

**ITEM NUMBER: 5b**

<b>19/03272/FUL</b>	<b>Construction of new chalet bungalow to the side/rear of 5 Tring Road.</b>	
<b>Site Address:</b>	<b>Land To The Side/Rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</b>	
<b>Applicant/Agent:</b>	<b>Mr Tucker</b>	
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Northchurch Parish Council</b>	<b>Northchurch</b>
<b>Referral to Committee:</b>	<b>Called in by Cllr Pringle</b>	

**ORIGINAL REPORT**

**1. RECOMMENDATION**

That planning permission be granted.

**2. SUMMARY**

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area.

2.2 Furthermore, it is not considered that the proposal would adversely affect the residential amenity or neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with relevant policies.

2.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The application site comprises land to the side and rear of No. 5 Tring Road, in Dudswell, Berkhamsted. The topography of the site sees the ground rising from north east to south west by approximately 7m, and from south east to north west by approximately 500mm. The site is located in an urban area, within the residential area of Northchurch, within close proximity of the junction of Tring Road and Dudswell Lane.

3.2 The pattern of development in the area is characterised by a mix of detached and semi-detached dwellings of varying architectural styles and designs, with large two storey detached properties fronting Tring Road, and more modest two storey detached dwellings and bungalows positioned to the south east. In addition to this, semi-detached properties front Lyme Avenue to the north west, whilst properties to the south west consist of a bungalow and chalet bungalow. Though varying in size and style, neighbouring properties are typically finished in a combination of red roof tiles, white render and brown and red brick.

**4. PROPOSAL**

4.1 Planning permission is sought to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Comprising two front and two rear dormers to facilitate four bedrooms within the roof slope, the new chalet bungalow would be constructed in facing brickwork, clay tiles and uPVC window finishes.

4.2 The new bungalow would be accessed via the existing driveway serving No.5 Tring Road. To facilitate additional cars using this driveway, the application proposes modest alterations to this existing access, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of No.5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

4.3 A new turning head would be positioned to the front of the new bungalow, enabling future occupants of the site sufficient access to the three designated off-street car parking spaces.

4.4 The scheme also provides details regarding the proposed cycle and storage arrangements for the new dwelling, (with a new timber framed bin store being positioned to the front of the dwelling, and a new cycle store being positioned to the side of the dwelling), as well as detailing the proposed arrangements for private amenity space and associated soft/hard landscaping.

4.5 The current application reflects an amended scheme to that proposed under previous planning application 4/03324/17/FUL – with the original application seeking permission for the construction of two pairs of semi-detached dwellings (4 new units). The previous application was refused at Development Management Committee.

4.6 Though the applicant appealed the decision made by the Development Management Committee, the Planning Inspector dismissed the appeal on the grounds that the development would fail to provide safe and suitable access for current and future occupiers of the site, and noted that the rear garden amenity spaces for all four units would be out of character with the large rear gardens of neighbouring properties by virtue of their scale.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

4/03324/17/FUL - Construction of two pairs of semi-detached dwellings (4 units in total) with shared driveway  
*REF - 31st May 2018*

4/00394/02/FHA - Detached garage  
*GRA - 18th April 2002*

4/01885/01/FHA - Detached garage  
*REF - 17th December 2001*

4/00398/99/FHA - Two storey rear and side extensions and alterations to roof  
*GRA - 21st June 1999*

Appeals (If Any):

4/03324/17/FUL - Development Appeal  
*APPEAL DISMISSED – 26<sup>th</sup> March 2019*

## **6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL1

Former Land Use (Risk Zone): Former Landfill, Tring Road, Northchurch

Former Land Use (Risk Zone): Infilled Ponds, Dudswell Lane, Northchurch

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.0 The main issues to consider are:

The policy and principle justification for the proposal;

The quality of design and impact on visual amenity;

The impact on residential amenity; and

The impact on highway safety and car parking.

## Principle of Development

9.1 The site is situated within the residential area of Northchurch, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.2 In light of the above policies, the proposal for a new chalet bungalow within the residential area of Northchurch is acceptable in principle.

## Quality of Design / Impact on Visual Amenity

9.3 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.4 The proposed development would constitute tandem development, in that it would see a new dwelling sited behind an existing house and sharing access arrangements. The SPD 'Area Based Policies' states that this is a generally unsatisfactory form of accommodating new housing. The reason for this is two-fold – inefficient use of scarce urban land, and impact on the character of the area.

9.5 In respect of the first point, it is noted that the urban grain of the surrounding area is such that only the current application site and neighbouring property could accommodate new development within the rear garden. As such, it is not considered that the proposed development would prevent a more efficient use of urban land, given that there is a possibility that any neighbouring development could utilise the same access used to facilitate the current proposal.

9.6 In respect of the second point, it is important to note that the development is compatible with the density of the local area. The site falls within the BCA19: Northchurch Character Area Appraisal wherein new development is expected to be compatible with the character within the existing density range, (i.e. not normally exceeding 15 dwellings/ha). The overall site (existing dwelling and proposed dwelling) would have a density of 14.4 dwellings/ha. Surrounding plots when viewed in isolation have plot densities ranging from 6 to 31 dwellings/ha. As such, the proposed scheme is of a compatible density to the local area and complies with this policy requirement.

9.7 Furthermore, properties within the surrounding area consist of a range of styles and sizes, including semi-detached dwellings, bungalows and larger detached properties with no single prevailing architectural style. BCA19: Northchurch states that bungalows are common within the local area and are an acceptable form of housing type for new development.

9.8 Under the previous appeal case, the Planning Inspector noted the low density of neighbouring properties, noting that they are usually situated within '*generous leafy gardens, giving a spacious character to the area.*' It is considered that by amending the proposals to a single new dwelling this has created the sense of spaciousness required in the determination of the previous submission and its appeal.

9.9 Though it is noted that the new dwelling would have a shorter rear garden than those of neighbouring properties 1-15 Lyme Avenue, it is not considered that this element of the proposal would detract from the spacious character of the area, given the variance in densities among neighbouring properties, and noting that the proposed rear garden would be in keeping with the rear

gardens of neighbouring properties 27 Lyme Avenue and 5 Tring Road. It should also be noted that the proposed rear garden is wider than that found typically nearby and, therefore, when considering the overall area of the rear garden, it is broadly compatible with those in surrounding properties.

9.10 Though there are several common design features within the locality, (including front bay windows and external brick, tile and render wall finishes), there is no strong theme in the characteristics of neighbouring buildings. It is however considered that the proposed new chalet bungalow has been sympathetically designed to respect adjoining properties, given that it would be constructed in materials to integrate with neighbouring properties, including similar facing red brickwork, clay tiles and uPVC window finishes. It is also noted that the new dwelling has been designed to reduce its visual bulk so as not to appear overtly prominent, noting that the new chalet bungalow would comprise two front and two rear dormers to facilitate four bedrooms within the roof slope.

9.11 The current application seeks permission to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Though situated approximately 80m set back from the highway, the proposal would be visible within the streetscene, given its positioning in relation to existing dwelling No.5 Tring Road. Nevertheless, given everything considered above, the proposed development is considered to represent an improvement to the previous scheme, in keeping with the character of built form within the surrounding area, and overall, would not dominate or look out of place within the locality.

9.12 In conclusion, the proposed new dwelling is considered to reflect an attractive addition to the area; bringing its own sense of character through utilising materials in keeping with the wider area.

9.13 The application also proposes modest alterations to the existing access serving no. 5 Tring Road, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of no. 5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

9.14 Given the scale and nature of these works, it is not considered that these alterations would have any adverse impacts on the character and appearance of the surrounding area.

9.15 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the BCA19: Northchurch Character Appraisal Area and the relevant sections of the NPPF (2019).

#### Impact on Residential Amenity

9.16 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.17 The application site would share boundaries with neighbouring properties 1, 3, 5 and 7 Lyme Avenue, a rear boundary with no. 27 Lyme Avenue and side boundary with no. 1a Birch Road.

#### *Visual Intrusion*

9.18 As evident on drawing PL-07 Rev A3, the proposed new chalet bungalow would sit below the two storey properties and bungalows on Lyme Avenue, but marginally above the properties on Birch Road, given the topography of the site.

9.19 It is however noted that the application site and new chalet bungalow have been positioned and laid out to ensure that adequate spacing and separation distances are maintained between the new

development and surrounding properties. For example, the proposed separation distances between the new dwelling and nearest neighbouring properties 3 and 27 Lyme Avenue range between 27m and 35m, complying with the separation distances set out under relevant policy (i.e. Saved Appendix 3).

9.20 Furthermore, the new chalet bungalow has been sympathetically designed to reduce its visual bulk, noting that it would comprise a maximum height of 6.9m and would comprise first floor bedrooms facilitated within the proposed roof slope.

9.21 Taking all of the above into account, it is not considered that the proposed new dwelling would appear visually overbearing or intrusive to neighbouring properties.

#### *Loss of Light*

9.22 The proposed development has been designed to avoid obstructing daylight to existing windows/rooms of neighbouring properties, with the '25 degree test' being demonstrated on drawing PL-07 Rev A3, in line with the guidance set out under the Building Research Establishment's (BRE) - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011). Given that the new chalet bungalow falls well below the 25 degrees lines evidenced on this plan, it is not considered that the proposal would have a significantly detrimental impact to daylight levels of existing properties.

#### *Loss of Privacy*

9.23 The site and new dwelling has been laid out to minimise harmful overlooking of neighbouring properties. Firstly, no first floor windows have been proposed to the side elevations of the new chalet bungalow facing neighbouring properties, with all first floor windows being positioned on the front and rear elevations. Noting the scale of the proposed chalet bungalow and the separation distances that would be retained between these windows and the neighbouring properties 5 Tring Road and 27 Lyme Road, (i.e. ranging between 26m and 36m), it is not considered that these windows would facilitate any harmful overlooking of neighbouring properties.

9.24 It is also noted that ground floor windows would be largely concealed from view of neighbouring properties, given the topography of the site and the positioning of the existing mature boundary hedge.

9.25 When considering the previous planning application at appeal, (i.e. 4/03324/17/FUL), the Planning Inspector raised no concerns in relation to the proposals impact on residential amenity.

9.26 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

#### Impact on Highway Safety and Parking

9.27 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

#### *Accessibility, Safety and Capacity*

9.28 During the previous application and subsequent appeal, concerns were raised with regards to highway safety, with the Planning Inspector arguing that the previous development failed to provide safe and satisfactory access onto the highway. In particular, they raised the following concerns:

1. Concerns relating to the width of the existing access, noting that it was too narrow to prevent two cars passing each other, thereby resulting in a build-up of cars on the highway
2. Concerns relating to whether the site would allow sufficient manoeuvrability space for emergency vehicles to safely access the site
3. Concerns relating to pedestrian safety – i.e. the lack of provision for pedestrians accessing the site

9.29 In light of the above concerns, the applicant entered into pre-application discussions with Hertfordshire County Council as the Highways Authority prior to the submission of the current application. Following these discussions, the scale of development has been reduced, (from four new units to one chalet bungalow), with a number of alterations also being proposed to the existing access in order to address these concerns.

9.30 The current application proposes to increase the width of the bellmouth of the junction from 3.97m to 4.8m to allow two cars to pass each other, thereby preventing the build-up of traffic on the highway. In addition to this, alterations have been proposed to the turning head opposite no. 5 Tring Road, with a new turning head being introduced in front of the new chalet bungalow, with the intention of providing sufficient space for emergency vehicles to access the site. Finally, a new safe zone, (measuring 0.7m wide), has been introduced to allow pedestrians safe access to and from the site.

9.31 The Highways Authority considered all of the above alterations and have raised no objections on highway and pedestrian safety grounds, noting that they would not consider the proposal to have an adverse impact on the safety and operation of the adjoining highway, subject to certain conditions and informatives. They have also noted that the proposal falls under the threshold for a transport statement/assessment and traffic impact study, and noted that the widening of access on highway land is satisfactory subject to the implementation of a Section 278 Agreement.

9.32 Given everything considered above, the proposal is considered to be acceptable in terms of its impact on highway and pedestrian safety.

### *Parking*

9.33 The submitted plans indicate that three off-street car parking spaces would be provided for the new chalet bungalow. Given that the proposal would involve the construction of a four bed dwelling, the proposed parking provision would accord with the Council's maximum parking standards. It is also noted that the site is situated within a sustainable location, with public transport links, (i.e. bus links), within close proximity of the site.

### Other Material Planning Considerations

#### *Amenity Space*

9.34 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.35 As part of the previous appeal, the Planning Inspector raised concerns that the proposed rear gardens would be significantly less spacious and more cramped than rear gardens of properties in the surrounding area, and as such, out of character with neighbouring properties.

9.36 Under the current proposal, a rear private amenity space of approximately 14m would be provided, providing a rear garden area of 195m<sup>2</sup>. In light of this, it is considered that sufficient private amenity space would be provided for future occupiers of the site.

### *Waste Management*

9.37 The application provides details for refuse storage, noting that a bin store would be positioned to the side of the site. The submitted plans also indicate a proposed collection point for the bins, within 25m of the highway in accordance with the Dacorum Refuse and Storage Guidance Note (2015).

9.38 Though the occupants would have to take the bins approximately 55m to reach the collection point, it is not considered that this would be unreasonable, given the nature of the site, and noting the frequency within which this trip would need to be made.

### *Ecology*

9.39 Though formal comments were sought from the County Ecologist, no comments were received. Under the previous application, it was however noted that the site is of limited ecological interest, and as such, no ecology survey was required. In line with the recommendations made by the County Ecologist under the previous scheme, the proposal would involve the adoption of a 'hedgehog highway.'

### *Drainage*

9.40 Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water. Though the Council sought comments from Hertfordshire Country Council, as the Lead Local Flood Authority (LLFA), no comments were received. Under the previous application however, they noted that they have no records of flooding in this location, acknowledging that there are no watercourses or surface water sewers within the vicinity of the site.

### Response to Neighbour Comments

9.41 A number of neighbours have raised objections to the scheme. The points raised have been considered and discussed in more detail during earlier sections of the report.

### Community Infrastructure Levy (CIL)

9.42 Policy CS35 of the Core Strategy (2013) 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 1st July 2015. The application is CIL liable.

### Case Officer Response to Additional Consultation Responses Received

9.43 Following the publication of the original report, additional concerns have been raised by Councillor Pringle and local residents (see Appendix C). These concerns relate to the following issues:

- Highway and Pedestrian Safety
- Access for Refuse Trucks/Emergency Vehicles
- Refuse Collection Arrangements



- Fire Strategy

9.44 These issues have been considered and discussed in more detail below.

#### *Highway and Pedestrian Safety*

9.45 Objections have been raised to the earlier assessment that the proposed development would provide safe and satisfactory access onto the Highway. Whilst it is noted that the existing junction is complex and busy during peak hours, the key issue of consideration to this application is whether the proposed development would have a severe residual impact on highway and pedestrian safety.

9.46 Whilst it is noted that concerns were raised in relation to highway and pedestrian safety under the previous application and subsequent appeal, the current application reflects a significantly altered scheme, with permission being sought under this application for the construction of a single chalet bungalow as opposed to four new units. In light of this alteration, the new development would generate a significantly reduced number of movements, with fewer cars using the existing drive to access the highway. In light of this, and noting the proposed alterations to the access set out under earlier paragraph 9.30, it is not considered that the proposal would have a severe residual impact on highway and pedestrian safety.

9.47 Under the appeal linked to application 4/03324/17/FUL, the Planning Inspector noted the requirement for a Road Safety Audit prior to the grant of any formal planning permission to ensure that the proposed access arrangements were satisfactory. No Road Safety Audit has been provided in support of the current application as the Highways Authority advised that this was not required in this instance due to the scale and nature of the proposed development.

9.48 Challenges have also been raised in relation to the advice provided by the Highways Authority, with queries being raised in regards to whether they were fully informed in relation to the sites' past history and the concerns of local residents prior to providing their formal comments. As part of the consultation process, the Highways Authority were made aware of the sites' past history, and were re-consulted in light of additional information provided by residents in relation to a recent accident. The Highways Authority confirmed no change to their response in light of this information, noting that they recommend the development be approved subject to the initially suggested conditions and informatives.

#### *Access for Emergency Vehicles*

9.49 Concerns have been raised with regards to whether sufficient space would be provided to enable emergency vehicles to safely access and leave the site without having to reverse onto the highway. As earlier noted in paragraph 9.30, a new turning head has been provided to the front of no. 5 Tring Road, enabling emergency vehicles to safely access and leave the site in a forward gear.

#### *Access for Refuse Trucks/Refuse Collection Arrangements*

9.50 The proposed refuse arrangements have been set out and considered under earlier sections of the report, i.e. paragraphs 9.37 and 9.38.

9.51 Whilst it is noted that the new turning head positioned in front of no. 5 Tring Road would enable smaller refuse vehicles sufficient access to the site, it is noted that the DBC refuse team raised no objection to the proposed bin collection strategy during pre-application discussions with the applicant, and noted that it would be unlikely that a refuse vehicle would need to access the driveway.

#### *Fire Strategy*

9.52 Drawing PL-09 Rev A3, sets out the proposed Fire Appliance Strategy, with a swept path diagram evidencing that fire appliances would have sufficient room to access the site and use the new turning head to reverse a 20m distance to reach the new chalet bungalow. Given that these arrangements would accord with the requirements set out under Building Regulations, with the fire appliance being positioned within 45m of all parts of the building, no issues are raised in relation to this element of the proposal.

## **10. CONCLUSION**

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin 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. Contaminated Land Condition 1:**

**(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

**(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

**(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

**(d) This site shall not be occupied, or brought into use, until:**

**(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

**(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

**3. Contaminated Land Condition 2:**

**Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

**4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

**5. The proposed car parking spaces shall have measurements of 2.4m x 4.8m (minimum). Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: In the interest of highway safety, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Saved Appendix 5 of the Dacorum Local Plan (2004).

**6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, and E; Part 2, Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

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

PL-05 Rev A3  
PL-06 Rev A3  
Policy CS29 Checklist  
PL-02 Rev A  
PL-08 Rev A3  
PL-04 Rev A3  
PL-07 Rev A3  
19090-DA01  
PL-01 Rev A3  
PL-09 Rev A3  
PL-07 Rev A3  
2223-001  
2223-002

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

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**2. ENVIRONMENTAL HEALTH INFORMATIVES:**

**Construction Hours of Working - (Plant & Machinery) Informative**

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

**Construction Dust Informative**

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

**Noise on Construction/Demolition Sites Informative**

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

3. CONTAMINATED LAND INFORMATIVE:

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.dacorum.gov.uk](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

4. HIGHWAY INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

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.

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

4. Section 278 Agreement: The proposal includes works to the Highway verge to widen the existing driveway. The applicant is required to enter into a Section 278 agreement for this work. This will ensure that all work undertaken on the highway is constructed to the Highway Authority's current specification to an appropriate standard and by a contractor who is authorised to work on the public highway. In accordance with Hertfordshire County Council publication, 'Roads in Hertfordshire – A Guide for New Developments', a Section 278 agreement will be required before any such works are undertaken.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
<p>Environmental And Community Protection (DBC)</p>	<p><b>ENVIRONMENTAL HEALTH:</b></p> <p>No objections on noise or air quality grounds.</p> <p>I would advise including our construction informative noting the site has a large of existing residential in close proximity. Construction Hours of Working - (Plant &amp; Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p><b>CONTAMINATED LAND:</b></p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, although it is acknowledged that there is no formal land use on or immediately adjacent to the application site that would be expected to result in ground contamination, the proposed end use is for a new residential dwelling. This is a sensitive land use that would be vulnerable to the presence of any contamination and so it is considered appropriate for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present will be remediated.</p> <p>Given the small scale of the development and site specific</p>

circumstances it is considered that completion of the land contamination assessment questionnaire for small development sites with proposed sensitive end uses would be proportionate. This questionnaire has been attached to the email and should be completed by the applicant and returned to the LPA. If the information provided within the questionnaire is satisfactorily completed before the planning decision is made and it does not highlight any issues then there is no need for contaminated land conditions.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted. The completed questionnaire may then be sufficient to discharge the conditions.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement

	<p>report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Hertfordshire Highways (HCC)	<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</p>



restrict the grant of permission subject to the following conditions:

#### CONDITIONS

1. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

#### 2. Highway Proposals

The proposal includes works in the Highway verge to widen the existing driveway, although there are no plans to widen the existing vehicular access. The applicant is required to enter into an S278 agreement for this work.

Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:-

[http://www.hertfordshire.gov.uk/services/transtreets/highways/highway\\_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/](http://www.hertfordshire.gov.uk/services/transtreets/highways/highway_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/)

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

#### INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to

the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

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.

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

#### COMMENTS

The proposal is for Construction of new chalet bungalow to the side/rear of 5 Tring Road.

The site is on land behind the existing property at 5 Tring Road Northchurch, from which it is accessed. The existing access is 3.7m wide, with good visibility to both sides.

Tring Road is shown on Definitive Maps as a Main Distributor classified road, the A4251 with a 30mph speed limit. Vehicles are required to enter and leave the highway in forward gear.

#### PARKING

The proposal is to provide a total of 3 parking spaces for the new property. Recommended parking levels are set by the LPA

#### ACCESS

	<p>The proposal is that the existing vxo will serve the new property, however the access across the verge requires widening. An S278 agreement must be obtained for this work to be undertaken. Document "Fire Appliance Plan (Strategy)" demonstrates that large vehicles, eg fire appliance, are able to access the site and use the turning head provided to be able to enter and leave the site in forward gear.</p> <p>Arrangements have been made for the storage of waste. Although no specific arrangements have been made for the collection of waste, refuse trucks would be able to access the properties.</p> <p><b>CONCLUSION</b></p> <p>The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.</p> <p><b>ADDITIONAL COMMENTS</b></p> <p>I did investigate an accident which occurred in 2016 in that vicinity last year. The salient points are that an elderly man fell off his bicycle in front of a bus stop. This was nothing to do with the road conditions, but more to do with the health of the cyclist. There was no personal injury at that accident.</p> <p>The more recent one mentioned by the resident I cannot find referenced anywhere, but the resident states that although “the front of the Range Rover was ripped off, ... thankfully nobody was badly injured”.</p> <p>This does not change my response.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
25	5	0	5	0

### Neighbour Responses

Address	Comments
3 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG	<p>I write to express my concerns and objections to the proposed development to the side and rear of 5 Tring Road, Dudswell.</p> <p>Despite the applicant's claims to have addressed the very serious road traffic issues the original application posed for road users and pedestrians, I believe the new proposal stills has serious issues.</p>

### 1. Wider bellmouth

The application suggests the entrance on to the driveway from Tring Road can be widened to address the issue of cars coming on to the drive and leaving the property at the same time.

My objections to this are:

On drawing reference PL-07, only one car is shown positioned some distance away from the junction with Tring Road. I am not sure how this supports the proposal because I believe this actually highlights serious flaws:

a. The drawing omits to include swept paths to indicate the path of travel vehicles at this junction will require. I believe that if these were included the on-going inadequacy of the entrance to the driveway will be clear to see.

To demonstrate the proposal overcomes the serious concern about waiting on Tring Road to enter the drive or having to back on to Tring Road if a vehicle is coming down the drive, the applicant should have included swept path lines for vehicles. I believe that if these are drawn on to show a vehicle entering the drive from Tring Road, approaching from either direction, with a car waiting to exit the drive there will not be sufficient space. The sweep of the vehicle entering the drive will clearly encroach on to the space of the waiting car, thereby not providing the safe waiting space claimed to have been provided. I question why this wasn't included on the drawings since it would conclusively demonstrate the applicant's claims to have solved the major concern held by the Appeal Inspector.

b. If a car enters the drive when another is either waiting to exit, or the arriving vehicle has to wait for a car coming down the drive, then the pedestrian safe zone will be blocked. If all three were to coincide then the pedestrians would be at serious risk of harm. I think the logic claimed that the addition of one property makes such scenarios unlikely, "...probably less important now that the development is only a single property", is poor and good, safe design should not rely on a 'fingers-crossed' approach, especially when people's safety is in question.

I object to the proposed widened bellmouth because I do not believe it has been sufficiently and adequately demonstrated to be true.

### 2. Additional traffic on to Tring Road at a dangerous junction

The additional single dwelling will introduce additional traffic at a junction on Tring Road which is already very busy and was proved to be dangerous during the appeal process. It is inappropriate to introduce further traffic at this location. It isn't simply a matter of visibility when entering on to Tring Road from the shared driveway but whether or not the safety of road users and pedestrians is further endangered by this development which I believe it will be. The Appeal Inspector noted "the proposal would not provide safe and suitable access for all" and I believe this remains the case.

I object to the additional traffic this development will introduce at this specific location on Tring Road due to the interaction with Dudswell Lane, the bus stops, the entrance to the nursery/cricket ground and the

repeater station.

In addition to the road traffic issues, my further objections are:

### 3. Fire strategy

I read with some incredulity the proposed fire strategy. My objections to this are:

- a. The only way the applicant can make this too narrow, insufficient drive appear to overcome the Appeal Inspector's concerns that the width is not sufficient for emergency vehicles is to propose that the Appliance will undertake the most incredible manoeuvre in order to achieve a forward gear exit from the site.
- b. If there is a fire, is the time lost by the fire appliance having to turn and reverse acceptable?
- c. For this fire strategy to work, will every response vehicle know they are expecting to turn and reverse up the drive 20m? How would they know they need to do this?
- d. If not, then is it the responsibility of the caller to inform the switchboard of this? If so, then what if someone from outside of the site raises the alarm and has no idea of this ridiculous requirement?
- e. If the fire appliance arrives on site and does the required manoeuvres but then an ambulance arrives on site, how exactly are the paramedics supposed to get their vehicle passed the fire appliance to potentially save a life?
- f. Alternatively, if an ambulance is already on site and the fire appliance subsequently arrives, how does the ambulance leave to get a patient to hospital?
- g. Also, if the parked vehicles at the property need to be moved for safety reasons, how do they get out when the fire appliance is parked on the drive?

I object to the fire strategy proposal because I do not believe the design provides adequate space for emergency vehicles to access, operate and leave the site in a safe manner and the proposal has been made because the site is not suitable for development and should be found to be unacceptable.

### 4. Location of the development

The application claims the development will 'sit comfortably in its environment' and as with the original development application there are claims to other nearby developments that show the same type of development. I do not believe any of the examples given had the same impact on surrounding properties because whilst they sit behind an existing property, none of them have properties on all four sides of the boundary and therefore located in the middle of gardens. The applicant may not use his garden to its full extent but the owners of the surrounding properties certainly do - so much so that No 29 Lyme Avenue has purchased some of the land from 1A Birch Road that had previously been part of the original development application but was sold after the appeal was dismissed.

I object to the location of the development because it is in the middle of

	<p>well-used residential gardens and the construction of a large 4-bedroom property with space for 3 cars is not appropriate. Nor does the development enhance an underutilised or abandoned piece of land.</p> <p>5. Inconsistencies</p> <p>There are inconsistencies throughout the documentation submitted. The pedestrian safe zone varies from 600mm to 700mm wide; the drive is referred to in places as 3.7m and in other places 3.1m wide. This attention to detail makes me question the accuracy of the important dimensions and these should be confirmed by the Applicant with more detailed drawings. Lack of detailed dimensioned drawings to support the original application was highlighted by the Appeal Inspector.</p>
<p>5 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>Having a previous planning appeal decision dismissed and finding that a development on this site would not provide safe and suitable access, I cannot see that this current application has changed at all from the previous applications in regard to road safety, it will increase an already very fast and busy road with even more traffic coming onto the the main road. There are new houses being built at 3 Tring Road which will also increase the amount of cars joining the road which were not there before ,there are small children leaving the nursery , the junction at Dudswell, Lyme Avenue and Birch Road, all potentially making the road an accident waiting to happen</p> <p>My granddaughter walks to and from school and its a worry every day for her crossing the road at the moment without extra cars adding to the problem.</p> <p>The idea that a development should be allowed right in the middle of other neighbours areas is not right and should not be allowed.</p> <p>It was no surprise to us residents that the previous application was turned down by councillors who voted 11/0 against the proposal, I cannot see that anything has changed with this application, the previous issues remain the same and we the residents should not have to submit to this proposal.</p>
<p>29 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>We are family with a property which borders the proposed plot and have serious concerns over the suitability of the scheme.</p> <p>It is not shown in the application material, but our property directly borders the plot to its left along some 20m.</p> <p>Not only will the close proximity to our property affect our amenities, but we believe it will have a negative effect on the road safety in the immediate area.</p> <p><b>Road Safety</b></p> <p>The safety of this stretch of road has been (officially) in question for some time, but the particular point at the current access for 5 Tring Road is also now under scrutiny.</p> <p>Just last week I attended a committee meeting for Northchurch Road Safety and there were multiple committee members who pin pointed this exact spot- at the junction of Dudswell Lane and Tring Road, as an area for review. Unfortunately any progress made by this new</p>

committee will take time - something we don't have with this current application in process.

I'm sure everyone reading this will be aware of the complexities of this spot. It was a concern of the Dacorum planning committee who refused the previous application (for this site) and it was highlighted by the Planning Inspector Gemma Jenkinson in her subsequent appeal dismissal.

It is the opinion of many local residents that this junction is so complex and overloaded already that the extra traffic and manoeuvres from just one more property is still too much. We recently saw use of the old telephone repeater station granted, also a new property has been added at 3 Tring road, so we will have the new traffic to and from two large semis where previously there was a bungalow which had seen no traffic for years.

There needs to be a point at which we say enough is enough, and I believe that point has passed. I'm hoping there comes a time when the council decide it would be better to look in to ways of improving the safety of this area - for road users and pedestrians alike, rather than adding to the problem by granting extra developments.

It is evident that the Highways department has again showed little concern over the area, and again they appear not to have made a site visit. It is extremely frustrating that the safety of our roads seems to be decided remotely.

#### Suitability of the Access Road

I believe the access road to the new property is still unsuitable even if it would only serve two properties.

It is extremely long, and there have been no examples provided of a set up of this nature in the area. Yes there are examples of dwellings with a similar access, but this is in the extreme for a non remote area.

Despite the changes made since the previous application I believe it is still an extremely impractical and problematic set up.

I second the comments made by no. 3 Lyme Avenue regarding difficulties which will arise when an emergency vehicle needs to access/exit. In a instance where easy vehicle movements are vital it could easily go very wrong.

The adjustments to the driveway at the terminal with Tring road have not solved the access problems as we are lead to believe in the documents.

The bell mouth appears to have been narrowed from some 11 m to 5.685 and just 2.4m further back it reduces to 4.8m (the width of just 2 standard parking spaces).

The absence of the swept path diagrams of the entrance that Highways have cited as a requirement are particularly telling as I'm confident they would illustrate that two way access at the bell mouth would be physically impossible with a vehicle turning in and one coming out

#### Garden lengths/Area (accuracy of information)

In the dismissal of the last application the Planning Inspector highlighted the fact that 'to harmonise with adjoining properties the rear garden depths would need to be considerably over 11.5m' (minimum for the area)

The scheme can only manage an depth of 14m for the new property (it

does in one section go on to say in excess of 15m, but this does not tally with the plans) and subsequently would reduce the depth at no.5 to just 13.2m

The application goes on to mask the problem of the insufficient rear garden lengths by measuring garden area instead. It is clear the two are not comparable.

The semi-detached properties are of course going to have much narrower gardens, but the application uses this and other tools to paint an unrealistic picture.

In Appendix C the application sets out its apparent garden area information.

On looking at the Block Plan compared to appendix C it appears there are some discrepancies.

They have calculated the area of the garden for the proposed property using the rear garden plus land to the sides of the house.

BUT it seems they haven't done this for the other properties with side gardens

for example 27 Lyme Avenue which has substantial garden to the side is recorded as 464m<sup>2</sup> when it should be more like 517m<sup>2</sup>.

2,2a, and 1a Birch Road are also played down in this way.

29 Lyme Avenue which also borders the plot since purchasing land from 1a Birch Road is omitted completely and has a very large garden and side garden.

It is difficult to see how or why we should be seeing inaccuracies in the information in this new application. The discrepancies in the last application were brought up numerous times and are even acknowledged within this scheme's documents.

All the small inaccuracies or slight changes in representation can culminate in to a somewhat misleading picture.

#### Rear Garden Depths

Rear garden depth is the bigger factor when considering the character, layout and spacing of a group of houses and consequently is given more emphasis and has clear planning requirements.

I have re-written the information in Appendix C using the 'Block Plan' with rear garden depth instead - the information reads quite differently.

#### Property Garden Depth difference to proposed

Proposed property 14m N/A

Proposed 5 Tring rd 13.2m -7 %

3 Tring Rd 17m +21%

7 Tring Rd 17.5m +25 %

1 Lyme Ave 20m +43%

3 Lyme Ave 22.5m +61%

5 Lyme Ave 22.5m +61%

7 Lyme Ave 23m +64%

27 Lyme Ave 22m +57%

29 Lyme Ave 45m +221%

1a Birch Rd 37m +164



	<p>2a Birch Rd 15m +7% 2 Birch Rd 20m +43%</p> <p>This more relevant information clearly shows that the gardens of the proposed development and the resulting garden of 5 Tring road would not be in keeping with the character of the area.</p> <p>Tandem Development The issue of Tandem Development being 'problematic', 'unsatisfactory' and 'inefficient' is one that will not go away. The application gives examples of tandem development within the local area. It is true that this can be found all over, but finding an example as unsuitable as this would be hard.</p> <p>None of the examples in the application have an access drive with such limited space and unsuitable entrance. The three properties on Dudswell Lane have short access drives, are opening on to a quiet lane and form part of an building line existing, as does the Shooters Way Lane example. The Wayside/Verona example is on the edge of farmland, borders fewer properties and has a comparably short and spacious access.</p> <p>The example at 4a Birch road borders 5 properties, not 9 as the proposed would, but I can say first hand that it is a problematic development. It has been crammed in too close to the boundary and created a new building line, all of the rear first floor windows over look our downstairs, including the master bedroom. I have no idea why this was permitted.</p> <p>In her report, the Planning Inspector quotes the SPG saying 'prevalent buildings lines should be followed with dwellings fronting the highway'.</p> <p>The proposal would be off the building line and be right in the middle of the back gardens of nine properties.</p>
<p>3A Birch Road Northchurch Berkhamsted Hertfordshire HP4 3SQ</p>	<p>19/03272/FUL   Construction of new chalet bungalow to the side/rear of 5 Tring Road.   Land To The Side/rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p> <p>My objections are as follows:</p> <p>It does not have a low visual impact, it is a large house with a high ridge line. (6.9m high). Referring to the ridge heights as mentioned by nett assets, the less intrusive development would have been a bungalow on one level not a 4 bedroom large property bang in the middle of gardens and not on a building line</p> <p>The proposal does harm to neighbouring properties on grounds of visual amenity.</p>

	<p>What is to stop the apparent substantial boundary hedge being reduced in size after build?</p> <p>Vehicles are required to enter Tring Road in a forward gear, this will not occur at the distributor station when that build is completed.</p> <p>Backland / Tandem Development: 6 examples are mentioned, (None of them are relevant, (Limber, Dudswell Rise and Winnow Cottage, Dudswell Lane, Wayside/ Verona, Tring Road and Byways, Shootersway Lane) they are built on existing building lines not in the middle of gardens. Item 19 of the dismissed appeal states tandem development is generally inefficient, problematic and unsatisfactory. It is my opinion this current large house is no different to before.</p> <p>Windfall development (NPPF definition: "which has not been specifically identified in the local plan. They normally comprise previously developed sites that have unexpectedly become available). These are normally industrial sites, this application has not unexpectedly become available nor was it previously developed</p> <p>Bins; length of delivery The development is not acceptable or welcomed</p> <p>Regarding the "redundant garden of 5 Tring Road" being inefficient, it has not been noted that the occupants of, 29 Lyme Avenue have purchased land from 1a Birch Road to substantially extend their garden. How can a garden be inefficient, this is only due to the circumstances of 5 Tring Road having changed?</p> <p>If the build was to take place, can anybody explain how construction vehicles would access the property, find parking space and not cause traffic problems on Tring Road.</p> <p>Attached photos of this junction, one is of the construction vehicles associated with the build of new properties on 3 Tring Road and the others are of morning traffic on the junction as mentioned in the appeal decision</p>
<p>1 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p>	<p>Having a previous Planning Inspectorate Appeal Decision dismissed and finding that a development on this site " would not provide safe and suitable access for all" and "would have an unacceptable effect on the character and appearance of the area", this current application is not able to demonstrate significant changes to either of these decisions. On the road safety issue, the figures supplied are a little disingenuous. The figures previously supplied are correct in that 75% of traffic at this point is breaking the speed limit from 30-50 mph. 170 vehicles are travelling in excess of 50mph. However, it is not averages that matter specifically, it only takes one of the 61,000 vehicles in a week, to cause an accident and this is a dangerous junction. To correct the submitted details, there was an accident at exactly this spot on 07/06/16, not a fatality fortunately, but bad enough to close the road for several hours. I note also that yet again no physical inspection has been carried out by Highways. To add to the problem at exactly this point, the new houses</p>

at number 3 Tring Road will probably provide an additional 12 vehicle movements per day where there were none before. Also uncounted at the same spot will be a vehicle from the Repeater Station, probably reversing into the road. Also the 40 odd vehicle movements from the Kindergarten seem to have been ignored and these are cars carrying very small children.

It should also be noted that the Inspector found that the previous application "would not provide safe and suitable access for all". She also wrote that "in this case I remain of this view whether or not it would satisfy the criteria for a 'shared private drive' as set out in Highway Design Guide 3rd Edition 2011"

With regard to the comparable tandem development examples provided, there really is no comparison between this proposal and those submitted. The spaces used were enormous and houses built along building lines, not squeezed into the middle of existing garden areas to the detriment of the surrounding householders.

The proposal admits that any occupant of the "bungalow" would have to travel 50 metres downhill with their bins to get to within the statutory 25 metres from the road. I wouldn't want to be doing that on an icy road!

The proposed access road is also highly suspect with regard to PSVs particularly fire engines as pointed out by Valerie Spiers at Highways who has requested further information about quite how firefighters could do their jobs.

Finally the overall idea that a development be allowed right in the middle of other people's garden areas just cannot be right when so many people object to it. Indeed the proposal has not taken account at all of the purchase of the land that the proposer was originally going to use for his previous, refused, application. Nothing in this new application deals with the Inspector's finding that it " would have an unacceptable effect on the character and appearance of the area". And this decision was based upon the Inspector's personal visit to the site. The Inspector's comments that the previous proposal would not "respect the typical density of an area" or " respect adjoining properties" as laid out in CS11 and CS12 of the CS, is not at all changed in this new proposal.

It was no surprise to us residents that in the previous application the Councillors voted 11 / 0 against the proposal when it was called in, with many and various comments being made about the unsuitability of the proposal. As far as I am concerned, nothing much has changed from that position. It just cannot be right that so many residents enjoying peaceful gardens and wildlife should have to submit to such a proposal as this. What price Democracy?

#### ADDITIONAL COMMENTS:

I write in connection with the above planning application.

As I am sure you know, the Planning Inspectorate recently refused a

	<p>previous application for this site, partly due to the problems with the road junction at this point. You may or not know that when the original application was called in, several Councillors were very critical of the efficiency and effectiveness of the Highways Agency, not just for that application, but several others that had been brought before them. I think " armchair Googling" was mentioned.</p> <p>On that occasion the HA had no record at all of an accident at exactly this spot on 7th June 2016 which resulted in cyclist injury, closure of the road and traffic, including buses, having to reverse up my drive! The paint marks are still there.</p> <p>This is a dangerous junction of 7 roads and driveways all joining or on the busy highway at the same point. The 30mph speed limit is broken by 75% of drivers, with speeds of up to 79 mph!</p> <p>A few days ago there was yet another accident involving an ambulance and a Range Rover trying to join the road from Dudswell Lane. I attach photographs. The front of the Range Rover was ripped off and thankfully nobody was badly injured. You are probably able to check the incident report via the Ambulance Service records.</p> <p>This site is dangerous. As well as the existing speeding traffic, we will now have more traffic emerging at this point from the development of two, four bedroom houses at number 3 Tring Road, where there was no previous vehicle activity, probably amounting to circa 20 vehicle movements per day, plus the new development of the Repeater Station where reversing into the road will presumably become the norm. And all this before the addition of more emerging traffic at number 5, again perhaps a further 12 vehicle movements per day by current statistics.</p> <p>My sentiments concerning this junction are well documented in the details of the previous application, 4/03324/17/FUL. Being first on the scene of an RTA is never a pleasant experience.</p> <p>So please take these facts into consideration when making your decision and I think it would be very useful if you were to make a quick site inspection to understand this relatively unusual junction.</p>
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**APPENDIX C: COMMENTS ON PUBLISHED REPORT (COVID-19 – CONSULTATION)**

**CONSULTEE RESPONSES**

<b>Name/Address</b>	<b>Comments</b>
Councillor Beauchamp	<p>The decision to move from 4 units to 1 should not now have any significant impact on traffic issues.</p> <p>Agree with the Officer's Decision to Approve.</p>

Councillor Woolner	I understand that this application is now deferred until May.
Councillor Pringle	<p>1. The applicant has previously proposed a development of 2x2 semi-detached properties on the same site. This was unanimously rejected by the DMC in May 2018.</p> <p>2. This decision was upheld on appeal to the Planning Inspectorate in a report dated 26 March 2019 (Annex A). The proposal has now been altered from 4 dwellings (2x2 semi-detached houses) to a single 4 bedroom family property with the same access provisions (sharing the driveway with 5 Tring Road).</p> <p><b>Background</b></p> <p>3. The Planning Inspector's grounds for upholding the rejection of the previous proposal were safe and suitable access for all and the effect of the development on the character and appearance of the surrounding area.</p> <p>4. As ward councillor, with the interests of all of my residents in mind, I continue to oppose this development on the grounds of local concern about the impact of this development on highway safety and that the amended plans do not demonstrably provide safe and suitable access for all.</p> <p>5. I represent not just the interests of those residents whose properties are directly affected, but also residents who use the kindergarten and cricket club facilities directly opposite the site, accessing these both by car and as pedestrians; the children and elderly residents using the bus stops opposite and adjacent to the site where there are minimal footways at a dangerous stretch of road including a bus lay-by; and the many pedestrians who regularly cross the road at this point to access the nature reserve to walk their dogs, the entrance to which is opposite this site beside the cricket club.</p> <p><b>Objections</b></p> <p>6. This revised proposed development does not provide safe and suitable access for all</p>

and continues to have a detrimental impact on highway safety.

7. This junction is complex and a notorious area of concern. This was recognised when the matter was previously before the DMC and has been recognised by the Planning Inspector.

**No site visit appears to have been made by either Herts Highways or the Planning officer. No Road Safety Audit has been completed**

8. I am particularly concerned about the following:

- Planning Inspector Gemma Jenkinson's appeal findings were informed by a site visit was made on 4 December 2018.
- The planning inspector has made a finding that a Road Safety Audit would be required before planning permission could be granted.
- The members of the DMC who made the previous decision had extensive local knowledge of this notorious stretch of road and were concerned, amongst other things, about the impact of a development with such a long shared driveway on highway safety.

9. In paragraphs 12 and 13 of her report of 26 March 2019, Planning Inspector Gemma Jenkinson states:

*'12. Highway safety records demonstrate that there is a relatively low level of accidents locally and I acknowledge that the Highway Authority raise no objections. Balanced against this is the local concern related to highway safety over some time evidenced in the Go20 campaign. Paragraph 2.16 of the TN indicates a Road Safety Audit would be required to ensure the access arrangements would be satisfactory. However, it seems to me that, taking into account the precautionary principle, this should be demonstrated before planning permission could be granted and should not be dealt with by condition.*

*13. For the reasons set out above, I conclude that the proposal would not provide safe and suitable access for all, I therefore find conflict with Policy CS12 of the Dacorum Core Strategy 2015, The CS)*

*which requires safe and satisfactory access for all, even though it is not cited in the reason for refusal, and which complies with Paragraph 108(b) of the National Planning Policy Framework 2018 (the Framework) in this respect. In the absence of satisfactory evidence to the contrary, and taking into account the precautionary principle, I am unable to conclude that the proposal would not have an unacceptable effect on highway safety and in this respect, I also find conflict with Paragraph 109 of the Framework.'*

10. Conversely, there is no evidence that the planning officer has ever made a site visit or consulted with anyone who has done so.

11. There is no evidence that the comments from Highways are informed by:

- Visits to this site
- the comments of the previous PIN report
- the historic concerns of the local community as referenced in the PIN report.

12. I would urge members of the DMC to try to familiarise themselves with this junction before reaching a conclusion on road safety if they are not already familiar with it. Prior to lockdown I can confirm that this junction is normally extremely busy during peak hours due to the weight of traffic, bus stops, kindergarten customers using access at the junction with Tring Road and Dudswell Lane opposite this property and complex nature of the junction with its many driveways leading on to it. I and have longstanding concerns about the lack of pavement space for school children and elderly people crossing to use the bus stops.

13. In the absence of material changes relating to suitable access for all and road safety, the findings of the Planning Inspector still stand, namely that this proposal does not provide safe and suitable access for all and that there is an unacceptable effect on highway safety.

**The amendments to the proposal do not materially allay concerns regarding the impact of the proposed development on safe and suitable access for all; there remains an unacceptable effect on highway safety concerns about road safety**

**Risk of vehicles reversing onto the main road and risk to pedestrians using the shared driveway**

14. Although the number of movements from an additional single large dwelling would be expected to be less than from 4 small dwellings, it is not the number of movements itself that presents the danger, but the nature of them. Despite the proposed widening of the driveway to include a pedestrian refuge, the shared driveway arrangement continues to present the same concerns upon which the Planning Inspector based her findings relating to safe access and highway safety. This is particularly so as the Planning Officer has not made a site visit to establish how realistic and accurate the proposed widening may be (it should be noted that the Planning Inspector had concerns over the accuracy/provision of measurements in the previous application). It is not clear what measures would be in place to prevent large utility vehicles reversing along the incline into the pedestrian refuge and endangering children who may be using it.

15. In the context of the complicated junction, the risk from vehicles reversing onto the highway is significant. In particular, as the residents have established in their own investigations, the calculations of car width that the applicant relies on are based on a small vehicle. It is to be expected that a 4 bedroom property in this area would have a large family vehicle, significantly wider than the example used by the applicant. The applicant has not established that two such vehicles would be able to pass without one reversing. Also supermarket delivery vehicles and the ever more frequent daily deliveries by utility vehicles attending two properties would mean there would be a risk of vehicles significantly wider than cars needing to pass on the driveway. This would present materially the same significant and unacceptable risk to pedestrians accessing the property as well as highway users as the Planning Inspector found in her report, based on her site visit.

**Access for refuge trucks and unsatisfactory arrangements for refuse**



**collection - the planning officer has based her findings on inaccurate measurements - there is a risk of refuse vehicles reversing into this junction in the future presenting a significant risk to highway users or in the alternative, the proposed refuse arrangements are unacceptable.**

16. There are unsatisfactory arrangements for waste management; there is no report from refuse collection services. The comments submitted to the Planning Inspectorate for the purposes of the appeal of former Councillor Tom Ritchie for West Berkhamsted, who was very familiar with this junction, are relevant here as he called for comments from DBC refuse.

17. In my representations to the PIN regarding the applicant's previous appeal I included the following quote from Cllr Ritchie:

"Councillor Ritchie additionally sent these comments to Mr Stickley the planning officer by email in September:

*Martin*

*As we were asked to do on the evening, the reasons for refusal are correctly stated. In my mind, the main ones are the increased traffic on an existing multi-access to a main road, with the additional comment that, although there is a speed limit, that is frequently exceeded, as it comes from a 50mph zone and appears still to be rural.*

*Secondly, the access lane, with no passing or turning places would be a hazard for internet shopping, is a National reality.*

*I cannot recall if you have comments from the DBC refuse unit but they should be concerned about manoeuvring to reverse from this road and junction.*

*Regards*

*Tom Ritchie "*

18. In the applicants own Design and Access Report, dated 2 January 2020, the applicant provides the distance from the bin store to the refuse collection point (some 25

metres up the 70 metre driveway) to be 55 metres. Whereas the planning officer has based her recommendations on a significantly lower and erroneous measurement of 30 metres. Bearing in mind the overall length of the drive is 70 metres, the planning officer's measurement is clearly wrong and any conclusions deriving from it should be disregarded. This driveway is on quite a steep incline; there are 2 wheelie bins (larger ones from a 4 bed property) plus a food storage caddy to be transported both up and down the path each week. This is 12x55 metre journeys each week. This amounts to a distance of 660 metres each week pulling heavy wheelie bins/carrying a caddy up and down a hill. I question if this would be sustainable for a disabled or elderly resident in difficult weather. There is a real prospect that such a resident would in future negotiate that the refuse truck would come up the driveway, which would entail a refuse vehicle reversing close to the front door of 5 Tring Road in order to leave in a forward gear. It is questionable whether future residents of 5 Tring Road would be willing to accept this, given the damage such regular manoeuvres would cause to their driveway, the general nuisance of this and the risk to the safety any children living there of a refuse vehicle reversing in close proximity to their front door.

19. Unless a satisfactory arrangement for refuse collection can be demonstrated, the risk remains of future refuse vehicles reversing onto the highway, or there being permanently unsatisfactory arrangements for refuse collection.

#### **Access for emergency vehicles**

20. The residents have raised concern about the access for emergency vehicles. It would seem that only one emergency vehicle would be able to get within close proximity of the property and a second emergency vehicle would impede the exit of any ambulance that needed to leave the property with a casualty. The risk that future residents of 5 Tring Road, who would not be aware of the arrangements for emergency access as proposed by the applicant, would

park their vehicles in the proposed turning point for emergency vehicles is significant. There is a real risk that emergency vehicles would reverse onto the highway endangering highway users and/or would impede the access of additional emergency services attending the property. Multiple occupants would mean that in the event of a fire multiple ambulances may need to attend. This would present a risk to life of future occupants of the proposed family property from lack of access of emergency vehicles. There would also be a risk to highway users from such vehicles reversing onto the highway.

21. In addition, the research conducted by the residents establishes that the fire appliances that would be likely to attend the proposed property are wider than those used in the applicant's diagrams. It has not therefore been demonstrated by the applicant that that acceptable access for emergency vehicles had been adequately established.

**Historical concerns over road safety in this location**

22. The historical concern across the Northchurch community about road safety in Northchurch is evidenced by the motion of Hertfordshire County Council in the highlighted parts of the attached minutes. (HCC minutes March 2018 - Annex B). The area of the Tring Road between Pea Lane and Billet lane is cited in the motion passed by HCC requiring road safety in this stretch to be investigated. This is evidence of the historic concerns of the local community about this stretch of road. Planning Inspector Gemma Jenkinson referred to these concerns in her findings. They have not been referred to by either the Highways officer or the Planning officer in the current application.

**Changes in Circumstances since the last application**

23. Since the previous application, there have been changes of circumstances at this location, namely

1. The telephone repeater station directly

opposite the proposed shared driveway has is being renovated for use as a residential dwelling. Despite concerns raised by Highways, that this would entail vehicles having to negotiate the access to this property using a reverse gear across the oblique junction of Dudswell Lane and Tring Road, the plans were passed. Although the property is as yet unoccupied, this presents further and as yet unaccounted risk to highway users at an already busy and complex junction.

2. The neighbouring property at no 3 Tring Road is currently being rebuilt. The former modest bungalow which had been unoccupied for some time, is now being replaced by a pair of spacious semi-detached family properties. The access to this is a shared driveway parallel to and in close proximity to the shared driveway of the proposed property. This will present increased traffic movements at this location.

#### **Local Knowledge**

24. As the ward councillor, this site is a ten minute walk from my home. I am extremely familiar with it as I drive past it on most normal weekdays and am also a regular pedestrian in the area as I use the field opposite to exercise my dog. I have been a customer of the Kindergarten situated in the cricket ground directly opposite the site and am aware of the complex and challenging nature of this junction. I hear regular reports from the local community through Go20 (group and the Road Safety Working group on the Northchurch Parish Council. The Parish Council has recently raised concerns about road safety in Northchurch with the local police. These are based on reports from local residents, some of which refer to concerns at the Tring Road Dudswell Lane junction (the location of this proposed development). I can confirm that this is a dangerous stretch of road, with a bending and undulating approach from both directions, limited footpath and a bus lay-by in which stationary buses often obstructs sight-lines.

25. I would recommend that members view this junction and take into consideration that this shared driveway is at the end of a bus

	<p>lay-by and also the limited area of safe pavement that can be used to access the bus stop opposite the property. A number of school children use this and my own personal experience is that they take risks in crossing, often in poor light at busy times. There is often traffic backing up the main road, which has two solid white lines, waiting to turn into the kindergarten. Dog walkers often cross here. These children and other road users are my primary concern with regard to this dangerous junction.</p>
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**NEIGHBOUR RESPONSES**

<b>Name/Address</b>	<b>Comments</b>
<p>1 Tring Road Northchurch HP4 3SF</p>	<p>Further to my objections to this application, which you have on file dated 27th January, I should like to add a few further points relating to the revised application details and the report by your Case Officer Heather Edey.</p> <p>In addition to our wholehearted support for the letter sent to you by 3 Lyme Avenue, there are a few more points, not contained within that letter, that you should be made aware of.</p> <p>1. As it would appear that the plans that have been used are out of date, you may not be aware that No.3, Tring Road is not now a derelict bungalow, with no traffic movements, but is instead occupied by 2 x four-bedroom semi-detached houses. Using current traffic data, it is likely that this will add at least a further 16 vehicle movements per day at this already dangerous junction and adjacent to the entry of No 5 Tring Road.</p> <p>Also the Repeater Station development, also right on this junction, will shortly be occupied and will add even more vehicle movements for the first time.</p> <p>2) This junction was the scene of yet another accident on the 14th February when a vehicle emerging from Dudswell Lane was sideswiped by an Ambulance on call. Mercifully nobody was seriously injured, but had the accident happened two seconds</p>

	<p>later it would have been a different outcome. We have photographs of the incident should you wish to see them.</p> <p>3) In relation to the submitted plans showing vehicle dimensions, please consider this. The vehicle shown is 1.68m wide, a tiny car. A Range Rover or a BMW X5, likely vehicles for owners of this 4 bedroom development, are 2.22m or 7'4" wide, a full 0.54m wider. No two vehicles can pass on a 3.00m or 3.70m driveway without one driver reversing, possibly unsafely onto the highway at this accident prone junction.</p> <p>4) It seems to us that the revised application does not materially divergent any way from the Planning Inspectorate's original decision to refuse this development, and this on many counts, particularly on CS12 and Para 109 of the National Planning Policy Framework, as quoted by the Planning Inspectorate themselves.</p> <p>Finally, as there is obvious confusion about the identity of the property to which the Case Officer refers in her para 9.5, and it looks as if old documentation has been used, this would surely warrant a fresh look at the application.</p>
<p>29 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>My property (<a href="#">29 Lyme Avenue</a>) borders the application site to its left for approximately 20 m. This is not shown on any of the plans - the PL02 block plan is inaccurate.</p> <p>I have already submitted an objection which I urge you to read in full at this time. My objection includes points which illustrate the unsuitability of the scheme that have not been covered by the Planning Officer, despite the claim that householder comments have been addressed.</p> <p>The Planning Inspector Gemma Jenkinson previously concluded in her appeal refusal last time around that small scale developments attract limited weight and therefore I believe changing the spacious character of the area and adversely affecting the amenity of the neighbours would be too a large price to pay. The long, narrow driveway is too problematic to be worth it, and the effects on the road safety far out way the benefits of</p>

	<p>this development.</p> <p>Not wanting to repeat my concerns unnecessarily and add to the workload of those concerned, I would like to refer you to no. 3 Lyme Avenues' latest admission and state that my family and I fully endorse the information provided in both that document and my own initial objection letter.</p>
<p>Letter received from:</p> <p>3 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>3a Birch Road, Northchurch Berkhamsted Hertfordshire HP4 3SQ</p> <p>1 Tring Road, Northchurch HP4 3SF</p> <p>29 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>5 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>1 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>This letter has been written collaboratively by the undersigned residents of Lyme Avenue, Tring Road and Birch Road ('the Residents' herein) who have previously objected to the proposed development to the side and rear of 5 Tring Road.</p> <p>The Residents have read the report produced by the Case Officer, Heather Edey, and find the arguments for recommending planning is granted are not sound and the reasons the Planning Inspector, Gemma Jenkinson, cited for dismissing the appeal for the original development proposed at this site have not been overcome and therefore planning permission should not be granted. Below we provide the detail to demonstrate why the Planning Inspector's concerns have not been resolved:</p> <p>1. In paragraph 9.28 of the Case Officer's report, she refers to the Planning Inspector dismissing the appeal because the plans failed to show there would be safe and satisfactory access on to the highway and lists the 3 particular issues identified by the Planning Inspector. The Case Officer concludes, in paragraph 9.32, that all 3 concerns have been addressed but we disagree as follows:</p> <p>a. Width of the existing access: The applicant has submitted drawing no. 2223-002 which shows 2 cars at the bellmouth being able to pass each other. However, it should be noted that the width of the cars on the drawing is 1.686m. A quick search on the internet identifies this vehicle would be a 'small/compact' car. Based on the size of the proposed chalet bungalow, with 4 bedrooms, it can be assumed that the residents would own either a family vehicle or even an executive</p>

vehicle. These are 1.871m and 1.910m wide respectively. Also, considering the applicant would also be using the bellmouth and drives vehicles larger than 'small/compact', this drawing is misleading and the bellmouth remains unsuitable and the applicant has not overcome the Planning Inspector's concerns.

Also, drawing no. 2223-002 depicts two vehicles at the bellmouth with one coming into the drive from Berkhamsted direction. They have not provided a drawing showing a car turning in coming from the Tring direction and if they did, using more realistic car dimension, they would not be able to demonstrate the bellmouth is providing safe and suitable access for all, as required by the Planning Inspector.

b. Sufficient manoeuvrability space for emergency vehicles

The applicant has submitted drawing no. 2223-001 to show how an emergency vehicle would manoeuvre on site. The Case Officer mentions a number of times in the report that emergency vehicles can enter and leave the site in forward gear as is this the only important fact. However, what she doesn't mention is that for a fire appliance to leave the site in forward gear, on arrival on site it will have to pull in to the new turning head in front of 5 Tring Road and then reverse up to the proposed bungalow. In paragraph 9.41, the Case Officer says the neighbours' objections have been 'considered and discussed in more detail during earlier sections of the report.' However we challenge this statement because very pointed questions regarding the fire strategy were submitted to the Case Officer and there is no reference to these in the report, addressing the serious concerns. For clarity and ease of reference, the questions asked for the Case Officer to consider when assessing the proposal are:

- i. Will every response vehicle know they are expected to turn and reverse up the proposed property? How would they be informed to do this? What will prevent a fire appliance driving straight up to the proposed property?
- ii. If there is a fire, is the time lost in turning



and reversing acceptable?

The width restrictions of the turning head and drive mean it is unlikely the appliance will make the turn and reverse in one manoeuvre and will have to make a number of smaller manoeuvres to achieve the change in direction, which will not be quick.

iii. If an ambulance is called and the fire appliance is parked as indicated on the drawing, how will the paramedics get to the property? If the ambulance should arrive before the fire appliance and need to leave urgently, it will be blocked in by the fire appliance.

iv. If the parked vehicles belonging to the proposed property have to be moved for safety reasons, how do they get out when the fire appliance is on site?

Another issue on drawing no. 2223-001 is the width of the fire appliance used to demonstrate the manoeuvrability on site. The applicant has used a DB32 fire appliance which is 2.18m wide. We have spoken to the local fire officers and we have learned that an emergency call will first go to Hemel Hempstead where they have Scania appliances which are 2.60m wide. If Hemel Hempstead can't respond the call will be redirected to Berkhamsted where they have a MAN fire appliance which is 2.55m wide. Both these appliances are significantly wider than that used on the drawing which means this drawing is misleading in its representation of what is possible on this restricted site.

c. Concerns relating to pedestrian safety  
On drawing PL-02, the applicant has identified '3.7m wide private driveway incorporating 0.7m de-marked safe pedestrian pathway'. The Planning Inspector questioned the validity of the 3.7m dimension given the lack of dimensions on the drawings submitted with that application, and the hedges on either side of the drive. This detail remains the same with this new application and yet they have managed to incorporate a pedestrian pathway. Drawing a line to show a pathway does not alleviate the Planning Inspector's decision that this driveway will not provide safe and suitable pedestrian access.

The Planning Inspector also concluded that the length of the driveway would not provide safe and suitable access for all and this new proposal does not eliminate this determination.

2. The Case Officer does not address the second major concern the Planning Inspector had with the original proposed development of 2 pairs of semi-detached properties, and we believe this is because this latest application does not resolve it.

The Planning Inspector concluded the original proposed development would not provide safe and suitable access for all based on the complex highway layout at the location of the proposed development:

- the driveway being off Tring Road;
- it's close proximity to the Tring Road/Dudwell Lane junction;
- the oblique access to the residential curtilage of Kings Lodge;
- bus stops on both sides of the road and one immediately opposite the site entrance;
- the access to the Northchurch Sports Ground and pre-school nursery; and
- the former Telephone Repeater Station.

The Planning Inspector also noted that the driveways of the surrounding properties had been omitted from drawings and they too add to the complexity of the highway layout at this location.

Whilst the Planning Inspector acknowledged the Highways Authority had raised no objections, having made a site visit she was unable to conclude that the development would not have an unacceptable effect on highway safety. It should be noted that she accepted 'the likely additional volume of traffic from an additional four dwellings would be small in relation to the flow along Tring Road' so the reduction in the size of the development does not overcome the Planning Inspector's concerns and therefore this new proposal does not resolve the reasons for the Planning Inspector's dismissal of the appeal. Since this proposal cannot overcome the complexities of the highway at this location, the proposal conflicts with Policy CS12 of the Dacorum

Core Strategy  
2015 which requires safe and satisfactory  
access for all.

When the appeal was dismissed in  
March 2019 the Residents assumed no  
further development would be proposed  
because the restrictions of the shared  
drive and boundary of the site, and the  
complexity of the road layout at that location  
on Tring Road can never be resolved by the  
applicant and this proposal demonstrates  
that no matter how small the development it  
will always remain unsafe and unsuitable for  
very serious reasons.

3. Referring to paragraph 9.5 of the Case  
officer's report:

'it is noted that the urban grain of the  
surrounding area is such that only the  
current application site and neighbouring  
property could accommodate new  
development within the rear garden. As  
such, it is not considered that the proposed  
development would prevent a more efficient  
use of urban land, given that there is a  
possibility that any neighbouring  
development could utilise the same access  
used to facilitate the current proposal.'

We are unsure which 'neighbouring  
property' the Case Officer is referring to as  
none of the properties bordering the  
proposed development site have  
development potential. If the Case Officer  
relied on Drawing PL-02 to make this  
assessment she has been misled because  
this drawing is out of date. 1A Birch  
Road no longer has the extensive  
garden it had when the applicant  
submitted his original development  
proposal. A large section of this garden  
has been sold to 29 Lyme Avenue leaving a  
more modest garden for 1A Birch Road.

We would also argue that there is no need to  
make 'efficient use of (this) urban land'  
because it is in fact a beautiful large garden,  
amongst other beautiful, large gardens. As  
we said in our original objections to the  
proposal to develop this land, it is not  
underutilised, or making better use of an  
otherwise wasted ground. This  
development is proposed in a location that

does not enhance the local area because it is set far back off the main road so no-one will see it, but it will impede on the residents of the 14 properties whose gardens all back on to the boundary of the proposed development.

4. Referring to paragraph 9.8 in the Case Officer's report:

'9.8. Under the previous appeal case, the Planning Inspector noted the low density of neighbouring properties, noting that they are usually situated within *'generous leafy gardens, giving a spacious character to the area.'* It is considered that by amending the proposals to a single new dwelling this has created the sense of spaciousness required in the determination of the previous submission and its appeal.'

Again, this statement suggests the Case Officer didn't visit the site. The previous application was based on the land created by combining the rear gardens of both 5 Tring Road and 1A Birch Road. When the appeal was dismissed, the owner of 1A Birch Road withdrew his land and the applicant was left with just his own garden for development. This has resulted in the proposed bungalow being on a much smaller site and therefore the claim that this has resulted in a 'sense of spaciousness required in the determination of the previous submission and its appeal' is wrong.

5. Referring to paragraph 9.9 in the Case Officer's report where it is argued that the dimensions of the rear garden of the proposed bungalow are 'broadly compatible with those in the surrounding properties.' The Case Officer acknowledges that the garden is shorter than those in surrounding properties (it is substantially shorter) but because it is wide, it is 'compatible'. We refer to drawing PL-02 which is the site plan and clearly shows how small the new garden will be compared to the gardens of the surrounding properties and so again this proposal does not create the sense of spaciousness required in the determination of the previous submission's appeal.

Taking the points raised in items 3, 4 and 5

	<p>above, we conclude that this new proposal still fails to comply with parts of the policies CS11 and CS12 which the Planning Inspector cited in her reasons to dismiss the appeal associated with the original application.</p>
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