

#### **DEVELOPMENT MANAGEMENT COMMITTEE**

# Thursday 10th January 2019 at 7.00 PM

#### **ADDENDUM SHEET**

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Item 5a

# 4/00871/18/FUL - DEMOLITION OF EXISTING DWELLING AND CONTRUCTION OF THREE DWELLINGS

# AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF

Consultation comments missed from the Committee Report:

# Ty Gwyn-20/10/2018

With reference to the newest revised planning application for Amberley, Hemp Lane, Wigginton, I would like to make the following points

The density is still too great for the site, the lane and the village and totally out of keeping with other properties in the area. Digging down one metre will destroy tree roots, and therefore the trees, and create cliffs of soil approx 2 metres high needing immensely strong retaining walls on the north side of the properties.

What is the proposed method of going from the lower level on the Amberley site widthways into Red Tiles and The Orchard? The description of Amberley as a four bedroom bungalow is misleading as it is smaller than that, with just two bedrooms on the ground floor and one in the roof. Thus the increase in density is greater than quoted elsewhere .ie bedroom ratio is increased by 400% rather than 300%

The large size of each house with four double bedrooms implies older, more mature or adult children who will need their own vehicle. This will mean 3 or 4 cars per house; no one will have the patience to park the middle set in a long line as the wrong car will be at the back; they will be left in the lane which is just not wide enough and shouldn't be eroded into a greater width by default. We have pedestrian mothers and children, cars, horses, tractors towing agricultural vehicles and if cars are parked in the lane, entry and exit to and from the properties opposite will be even more difficult and dangerous than it is at present.

The proposition of roofed car spaces, ie car ports, on the edge of the road is very much further in front of the building line than the

rest of that side of the road and totally wrong for the lane. Removal of current hedge and planting a new one should only be considered as a last resort as the countryside code teaches that the older a field hedge is with continual wildlife, the greater the diversity of the species. This will be lost if the hedge is removed and replaced. All in all, I consider the plans are becoming suburban and the best solution would be to continue the one for one dwelling pattern maintaining the ethos of country living, as has been happening for years in Hemp Lane Chedworth I have seen the plans for the redevelopment of Amberly and I am appalled that they want to jam three houses across the plot. In this rural lane it will be an 25/10/2018 eyesore, for everyone who passes, not to mention myself as I live directly opposite. Cars for that number of residents will also prove a problem, not only for me getting in and out of my drive, but also for the cars, horses, cyclists and pedestrians using the lane. Ruining the bank and hedge is a poor idea as it has age, provides habitat, and because of that is an essential part of this AONB. Please can you make them think again? Chedworth I understand you may not have received this email I sent you last year. I see that the plans are not changed although I know the Parish council did not approve them. I realise that having more than one house is inevitable, but do they have to be perched high on the bank? I also hope the developers can be persuaded to keep the road bank and hedge in its current state. We write as the owners of The Orchard in connection with the second The Orchard application at Amberley, the site which is bounded by our property to the west and north. We wish to object to this application for the following reasons: The application for the building of multiple houses (three, reduced from a previous proposal for 4 semi-detached dwellings) continues to be contrary to Core Strategy Policy CS6. The policy only allows for "limited infilling" where this is for "affordable housing " for local people. To repeat the text that forms part of the policy, it states that: "Infilling is defined as a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings.... Infilling will only be permitted where it is limited in scale; the housing is affordable, and it meets the needs of local people. The term 'limited' refers to development which does not create more than two extra dwellings. The term 'affordable' is defined in accordance with national guidance ...." It should be apparent that the proposed development fails all these tests.

- The site is not within a gap along a clearly identifiable built-up frontage. The Orchard is set back a considerable distance from Hemp Lane and the frontage is open and undeveloped. Beyond the site of The Orchard is the Church of St Bartholomew's, which is similarly set back from the road frontage.
- The development is for three large detached houses and could not be described as limited in scale, which is defined in the policy as a maximum of two houses.
- The development is not for affordable housing. The application form states market houses see question 16.

Furthermore, Policy CS6 requires each development to:

"i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and ii. retain and protect features essential to the character and appearance of the village."

We recognise that the proposal's undertaking of significant earthworks may result in lower ridgeline for the proposed dwellings. However, the impact on the appearance of the lane will be both negative and significant in terms of interrupting the perspective of a "sunken" lane, having banks on either side. Additionally, the proposal to build car shelters in front of the building line will further damage the character of a rural lane. The proposed development is not sympathetic to its surroundings.

To the extent that the surroundings in Hemp Lane are spacious and semi-rural in character the proposed development is excessive. One house appears on the plans to be built side-on to the lane to make it fit in a confined space. The provision of car parking may be compliant mathematically, but it is unlikely to be used as drawn (three cars parked end to end between plot 1 and 2). All three houses will have either extremely steep gardens or substantial retaining walls will be required, neither of which are disclosed in the proposed plans. It will be noted that the topographical survey indicates a 2m fall from rear to the front of the plot. Proposed earthworks appear to involve the reduction in the level of the site by 1m. If this is confined to the footprint of the houses only, the retaining walls will be significant raising concerns of flooding. If excavation extends over the site, the disruption to tree roots, hedges and additional risks of water run-off raise serious concerns about the scale of the proposed excavation. It would additionally create a site which is visually inconsistent with the rest of the lane.

The damage to the appearance of the lane would negatively impact the setting of The Orchard, a grade II listed building. The application drawings fail to demonstrate how the setting and views from and of The Orchard will be affected by the proposed development. The proposed development remains cramped and disproportionate to the surroundings. It will be harmful to the character and appearance of the area as well as the setting of The Orchard.

In summary the proposal is contrary to local plan policy on numerous counts. Redevelopment of the existing bungalow could be achieved within published policy as a replacement building providing it is in a form appropriate to development in Green Belt. No special circumstances have been advanced or exist that would justify the current application proposal.

Received additional Plan from Applicant showing tracking to frontage:

Response from Hertfordshire Highways dated 04<sup>th</sup> January 2018.

Tracking is normally undertaken by using autotrack software which provides more credibility but given the minor scale of the proposals I am happy to accept the submitted drawing.

The submitted tracking shows that there will be sufficient space on site for a 5.6m long delivery/van type vehicles to turn around on site and join the public highway in a forward gear. This then removes the need of imposing condition 5 on the planning decision as recommended in my comments below.

As per the published report and removal of condition 8														
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/01841/18/FHA – NEW OUTBUILDING														
BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESDEN, BERKHAMSTED, HP4 1LY														
Recommendation														

As per the published report

Recommendation

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Item 5c

4/02240/18/FHA – REPLACEMENT OF KITCHEN WINDOW WITH GLAZED DOOR AND SIDELIGHT

#### 11 THE BARNS, WEST LEITH, TRING, HP23 6JJ

As background information the Council has recently refused Planning Application 4/01169/18/FHA at no.11 The Barns for the removal of the existing conservation rooflights and the installation of three conservation rooflights known as the Second Amended Scheme. The reason for refusal was:

'The site is located in the Green Belt and Chilterns Area of Outstanding Natural Beauty.

As a background No. 11 forms an integral part of West Leith Farm which comprises of a range of dwellings formed by the conversion of this previous farmyard complex which is of local historic importance. Its high quality character and appearance was achieved by the sensitive approach to retaining and maintaining the historic 'farmyard architecture'/vernacular from the outset in a pragmatic way, with the associated subtle support for rooflights within the courtyard, with the external elevations subject to more limited change. Against this background the 1997 planning permission for this barn complex imposed conditions to ensure that the approved rooflights were of high quality design and permitted development rights were withdrawn in the interests of maintaining essential control over further changes to the appearance of the buildings with controls over windows, dormer windows, doors or other openings.

The application involves changes to no. 11's long established roof lights. Notwithstanding the reasons for the proposed changes the proposals would represent significant modifications to the existing roof of no. 11. The scheme would introduce additional openings within this vulnerable roofslope where currently a very fine balance has been maintained between the original unbroken roof and subtle change involving for some roof lights which were formed to facilitate the complexes's approved residential conversion.

The scale of such proposed additions/alterations would fundamentally disrupt and permanently harm the character and appearance of The Barns by introducing excessive, unsympathetic, overly dominant and discordant change to the existing plane roofscape to the detriment of its current positive contribution to this part of the Chilterns AONB.

The proposals would be contrary to the expectations of Dacorum Core Strategy Policies CS 5 (c) (sic) (i), CS12(f), CS24 (which refers to the expectations of Chilterns Management Plan and Chilterns Design Guide) CS27, Dacorum Borough Local Plan Policy 97, the Chilterns Management Plan Policies D1, D2 and HE5 and the Chilterns Design Guide's expectations regarding the design of building conversions'.

Comment: Each application must be considered upon its individual merits. Whilst there were robust design objections to Application 4/01169/18/FHA, this is not the case with respect to Application 4/02240/18/FHA'.

Recommendation

As per the published report

Item 5d

4/02361/18/FUL - CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS)

#### 86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ

Amendment to description in some sections of report. The proposal is for a HMO for up to eight (8) people not 7 as in some sections of the report.

CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 8 PERSON HMO (SUI GENERIS)

Recommendation

As per the published report

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Item 5e

4/02449/18/FUL - DEMOLITION OF EXISTING 20 GARAGES. REPLACEMENT WITH TWO SEMI DETACHED 3 BEDROOM DWELLINGS, COMPLETE WITH OFF STREET PARKING AND PRIVATE REAR GARDENS. IMPROVEMENT OF VEHICULAR ACCESS.

#### GARAGE SITE, PULLEYS LANE, HEMEL HEMPSTEAD

#### **Hertfordshire Ecology:**

Two ecological reports are included with the application both conducted by MKA Ecology Limited. The first is a Preliminary ecological Assessment (PEA) dated January 2018, the second a subsequent aerial bat inspection of trees dated November 2018.

#### Habitat

The PEA did not identify any habitat resource within the development site – which is entirely of hardstanding and derelict garages – which would represent a constraint. From the evidence available I agree with this assessment.

#### <u>Bats</u>

The PEA assessed the garages as having negligible risk of supporting bats. Whilst there are some access opportunities, I also consider the structure and building materials do not suggest a reasonable likelihood of supporting bats. On this basis I consider it is reasonable to conclude that bats do not represent a constraint on the demolition of the garages.

Other than one tree with low suitability, the PEA considered all other trees adjacent to the site to have negligible potential for bats. There exists some confusion between the PEA and subsequent aerial survey regarding the species of tree that required surveying. This was identified as a maple separated from the site by another maple in the PEA and a prunus separated from the site by a maple in the aerial survey. In any event the aerial survey found negligible potential to support roosting bats in the tree surveyed. Despite the confusion I have no reason to doubt these findings and I can advise that the potential for adjacent bat roosts are not a constraint and that the proposal can be determined accordingly.

Badgers are not considered to be a constraint adjacent to the development, although appropriate recommendations are provided in the event a sett is discovered close to the development.

#### **Nesting Birds**

The PEA identifies that the buildings to be demolished were in part ivy clad providing potential nesting opportunities for nesting birds. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). To avoid harm to protected species I advise the following *Informative* is added to any permission granted:

"Any vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."

#### Ecological enhancements.

In line with the NPPF planning decisions should aim to deliver biodiversity gains for the proposed development site. The proposals regarding bird and bat boxes included within ecological report meet this requirement and should be adopted in full. Furthermore any landscaping scheme should make use of native species where possible.

#### Recommendation

As per published report with added ecology informative note as follows:

#### **Ecology**

4. Any vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest

#### 4/02576/18/FUL - INSTALLATION OF AN ATM UNIT

# BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EB

Late consultation response received from the following: **Design Out Crime Officer**, **Herts Constabulary**:

Thank you for sight of planning application 4/02576/18/FUL. Installation of an ATM unit , Bovingdon Service Station , Chesham Road, Bovingdon, Hemel Hempstead , HP3 0EB.

I can confirm that from a crime prevention, policing and safety perspective I would advise that the ATM is situated at the front on the High Street.

I have spoken with the manager at Tesco Bank Security and he has assured me that the ATM will have all the required security features, including CCTV

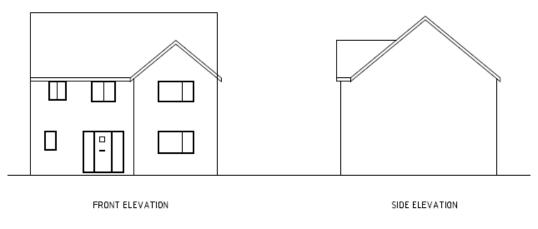
#### Recommendation

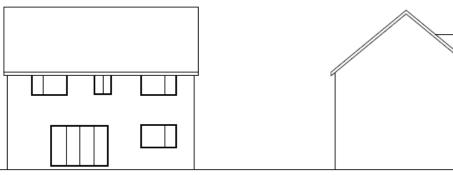
As per the published report.
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Item 5g

4/02726/18/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)

LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP

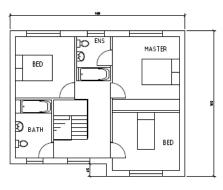
Plan Elevation of Plot 2





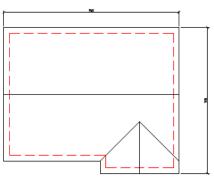
REAR ELEVATION

# Floor Plan of Plot 2

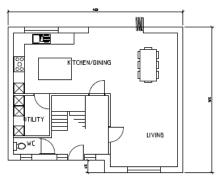


FIRST FLOOR LAYOUT

### SIDE ELEVATION



ROOF LAYOUT



GRND FLOOR LAYOUT

WINGR®\ 76 BELS\ HEMEL H

# **HCC Highways**

#### **Proposal**

Variation of condition 2 (approved plans) attached to planning permission 4/00726/17/ful (two three bed detached dwellings (amended scheme).

#### **Amendment**

Revised site plan submitted with larger turning area

#### **Decision**

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.

A revised site plan (drawing no. NB-247 rev 4) has been submitted as part of the application, which includes a larger turning area to enable vehicles to more easily turn around and egress to the highway in forward gear. The arrangements are considered to be acceptable by HCC as Highway Authority.

#### **Environmental Health**

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 on the issue of Noise, Air Quality and Land Contamination in relation to the variation of the approved plan because the comment has not been recommend by this department.

Therefore, comment from the relevant department of the council that recommend the condition will need to be sought.

#### Herts Ecology

We previously commented on development proposals at this address (4/00726/17/FUL on 11/07/2017) and I have no additional comments to make on the variation of approved plans.

Our concern for a badger walkover is still relevant (badgers were known to be in the area of Belswains Lane), as is adopting a precautionary approach to avoid nesting birds with any tree felling or significant works.

#### 74 Belswains Lane

#### Objection

Title Number : HD287756

This title is dealt with by HM Land Registry, Leicester Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on  $\,$  3 JUL 2017 at 16:02:48 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

#### REGISTER EXTRACT

Title Number : HD287756

Address of Property : 78 Belswains Lane, Hemel Hempstead (HP3 9PP)

Price Stated : £290,000

Registered Owner(s) : STEPHAN CURRIE and HEIDI MARIA CURRIE of 78 Belswains

Lane, Hemel Hempstead, Hertfordshire HP3 9PP.

Lender(s) : National Westminster Bank PLC

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 3 JUL 2017 at 16:02:48. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

# A: Property Register

This register describes the land and estate comprised in the title.

HERTFORDSHIRE : DACORUM

- (18.03.1988) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 78 Belswains Lane, Hemel Hempstead (HP3 9PP).
- 2 (12.08.1991) The land has the benefit of the rights granted by but is subject as mentioned in the Transfer dated 26 July 1991 referred to in the Charges Register.
- 3 (12.08.1991) The Transfer dated 26 July 1991 referred to above contains a provision as to light or air.

# B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

- 1 (22.01.2009) PROPRIETOR: STEPHAN CURRIE and HEIDI MARIA CURRIE of 78 Belswains Lane, Hemel Hempstead, Hertfordshire HP3 9PP.
- 2 (22.01.2009) The price stated to have been paid on 6 January 2009 was £290,000.
- (22.01.2009) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the charge dated 6 January 2009 in favour of National Westminster Bank PLC referred to in the Charges Register.

# C: Charges Register

This register contains any charges and other matters that affect the land.

- A Conveyance of the land in this title and other land dated 13 August 1927 made between (1) Walter Greey (Vendor) and (2) Charles Henry Shepherd (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (12.08.1991) A Transfer of the land in this title dated 26 July 1991 made between (1) Swanley Hill Properties Limited and (2) Charles Anthony Kus and Linda Dianne Kus contains restrictive covenants.
  - NOTE 1: Where relevant, the provisions contained in the earlier documents or registers referred to in the above deed are set out in the registers of this title

NOTE 2: Original filed.

# C: Charges Register continued

- 3 (22.01.2009) REGISTERED CHARGE dated 6 January 2009.
- 4 (02.11.2012) Proprietor: NATIONAL WESTMINSTER BANK PLC (Co. Regn. No. 929027) of Mortgage Centre, P.O. Box 12201, 7 Brindley Place, Birmingham B2 2NA.

#### Schedule of restrictive covenants

The following are details of the covenants contained in the Conveyance dated 13 August 1927 referred to in the Charges Register:-

"the Purchaser for himself and his successors in title hereby covenants with the Vendor but so as not to be personally liable under this covenant after he shall have parted with the property hereby assured to observe and perform the stipulations set forth in the First Schedule hereto (so far as the same relate to the premises hereby assured and are subsisting and capable of taking effect)

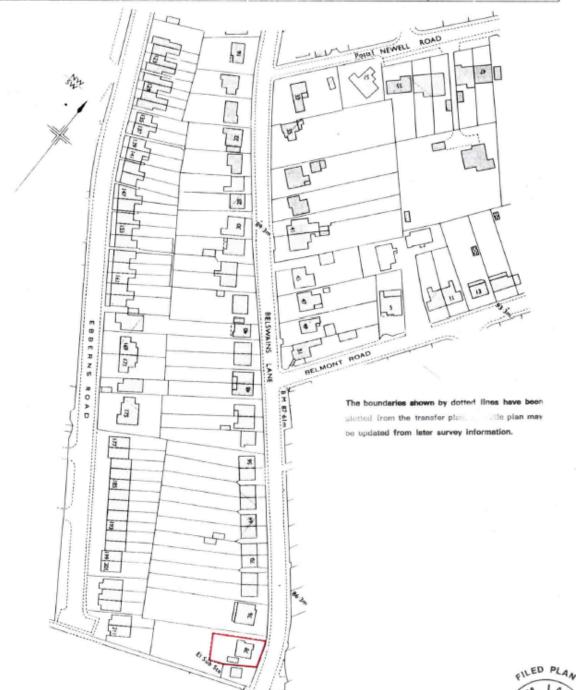
#### The First Schedule above referred to

- 1. To forthwith erect and for ever after maintain a good and sufficient fence or fences not less than four feet in height on the side or sides of the said piece of land marked "T" within the boundary on the said plan and to maintain in like manner the existing boundary fences
- 2. Not to erect anything but fences and those not more than four feet high nearer to the roads than the building line shown on the said plan
- 3. Not to use the property hereby assured or any part thereof or any building to be erected thereon for any offensive or dangerous trade or business"

NOTE: The T marks do not affect the land in this title. The building line is set back 13 feet from the road.

# End of register

# H.M. LAND REGISTRY HD287756 ORDNANCE SURVEY PLAN REFERENCE TL 0605 COUNTY HERTFORDSHIRE TITLE NUMBER HD287756 Scale 1/1250 © Crown copyright 1989



-SR

Title Number : HD467100

This title is dealt with by HM Land Registry, Leicester Office.

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#### REGISTER EXTRACT

Title Number	: HD467100
Address of Property	: An Electricity Substation, Belswains Lane, Hemel Hempstead
Price Stated	: Not Available
Registered Owner(s)	: EASTERN POWER NETWORKS PLC (Co. Regn. No. 2366906) of Newington House, 237 Southwark Bridge Road, London SE1 6NP.
Lender(s)	: None

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 14 AUG 2017 at 12:32:01. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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# A: Property Register

This register describes the land and estate comprised in the title.

HERTFORDSHIRE : DACORUM

1 (03.04.2007) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being An Electricity Substation, Belswains Lane, Hemel Hempstead.

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

- 1 (03.04.2007) PROPRIETOR: EASTERN POWER NETWORKS PLC (Co. Regn. No. 2366906) of Newington House, 237 Southwark Bridge Road, London SE1 6NP.
- 2 (03.04.2007) The value as at 3 April 2007 was stated to be under £100.000.

# C: Charges Register

This register contains any charges and other matters that affect the land.

1 (03.04.2007) A Conveyance of the land in this title and other land dated 12 November 1907 made between (1) Lloyds Bank Limited and (2) Walter Greey contains the following covenants:-

AND the Purchaser hereby for himself his heirs and assigns and with the intent to bind all persons in whom the piece or parcel of land hereby conveyed shall for the time being be vested but so as not to be personallly liable under this covenant after he or they shall have parted with the same covenants with the vendor their successors and assigns that he the purchaser his heirs and assigns will at all times heeafter observe and abide the stipulations and regulations to the said hereditaments which are contained in the Schedule Hereto

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- said piece of land marked 'T' within the boundary on the said plan and to maintain in like manner the existing boundary fences.

  3 Not to erect anything but fences and those not more than four feet high nearer to the roads than the building line shewn on the said plan
- 4 Not to use the said pieces or parcel of land or any part thereof or

# C: Charges Register continued

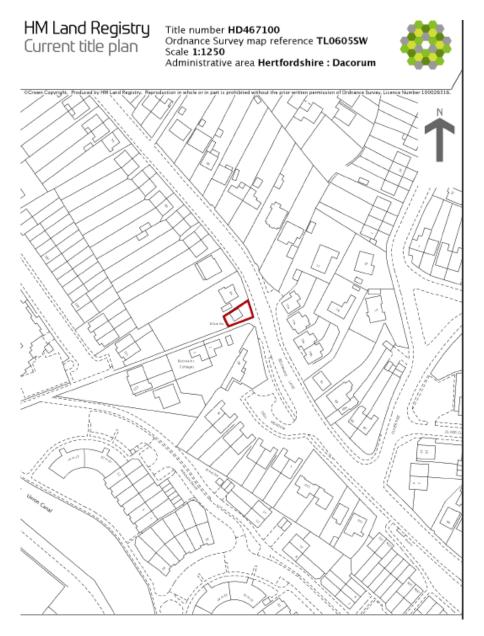
any building to be erected thereon for any offensive or dangerous trade or business

NOTE: Copy plan filed.

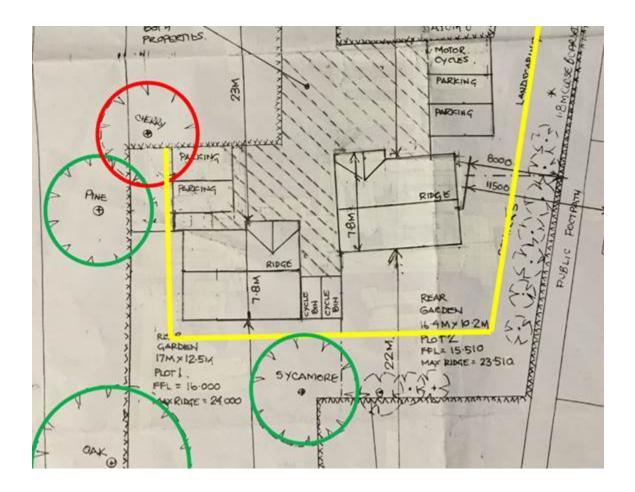
2 (03.04.2007) A Conveyance of the land in this title dated 24 June 1927 made between (1) Walter Greey and (2) The Mayor Aldermen And Burgesses Of The Borough Of Watford contains restrictive covenants.

NOTE: Copy filed.

# End of register



**Trees and Woodlands** 



RPA of the Cherry is affected but, as above, a low quality tree.

To ensure that the RPAs of other trees aren't driven over / compacted / etc, it would be best to fence them off using linked weldmesh panels following the yellow line I've drawn. Construction activity, apart from fencing work, shouldn't occur between the line and the boundaries. A similar approved plan could be conditioned.

Recommendation

As per the published report

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

25 degree line 08/18/76BLHH-402 Rev A 08/18/76BLHH-401 Rev A 08/18/76BLHH-403 Dec 2018

# 08/18/76BLHH-404 Dec 2018 NB- 247 Sheet 4 of 4 issue 4 20/12/18

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

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Item 5h

4/02890/18/FHA - HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION. SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION

146 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE

Recommendation

As per the published report