"> <li>1. The volumetric size of the new proposals are vastly greater than the original. I agree with the other comments here that this is a ploy to later amend the properties to be greater than 3 bedroom dwellings. Particularly once built, a freeholder does not require permissions from the local authority to amend internal layouts of partitioning walls. If this is to be the likelihood then with that comes more occupants, which in turn comes with the greater likelihood of noise and disruption to the neighbouring properties.</li> <li>2. The loss of visibility will greatly increase for properties 203-207 as the dwellings appear to have been rotated and increased in size. But more importantly the loss will be felt greater by those residing in the cottages at 2 Belswains lane.</li> <li>3. Loss of privacy will be felt by all occupiers of properties 203-207 with the amended plans now featuring 4 larger rear facing windows with the inclusion of a large patio door also.</li> <li>4. Simply put the land is not large enough to successfully achieve this proposal. It is noted on the plans that the distance from buildings 203-207 to the proposed building is 23 metres. This is egregious. The proposed garden area for the left hand dwelling is noted to measure 14(W) x 12(L) metres. I have since measured the garden of 203A from their property to their boundary, this measures 8.5 metres (approx). <math>8.5m + 12m = 20.5</math> metres. 2.5 metres shorter than what the plan suggests. If this is the case it brings with it a questionable stance on the entire plans, and not just the amendments to them.</li> <li>5. As the proposed buildings have now been rotated on the amended plans i believe this will dangerously impact the ability for vehicles to move and manoeuvre safely, both in and out of the plot but also within it. The new plans place the right hand dwelling very close to the boundary of 76 Belswains lane. I would imagine any vehicle will struggle to successfully turn in this proposed space yet the plans suggest sufficient space for 4 vehicles. Further to this, the illustration of the 2 parking bays on the left hand dwelling suggests an inability for any vehicle to successfully reverse into each bay. Without this being an</li> </ol>

option it would require any vehicle leaving the plot to reverse from the bay up the narrow entrance, and out on to the main road. Since it is illegal for cars to reverse out onto main roads, this would require addressing.

Comments on Amended Plans

I object to the proposed amendments on the following grounds.

1. The volumetric size of the revised proposals for both the properties and the garden/outdoor areas around both still does not add up. Simply put the land is not large enough to successfully achieve this proposal.

It is noted on the plans that the distance from buildings 203-207 Ebberns Road to the proposed building is 23 metres. This is egregious.

The proposed garden area for the left-hand dwelling is noted to measure 14(W) x 12(L) metres.

I have since measured the garden of 203A Ebberns Road from the back of their property to their boundary, this measures 8.5 metres (approx).

8.5 metres + 12 metres = 20.5 metres. 2.5 metres shorter than what the plan suggests.

If this is the case it brings with it a questionable stance on the entire plans, and not just the amendments to them. I think for every property surrounding this plot, it would be more than reassuring to see some actual measurements used rather than the rough estimates shown on this proposal. The sketch of the plot areas is misleading. You can see from all angles, how off the measurements are.

2. The loss of visibility will greatly increase for properties 203-207 Ebberns Road as the dwellings appear to have been rotated so that the back of both proposed properties (the widest distance) is facing towards Ebberns Road. But more importantly the loss of visibility will be felt greater by those residing in the cottages at 2 Belswains Lane.

3. Loss of privacy will be felt by all occupiers of properties 203-207 Ebberns Road with the amended plans now featuring 4 larger rear facing windows and the inclusion of a large double patio door also.

4. As the proposed buildings have now been rotated on the amended plans, I believe this will dangerously impact the ability for vehicles to move and manoeuvre safely, both in and out of the plot but also within it.

	<p>The new plans place the right-hand dwelling very close to the boundary of 76 Belswains Lane. I would imagine any vehicle will struggle to successfully turn in this proposed space, yet the plans suggest sufficient space for 4 vehicles.</p> <p>Further to this, the illustration of the 2 parking bays on the left-hand dwelling suggests an inability for any vehicle to successfully reverse into each bay. Without this being an option, it would require any vehicle leaving the plot to reverse from the bay up the narrow entranceway, and out on to the main road (Belswains Lane). Since it is illegal for cars to reverse out onto main roads, this detail on the proposal would need urgently addressing.</p>
203a EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD	<p>I object to this proposed amendment in the strongest terms possible for a number of reasons:</p> <p>1 The measurements do not stack up nor do they equate with the size of the plot. The figures indicate that the property behind my flat will have be very slim or it will encroach on the stipulated space that must exist between buildings.</p> <p>2. I have a major concern about my loss of privacy. The room that will be closely overlooked in my ground floor flat is my bedroom.</p> <p>3 The not-so-hidden agenda beggars belief. It would amount to an embarrassing naivety for the Council to not see the expansionist ambitions within this proposal. Such ambitions are simply not acceptable at this location given its limitations and constraints (for example, the proximity of the pre-existing homes and difficult access to the main road).</p> <p>In light of the above, I believe a major review and audit of this proposed development is required, including department officials on the ground with their measuring tapes.</p> <p>Furthermore, because of the scale of the proposed variation, I respectfully suggest it be resubmitted as a full planning application. We're looking at a new ball game - so back to square one in other words.</p> <p><u>Further Comments</u></p> <p>There remains the valid objection concerning the space being allocated for the safe manoeuvring of cars and other vehicles onto and off the site (involving the busy Belswains Road) and within the site itself. The measurements still do not stack up. An on-site inspection by Council officials with measuring tapes is required and requested.</p>
2 BELSWAINS COTTAGES,BELSWAINS LANE,HEMEL HEMPSTEAD,,HP3 9PR	<p>We strongly object to this application for the following reasons:</p> <p>1. The revised plans should not be considered as a "Variation of condition" as they propose increasing the floor area of the properties by more than 30% and should therefore be</p>

submitted as a new application.  
The following is from the government guidance for Variation of condition (section 73 of the Town and Country Planning Act 1990)  
<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

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How are the conditions attached to a planning permission amended?

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a **MINOR MATERIAL AMENDMENT**, where there is a relevant condition that can be varied.

...

Is there a definition of 'minor material amendment'?

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a **DEVELOPMENT WHICH IS NOT SUBSTANTIALLY DIFFERENT FROM THE ONE WHICH HAS BEEN APPROVED**.

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Searching for "Variation of condition 2" on the dacorum site gives results such as changing the type of tiles on a roof. If this application is allowed it will set a precedent that others can follow and will make a mockery of the planning process.

2. Not enough space for properties of the proposed size. The last application for two large three bedroom houses on this site, 4/03037/16/FUL, was rejected for several reasons, including:

"The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012)."

3. The increased size of the property behind 78 Belswains Lane will result in significant visual intrusion and reduction in light for 2 Belswains Cottages.

4. Overlooking of the houses on Ebberns Road. The approved plans for the property behind 76 Belswains Lane has a single small frosted window on the side facing Ebberns Road to prevent overlooking and loss of privacy. The revised plans for the property behind 76 Belswains Lane has 3 large windows, one small window and a large set of patio doors on the side facing Ebberns Road which will result in unacceptable loss of

	<p>privacy for the houses on Ebberns Road.</p> <p>5. The increased size of the property behind 76 Belswains Lane will damage the root protection zones of the trees which should be protected.</p> <p>6. Bin storage and collection. The bin storage areas provided in the approved plans have been removed and there is no indication where the wheelie bins will be stored. If they are stored next to the houses, the residents will have to wheel the bins more than 40m uphill when they are full. Dacorum council guidance states that residents should not have to wheel bins further than 25m (see Page 14): <a href="https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0">https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0</a></p> <p>7. Exit onto Belswains Lane. The exit from the site onto Belswains Lane is dangerous because of the lack of visibility when leaving the site. The approved plans include provision for visibility splays at the exit onto Belswains Lane. Since the plans were approved, a low fence has been erected at the side of 78 Belswains Lane that runs in a straight line to the road. This cuts off the visibility splay and allows cars to park in front of 78 Belswains Lane inside the visibility splay, blocking the view when exiting the site.</p>
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