

4/01557/19/FUL	DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF A PAIR OF SEMI-DETACHED DWELLINGS.
Site Address	HILLCREST, KINGSHILL WAY, BERKHAMSTED, HP4 3TP
Applicant	Lexibell Ltd, 9 Bonhill Street
Case Officer	Simon Dunn Lwin
Referral to Committee	Due to contrary view of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED** subject to conditions.

2. Summary

2.1 This application seeks full planning permission for demolition of existing bungalow on the site and redevelopment to provide 2 x four bedroom semi-detached dwellings with attached double garages.

2.2 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013). Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.

2.3 There would not be any adverse impacts on neighbouring amenity. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area, which displays a diversity of architectural forms. It would be in keeping with the approved development of three houses at Appledore on the adjoining site to the southeast, which is currently under construction.

3. Site Description

3.1 The site lies on the northern side of Kingshill Way, a residential area of Berkhamsted and comprises a bungalow set back from the main road, on a large plot of land with a site area of approximately 0.13 hectares. The site is located approximately 100 m from the junction with Kings Road and Shootersway to the northwest. There is an existing shared access point from Kingshill Way to the southwest, which lies opposite the BFI National Archive complex.

3.2 The site is bounded by well established trees and a tall hedge to a height of approximately 4 to 5m on the boundary with the neighbouring property at 'Larchmoor' to the northwest and 'Little Hay' to the northeast, also set within large plots. A private road off Kingshill Way located approximately 55m to the southeast serves recent high density development on smaller plots similar to the approved development on the adjoining site at Appledore. A mature hedge to a height of 4/5m on Kingshill Way encloses the site to the south. The existing bungalow is virtually indiscernible from the main road other than a glimpse through the existing access point.

4. Proposal

4.1 The proposal is for the demolition of the existing bungalow and redevelopment of the site to provide two four bedroom semi-detached dwellings with attached double garages and off street parking/landscaping.

5. Relevant Planning History

4/01655/02/FHA SINGLE STOREY EXTENSION AND RE-FACING OF EXISTING BUILDING
Granted
08/01/2003

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy 2013

NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS23, CS29, CS31, CS32.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 58 and 111
Appendices 3 and 5.

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA12 Shootersway.
- Water Conservation & Sustainable Drainage (June 2005)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

6.5 Advice Notes and Appraisals [include only those relevant to case]

- Sustainable Development Advice Note (March 2011)

7. Constraints

- Residential Character Area BCA12 Shootersway
- CIL1

8. Representations

Consultation responses

8.1 They are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 This is referenced in Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Design impact
- Impact on neighbour amenity
- Ecology
- Impact on Highway Safety and Parking
- CIL

Policy and Principle

9.2 The Government's objective of boosting the supply of homes is set out in Paragraph 59 of the NPPF. Chapter 11 also sets out the effective use of land by supporting development that makes efficient use of previously developed land. This means avoiding homes built at low densities to ensure developments make optimal use of the potential of each site.

9.3 Core Strategy Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas and Policy 21 sets out a density range of 30-50 dwellings per hectare (dph) to achieve this aim, subject to other criteria including the impact on amenity and character of the surrounding area.

9.4 The application site is located within the urban area of Berkhamsted. The town's infrastructure and good transport links makes this previously developed land a sustainable location for redevelopment. There are also services and facilities available within close proximity to the site.

9.5 The proposed density is approximately 15 dph, which is commensurate with the approved development on the adjoining site at Appledore and similar to the plots further west of the site. The BFI National Film Archive is located opposite the site across Kingshill Way to the southwest. This site has been redeveloped into flats with cottages fronting Kingshill Way. Little Hey to the north is a two –storey property which sits in a much larger plot. The land further to the north and east comprises large dwellings on much smaller plots.

9.6 In view of the above, the proposal would be located in a sustainable location and achieve the optimal use required of previously developed land. It would make a valuable contribution to the Borough's existing housing stock. The proposal is therefore considered to be in accordance with Policies CS1, CS4, CS17 and CS18 of the Core Strategy (2013), Saved Policies 10 and 21 of the Local Plan (2004) and the NPPF (2019).

Design Impact

9.7 The layout, scale and design of the proposed semi-detached houses would be in keeping with the approved development at Appledore by positioning the gardens to the front on Kingshill Way with garages and car parking area placed immediately adjacent to the main access but preserving privacy from the main road. The houses are set deep into the site (similar to the existing bungalow) but the footprint is stepped to respect the building line of the new development at Appledore and existing Larchmoor on the adjoining sites. The existing high hedges and trees surrounding the site will remain. A condition is recommended for their protection during the construction process.

9.8 The design of the proposal is contemporary with reference to traditional forms and materials. The houses have been design to allow abundant natural light and low carbon footprint in fabric and services. Gardens would exceed the minimum standard for garden depths at approximately 22m and 18m for Plots A and B respectively.

9.9 The Town Council have objected on the basis that the proposed semi-detached dwellings would be out of character with the area and contrary to policy. Area Based Policies (May 2004), Residential Character Area BCA12 Shootersway identifies the character of the area as 'a large, mainly very low density residential area on the southern side of town featuring a variety of mainly detached houses in a spacious semi-rural setting, dominated by informal heavy landscape'.

9.10 The site is located in an area where there is a range of densities generally less than 15 dph but typically between 6-8 dph, with a variety of architectural styles. Density is higher and more varied at the eastern end of Graemesdyke Road, where flats and semi-detached dwellings prevail, in addition to detached houses and for recent development at 15 dph.

9.11 The BFI Nation Film Archive across Kingshill Way and the cottages that front the main road are all traditional in design. The existing houses to the west of the site are generally more modern large detached properties on large plots but semi-detached properties are within close proximity at the junction of Kingshill Way and Kings Road about 50m away from the site.

9.12 To the southeast of the site are large modern detached two storey dwellings on much smaller plots (Old Meadow Close), including the adjoining Appledore development. The most recent development further to the southeast where the dwellings are not dissimilar to the current development in that they are large two storey dwellings on smaller plots, albeit detached, and of a similar scale.

9.13 The verdant character of the site is to be preserved and boundary hedges and trees maintained. The proposal will be consistent in design with the adjacent approved development at Appledore. It is considered that the bespoke design and potential neighbour amenity impacts (see below) should be safeguarded and substantial alterations that would otherwise be allowed under permitted development restricted to address these issues. It would also ensure consistency in decision making with the recent Appledore approval. Therefore, a condition restricting PD rights is recommended.

9.14 In view of the above, and on the balance of material considerations, the proposal

is considered appropriate and sympathetic to the character of the surrounding area, compliant with Core Strategy Policies CS11 and CS12.

Impact on Neighbour Amenity

9.15 In order to ensure that there will be no loss of privacy for the existing neighbour at Larchmoor and Little Hey all first floor windows in the side and rear elevations facing the neighbours are obscure glazed. The distance between Little Hey, which sits directly in line to the north from the rear elevation of Plot A, is approximately 27m between buildings.

9.16 Plot B would sit adjacent to the common boundary with Larchmoor to the northwest. It would have a side-to-side relationship with this neighbour and no loss of privacy or loss of light is envisaged. The gap between the respective properties would be approximately 4m and screened by the intervening boundary hedge, which rises to about 3m along this edge, increasing to 4/5m for the remaining length.

9.17 The proposal (Plots A and B) would have side windows facing the approved development at the adjoining site to the southeast at Appledore. The nearest detached house under construction on Plot 3 of the adjoining site at Appledore has two windows facing the application site above ground level. However, the permission for the Appledore scheme (4/00478/18/FUL) imposes an obscure glazing condition for all first floor windows facing the application site. Consequently, it is not considered that there would be any privacy issues between the proposal and Plot 3 in the Appledore development.

9.18 In view of the above, it is considered that the proposal would not adversely affect neighbouring amenity and comply with Policy CS12.

Ecology

9.19 A Preliminary Roost Assessment has been submitted in support of the application. This report has been considered by Hertfordshire Ecology, who are satisfied that the proposal will not have a detrimental impact on local ecology to enable a decision to be made subject to informatives which are set out below.

Impact on Highway Safety

9.20 The County Council as Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority are satisfied that the proposal would not have a severe residual impact on the safety and operation of the adjoining highways.

9.21 Policy CS12 of the Core Strategy seeks to ensure developments provide safe and satisfactory means of access and provide sufficient parking. Appendix 5 of the Local Plan lists Parking Standards for the Borough. A four bedroom dwelling requires 3 spaces. The proposal includes provision of 3 car parking spaces per dwelling and meets the parking standards.

9.22 In view of the above, it is considered that the scheme would have a satisfactory impact on road safety and provide sufficient parking to comply with Core Strategy Policy CS12.

CIL

9.23 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 development of 2 new dwellings will be CIL liable.

10. Conclusions

10.1 The proposal is considered an appropriate and sympathetic development, which would not have adverse impacts on the character of the surrounding area, neighbouring amenity, highway safety or local ecology. Permission should be granted.

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

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>11798(L) 00-100 - Site Location Plan 11798(L) 00-101B - Proposed Site Plan 11798(L) 00-102A - Proposed Block Plan 11798(L) 00-103 - Proposed Floor Plans 11798(L) 00-104A - Proposed Roof Plan 11798(L) 00-105D - Proposed Plots A and B Elevations 11798(L) 00-106A - Existing Block Plan with Proposed Overlaid 11798(L) 00-107A - Proposed Plots A & B garage Elevations BAT REPORT DESIGN AND ACCESS CIL Form V3</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:</p> <p>a. Construction and storage compounds (including areas designated for car parking);</p>

	<p>b. Siting and details of wheel washing facilities; c. Cleaning of site entrances, site tracks and the adjacent public highway; d. Timing of construction activities to avoid school pick up/drop off times;</p> <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way Core Strategy Policy CS8.</p>
4	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development and comply with Core Strategy Policy CS12.</p>
5	<p>No development shall take place until 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:</p> <ul style="list-style-type: none"> • 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; • trees and hedges to be retained and measures for their protection during construction works; • proposed finished levels or contours; • car parking layouts and other vehicle and pedestrian access and circulation areas; • minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); • proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); • retained historic landscape features and proposals for restoration, where relevant. <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 to comply with Core Strategy Policy 12.</p>
6	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written</p>

	<p>approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A, B, C, E, F and G Part 2 Classes A and B.</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.</p>
7	<p>The development shall not be occupied until the area to the front of the garages shown on approved Drawing No. 11798(L) 00-101B has been drained and surfaced, as approved under Condition 5 of this permission, and that area shall not thereafter be used for any purpose other than the parking of vehicles.</p> <p>Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities to comply with Core Strategy Policy CS8.</p> <p>Informatives:</p> <p>Article 35 Statement</p> <p>1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process, which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within</p>

<p>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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</p> <p>5. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p> <p>6. Any demolition of the building or clearance of vegetation 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 two 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.</p>

Appendix A

Consultation responses

<p>BERKHAMSTED TOWN COUNCIL, THE CIVIC CENTRE THE CIVIC CENTRE</p>	<p>17/07/19</p>	<p>Objection</p> <p>The scheme seeks to build a pair of semi-detached properties in a plot suited to the existing single dwelling. There are also no other semi-detached dwellings along Kingshill Way. In addition, the proposal to locate the garden amenity space predominantly to the front of the properties will result in the prospective occupants being subject to an unsatisfactory level of traffic noise from the main thoroughfare should they wish to use their gardens.</p> <p>The design is out of character with the area and street scene, and by its mass and bulk for the plot.</p> <p>CS11, CS12, BCA12.</p>
<p>HCC - Dacorum Network Area HERTS COUNTY COUNCIL</p>	<p>19/07/19</p>	<p>Decision</p> <p>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:</p> <p>CONDITIONS</p> <p>1. Construction of the development hereby approved shall not commence until a Construction Management</p>

	<p>Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:</p> <ol style="list-style-type: none"> a. Construction and storage compounds (including areas designated for car parking); b. Siting and details of wheel washing facilities; c. Cleaning of site entrances, site tracks and the adjacent public highway; d. Timing of construction activities to avoid school pick up/drop off times; <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.</p> <p>2. Prior to the commencement of the use hereby permitted the proposed onsite car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking area, in the interests of highway safety The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-</p> <p>INFORMATIVES:</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such</p>
--	---

		<p>as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047</p> <p>3. Storage of materials: 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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</p> <p>COMMENTS: This application is for Demolition of existing dwelling. Construction of a pair of semi-detached dwellings.</p> <p>PARKING The proposals allow for two parking spaces for each new property in proposed new double garages. Sufficient space is retained within the site to enable vehicles to manoeuvre in order to leave the site in forward gear.</p> <p>ACCESS No new or altered pedestrian or vehicular access is required and no changes are required in the highway. There is a current access onto Kingshill Way, which is shared with the neighbouring property and appears to operate without any issues. There have been no accidents in the vicinity of the site in the last five years. Kingshill Way is an "A" classified main distributor road, the A416 with a speed limit of 30mph, so vehicles are required to enter and leave the highway in forward gear.</p> <p>CONCLUSION Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.</p>
DBC - CONSERVATION	14/08/19	<p>In general the proposals are acceptable and in keeping with the adjacent approved scheme. Assuming that the overlooking etc including from the</p>

		<p>neighbours is all ok, a few minor points.</p> <p>1) Roof should be natural slate to match the adjacent 3 houses (re discharge and that is what they are doing, not tile noted in the application)</p> <p>2) I'd remove the rooflights from the street frontage to avoid the roofs appearing overly cluttered. (from the plan they all serve bedroom 2 which seems excessive as it has a large dormer window)</p> <p>3) I recognise that the hedge blocks views from the road but we cannot ensure its long term survival so ideally both garages but in particular that to house 1 be moved further into the site. Perhaps it might be better to have a semi-detached block in line with T3 and this could also help in particular plot B have a more useable area of garden rather than 2 wasted spaces at each side of the garage?</p>
<p>HERTFORDSHIRE ENVIRONMENTAL RECORD CENTRE ENVIRONMENTAL RESOURCE PLANNING</p>	<p>10/07/19</p>	<p>A Preliminary Roost Assessment was carried out by Arbtech on the 6/3/2019. This found no evidence of bats and identified no suitable bat roosting features on or in the survey building which was assessed as having negligible potential for roosting bats In addition the report identified the building and site as having potential for nesting birds which are protected under Schedule 1 of the Wildlife and Countryside Act 1981.</p> <p>As the building is being demolished as a precaution the following Informatives should accompany any consent granted.</p> <p>'In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.'</p> <p>'Any demolition of the building or clearance of vegetation 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 two 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.'</p> <p>Furthermore, the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The ecological enhancements recommended within the PRA relating to bats and birds provide suitable biodiversity gain for the site and should be adopted in full.</p>

		I consider the LPA now has sufficient information on bats to satisfy their obligations under the Conservation of Habitats and Species Regulations 2018 and the application can be determined accordingly.
--	--	---

Appendix B:

Neighbour notification/site notice responses

26 neighbours notified and a site notice posted on Kingshill Way. No response.