

4/02261/15/FUL - DEMOLITION OF EXISTING SINGLE STOREY BUNGALOW. CONSTRUCTION OF NEW TWO- STOREY, THREE BEDROOM FAMILY DWELLING. ADDITIONAL OFF-ROAD PARKING TO BE CREATED AT REAR OF PROPERTY..

1 SOUTH BANK ROAD, NORTHCHURCH, BERKHAMSTED, HP4 1LL.

APPLICANT: MR & MRS FERRIER.

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The replacement dwelling, whilst unique in its design (for the area) would not cause significant harm to the street scene or wider area. Southbank Road consists of a single row of dwellings, mostly detached modified or recently replaced bungalows and dormer bungalows of varying character and appearance.

The new building would have an adverse impact on the residential amenities of the immediate neighbour Valley View, but not to such a degree as to warrant a refusal. Valley View is a single storey bungalow with ground floor bedroom windows in the side wall facing the application site. Given the generous separation distance however, at over 5m, the first floor part of the new property would not result in a material loss of sunlight or daylight. The flank wall of the proposed dwelling would be clearly visible from the bedroom of Valley View. However, despite its height, this side wall would not be unduly overbearing, intrusive or oppressive.

Whilst not objecting to the replacement dwelling itself, Northchurch Parish Council object to the retention of the vehicular access onto New Road. Despite attempts to negotiate its closure as part of the re-development, the applicants are not willing to lose this existing access. Herts Highways have not objected to the proposal on highway safety terms and as such it is not reasonable or necessary as part of the development to require the closure of the access. A refusal based on this element alone could not be sustained. Two additional parking spaces are located to the front of the property along Southbank Road and these fall outside the jurisdiction of Herts Highways. Adequate space (2.4m x 4.8m) per space has been provided and the provision of 3 off street parking spaces in this location is considered acceptable.

The proposal is considered acceptable in terms of Policies CS12 and CS13 of the Core Strategy.

Site Description

The application site is a sloping residential plot set in a residential area of Northchurch. Upon the site is a dated bungalow constructed circa 1940s with detached garage and outbuildings. The site slopes down to the south-west such that the dwelling occupies an elevated position above the adjacent canal. The rear garden is tiered, well landscaped and relatively open to the canal. The front of the property overlooks the lane. There is currently on-site parking provision accessed via New Road. The boundary with New Road is marked by a low level brick wall with timber fencing above with an existing vehicular access point towards the south-western corner.

Southbank Road is a dead end gravel track with an open character given the cemetery

to the north and canal setting to the south. The road consists of a row of dwellings mostly detached modified bungalows and dormer bungalows of varying appearance exhibiting a range of building materials.

Proposal

Permission is sought for the demolition of the existing bungalow and the reconstruction of a detached two storey property with attached flat roof car port. Two additional parking spaces would be provided to the front parallel with the property and Southbank Lane.

The replacement property is of simple modern design; timber clad 'barn-like' architecture, two storeys in height, orientated at right angles to the existing bungalow (parallel to the adjacent bungalow; Valley View). The scheme has been amended numerous times during the course of the application. The dwelling now occupies a more central position with an attached car port to the north.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Northchurch Parish Council.

Planning History

None.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21
Appendices 1, 2, 3, 4, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [BCA 3:Bank Mill]

Summary of Representations

Northchurch Parish Council

Original comments;

NPC Planning committee have no objections to the application providing that the current entrance from New Road is removed and a new entrance made via Southbank Road, this is on the grounds of health and safety as the present entrance position has a nasty blind spot caused by the canal bridge.

Additional comments following advice from Highways;

The committee were unanimous in the requirement that the entrance be moved for the following reasons

1. When pulling out from the property, it is almost impossible to see what traffic would be coming over the canal bridge
2. Children use this footpath to access both Northchurch School and Bridgewater School, their safety must be paramount over any car
3. This Road is extremely busy during School hours and with the Durrants Lane development now started, this will only get busier.

I'm not prepared to overrule my Committee so therefore, if this access is to be allowed, then NPC object to the proposal, we know this area better than any officer or planner so please take our suggestions seriously before someone gets injured in the future. Assuming that this development is going to include a site clearance, why not suggest moving the entrance to the applicant thus saving their time and the committee time, this seems a common sense approach.

Hertfordshire County Council 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.

If the planning authority resolve to grant permission I recommend inclusion of the following advisory note to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Details.

The application site is 1 South Bank Road Northchurch, Berkhamstead. The property is located at the corner plot of South Bank Road and New Road. South Bank Road is some 159m long single lane poorly maintained track. It is a cul-de-sac and a private road serving some properties and not maintainable by the highway authority. The New Road is B4506, some 1732m long connecting A4251 High Street to A4146 Main Road. The speed limit varies between 30mph and 40mph. It is a classified road and maintainable by the highway authority. To the south the site is bounded by union canal.

The applicant proposal is for demolition of existing single storey bungalow and construction of new storey three bedroom family dwelling with additional off street parking to be created at the rear of the property. There is an existing off street parking off New Road and the applicant's proposal is to retain this. The proposal is to create additional two parking spaces off South Bank Road. No details are provided about the crossover, but as explained above South Bank Road is a private road and the highway authority has no control. Furthermore there are only a few properties in south Bank Road and hence it is a very low traffic road.

The additional traffic associated with the development is unlikely to have any material impact on the local road network and the Highway authority does not wish to restrict the grant of consent

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

One representation received.

I have lived in this area since 1948 and have always taken an interest in local affairs, in particular planning. I have served on the Berkhamsted Citizens Association and am now a Northchurch Parish Councillor.

I am especially concerned with the above planning application but solely with the access on to New Road, Northchurch, right on the canal bridge. As for the remainder of the application I believe it will be an exciting addition to the area.

Obviously I have received the comment from Herts Highways passed on by you on 21.9.15. The mere fact that the access is existing and has been there for decades is hardly a reason to keep it. Surely when the opportunity arises to improve the status quo that opportunity should be taken. As shown on the latest plans the garage becomes a carport and could easily be accessed from South Bank Road itself.

Children from the Chiltern Park Estate come down to St Mary's School along the cemetery road and down New Road on a very narrow path over the bridge and could be very vulnerable if this access remains.

- Maybe a discussion between you and the architect could resolve this point quite simply.

Considerations

Policy and Principle

Core Strategy Policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of redevelopment in this location is acceptable and

should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, and CS12: Quality of Site Design.

Effect on appearance of building

The existing building is not of architectural merit and is to be demolished. Its successor will continue the established pattern of redevelopment of dated bungalows with more modern substantial constructions along Southbank Road.

The design, layout, siting, bulk, height and materials are all acceptable producing a coherent building which is on balance considered visually acceptable in appearance. The successor building although substantially larger and 2 storeys in height, is of a modern, simple, but non-offensive design. The simple form may add some visual interest to this varied street scene. The garage/car port replicates the existing one (flat roof) and is non-harmful in design or scale terms.

The proposed materials will produce an acceptable house, Oak as the main cladding material and a dark grey metal roof.

Overall the proposed dwelling is considered to accord with CS12 and saved DBLP appendices 3 & 7.

Effect on Street Scene

The ridge height has been lowered during the course of the application and now respects neighbouring properties. It is set higher than the existing bungalow and above its taller non-modified neighbour at *Valley View*, yet similar in height to the modified bungalows further along the lane. The proposals would blend with the character of the street which is of highly adapted and altered properties which leaves no overall positive uniform character worthy of insisting the proposed dwelling should mimic.

Whilst the replacement dwelling will be substantially larger it does not serve to dominate the street scene or alter the character significantly. Views from the canal side to the rear are distant and partially obscured by vegetation, although the house will be bigger, the design is acceptable and not considered significantly detrimental to the character of the canal side.

The proposals accord with CS11 and CS12 with respect to effect on the street scene.

Effect on Amenity of Neighbours

There would be no significant harm to neighbouring amenity. Given the application properties position at the start of the road, any impact of the proposal would largely be confined to the immediate neighbour; *Valley View*.

There are habitable windows serving bedrooms in *Valley View*, which face onto the application site and there will be some loss of outlook and light to these windows, however, given the separation distance it is not considered harmful enough to warrant a refusal. The scheme has been substantially amended during the course of the application, the building has been moved further away from the common boundary, set down within the site and shunted forward. On balance it is now concluded that a

refusal could not be sustained. Given the generous separation distance at over 5m, despite its height, the new dwelling would not result in a material loss of sunlight or daylight. The flank wall of the proposed dwelling would be clearly visible from the bedrooms of Valley View. However, this side wall would not be unduly overbearing, intrusive or oppressive. It is not proposed to have any windows to the side which would ensure no privacy or overlooking issues.

It is important to note that a substantial extension (4m deep) with a pitched roof upto 4m in height and eaves 3m (over 2m from the boundary) could be constructed under the normal PD rights of the property. In addition (subject to the appropriate consultation) an extension upto 8m in depth could be added under the new larger extensions (HPA) limits. Both such extensions would also have an adverse impact on the bedroom windows to Valley View. This is a material consideration that should be afforded weight in the consideration of this current application. Whilst higher and deeper than 4m, the proposed property is set 5m away from Valley View. The existing bungalow is just over 2m from the flank wall of Valley View. Given what could be built in closer proximity it is considered that the impact of the proposed replacement structure is comparable.

Overall there is insufficient harm to neighbouring amenity to warrant refusal and the proposals thus accord with CS12 and saved appendices 3 & 7.

Parking and Highways

The site will be capable of accommodating 3 on-site parking spaces, two to the front on the un-made track and the car port accessed via the existing access on New Road. The spaces proposed meet the dimensions required by Saved DBLP appendix 5. Three parking spaces are considered appropriate for a 3 bedroom dwelling and whilst exceeding the local authority parking standards set out in saved DBLP policy 58, CS8 and CS12, South Bank Road is a private lane and Herts County Highways do not believe the development would have an impact on public highway safety.

Concern was expressed over the safety of the New Road vehicular access. New Road is a main road and the access at this point is not ideal in visual terms. However, this is an existing access and as such, despite attempts to negotiate its closure, it is unreasonable and unnecessary to require its closure by way of a planning condition. The applicants are not willing to lose this access point as part of the development and bearing in mind this is an existing access a refusal on this element alone could not be sustained.

CIL

Community Infrastructure Levy (CIL)

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. The site is situated within Zone 1 wherein a contribution of £250 per square metre would be payable. Given that this is a replacement dwelling, this would be charged on the net increase in area only.

Other Considerations

The application is for a replacement dwelling, there is no net gain of residential units and therefore it is not appropriate to ask for s106 contributions in this instance.

No trees or landscaping of significance will be affected by these proposals is acceptable in accordance with saved DBLP appendix 99 and CS12.

The Grand Union Canal buffer zone is not compromised by the development.

The Design and Access statement will form part of the approved document and the proposed sustainability measures that can be enforced. The proposed dwelling is therefore considered to accord with CS29.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

A (3d) A3-001 Rev D - Concept 3d views
A (3d) A3-005 Rev B - Concept 3d views
A (GA) A0-001 Rev A - Location - Block Plans
A (GA) A0-100 Rev c - Proposed Floor Plans
A (GA) A0-110 Rev B - Roof - Site Plan
A (GA) A0-400 Rev B - SE Elevation
A (GA) A0-402 Rev B - SW Elevation
A (GA) A0-403 Rev B - NE Elevation
A (GA) A0-404 Rev B - NW Elevation

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B, C, and D

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual

amenity of the locality.

4 Prior to the first occupation of the dwelling hereby approved full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

5 No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core Strategy.

Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.