

ITEM NUMBER: 5d

20/00631/FUL	Construction of new dwelling with access via existing driveway. Demolition of existing garage and construction of two new detached double garages.	
Site Address:	Fullers Cross Oak Road Berkhamsted Hertfordshire HP4 3NA	
Applicant/Agent:	Mr Mann	
Case Officer:	Joan Reid	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Objection from Town Council	

1. RECOMMENDATION

That planning permission be granted subject to the conditions and reasons set out at the end of the report.

2. SUMMARY

2.1 The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4. A number of backland developments are evident within the immediate area and the proposal satisfactorily can be accommodated on the site without resulting in overdevelopment. Given the separation distance, design of the proposals, and existing circumstances including high level of existing screening, there would be no significant adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. The proposal would comply with Policy CS12 in these regards. The new garage to the frontage and side extension would also be acceptable in design and amenity terms.

3. SITE DESCRIPTION

3.1 The application site comprises a large detached property situated on a generous plot within the residential area of Berkhamsted (BCA12 Shootersway). The immediate area is characterised by large detached dwellings of varying style, height, size, build line and architectural form. A number of backland infill developments are evident within the vicinity of the site. There is an existing in/out access arrangement serving the existing property off Cross Oak Road.

4. PROPOSAL

4.1 Permission is sought for construction of a new two storey dwelling with access via the existing driveway, together with demolition of existing garage and construction of two new detached double garages, 1 for the new property and 1 to serve Fullers. A side extension is also proposed to the parent property to serve a utility room.

5. PLANNING HISTORY

Planning Applications:

4/01012/05/FHA - Two storey central front extension
GRA - 15th June 2005

4/00569/01/FHA - First floor extension
GRA - 25th May 2001

4/01339/94/FHA - Single storey rear extension

GRA - 16th December 1994

4/00606/93/FHA - Two storey side / rear extensions
GRA - 24th June 1993

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL1

Former Land Use (Risk Zone): Old Chalk Pits, Crossways, Berkhamsted

Former Land Use (Risk Zone): Infilled Ponds, Crossways, Berkhamsted

Former Land Use (Risk Zone): Infilled Ponds, Oakwood, Berkhamsted

Former Land Use (Risk Zone): Old Chalk Pit, Kings Road, Berkhamsted

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Red (10.7m)

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

EA Source Protection Zone: 2

EA Source Protection Zone: 3

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:

Core Strategy

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

Saved Local Plan

Saved Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Saved Policy 100 – Tree and Woodland Planting

Saved Appendix 3 – Layout and Design of Residential Areas

Saved Appendix 5 – Parking Provision

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)

Area Based Policies (May 2004) – Residential Character Area BCA 12

9. CONSIDERATIONS

Main Issues

9.1 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.
- Ecological Impacts.

Principle of Development

9.2 The site is situated in the town of Berkhamsted within a designated residential area, wherein residential development is acceptable in principle in accordance with Policy CS4 of the Core Strategy.

9.3 The proposal would make a contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2018); subject to the impact of the proposal's character and appearance upon the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

9.4 The main considerations in the determination of the application are the impact of the development on the character and appearance of the site and street scene; the impact upon neighbouring properties; parking and highway safety, landscaping and ecological impacts.

Quality of Design / Impact on Visual Amenity

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

9.6 In consideration of the proposals, some weight can be afforded to the Area Character Appraisal for BCA12 Shootersway which describes the character of the area as a very low-density residential area on the southern side of town featuring a variety of mainly detached houses in a spacious semi-rural setting, dominated by informal heavy landscaping.

9.7 In particular, BCA12 sets out development principles for new housing development as follows:

Housing Design: No special requirements. Innovation in design is acceptable.

Type: Detached dwellings are appropriate and are encouraged. Flats may be acceptable where the site, and in particular car parking areas can be screened by heavy, informal planting, to maintain the landscape dominated appearance of the area.

Height: Should not normally exceed two storeys. *Size:* Large dwellings are appropriate and are encouraged.

Layout: An informal approach to layout is acceptable. Development should, however, follow established building lines where they exist. In cases of redevelopment and plot amalgamation, development in culs-de-sac is acceptable. For proposals fronting Shootersway, Cross Oak Road and Kings Road, very wide spacing (over 10 m) should be maintained. Elsewhere wide spacing (5 m to 10 m) will normally be required.

Density: Should be compatible with the character within the existing density range not normally exceeding 8 dwellings/ha.

9.8 The area based guidance for residential areas states that tandem development, the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development, but certainly the most inefficient, problematic and unsatisfactory. The area policy statement makes no reference to tandem development. It is the Council's view that this is a generally unsatisfactory form of accommodating new housing however this is subject to consideration of how the development meets minimum requirements and any harm that may arise.

9.9 The proposed development would comprise backland development situated on land comprising the rear garden of Fullers. Access would be located off Cross Oak Road via the existing driving serving Fullers and runs alongside the western boundary of the site. Fullers would be served by a second existing access. In consideration of the proposal, regard must be taken to the established pattern of development that surrounds the site, including other dwellings located behind the dwellings fronting Cross Oak Road. Examples include: neighbouring property Dellswood; Lavender House; Gillams; Brambleway House; Cherry Hill and Homestead. The proposal would not introduce an alien form of development in context of its surroundings given the already established grain. Therefore, in this instance the backland development is considered acceptable as the development would not detract from the established pattern of development within the immediate vicinity.

9.10 With particular regard to the principle of backland development in this location, an Inspector considered the impact of a new dwelling to be located within the rear garden of Chilterns in 2010 having regard to the Character Area Appraisal BCA12 (Appeal reference: APP/A1910/a/10/2131872). The Inspector stated that a similar sized dwelling to that current proposed would meet the Council's requirements in terms of density for the area, amenity provision and size and it would respect the character of the area. In summary the Inspector concluded that the new dwelling within the backland setting out be appropriate for the area. At the time, the Inspector also considered the concerns raised by the Council on precedent, and whilst acknowledged that that is no precedent in planning law, accepted that it would be difficult for the Council to resist further backland development in this setting.

9.11 The ratio of open space to built form within the site is generally reflective of the immediate environment in terms of plot subdivision. Although the footprint is slightly larger than that prevailing in the area it sits at a lower level than the existing house and its impact is lessened. To the boundary

nearest Dellswood, spacing of 8.8m between the dwellings is retained (approximately 6m to the side boundary in accordance with the area based policies and a distance of 24m is achieved between the front of the proposed property and the rear of the Fullers as well as meeting a minimum distance of 23m between the rear of the propose dwelling and 3 Tower Close. The resultant density of the development would be approximately 8 to 10dph which is in keeping with the low density surrounding.

9.12 The scheme also proposes a new detached garage to the front of Fullers. Due to the high level of landscaping to the frontage which is to be retained, and the existing establishment of detaches along this stretch of Cross Oak Road, the proposal would not detract from the existing leafy character of the immediate area.

Impact on Residential Amenity

9.13 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.14 Saved Appendix 3 of the Local Plan (2004) outlines that a minimum distances of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors. Therefore, a separation distance of at least 23 metres should be maintained between the existing dwelling and proposed units. This 23 metre separation distance is also maintained between High Oak Lodge, The Spinney, Fullers and No.3 Tower Close.

9.15 Consideration has been given to the impact of the proposed dwelling on the adjoining dwelling Dellswood in terms of loss of daylight, sunlight and outlook. Dellswood, which is a bungalow, is the nearest dwelling and lies immediately to the east, also in a backland location. The 25 degree line as drawn from these side facing windows has not been breached by the proposed dwelling and due to the high level of hedging separating the two sites, it is considered that there would be a satisfactory between the new dwelling and Dellswood in terms of loss of privacy, light and overbearing impact.

9.16 Concerns has been raised from two properties at Tower Close, which are properties backing onto the rear of the property. The proposed dwelling has been sited as to maintain the required distance of 23m between the rear of 3 Tower Close and the rear elevation. The proposed dwelling is set down somewhat and would not appear overbearing to the Tower Close properties, also shielded by the existing hedge which is to be retained. A condition will be imposed requiring the existing landscaping to be retained in accordance with the tree retention and tree protection measures plan contained within the arboricultural report however it is recognised that the level of restraint over the hedge is not always possible. However as the minimum distance of 23m is met, it is considered difficult to resist the development on loss of amenity.

9.17 Considerations has also been given to the effect of the dwelling to the surrounding properties in terms of introducing additional noise and nuisance within the rear garden. Given that the scheme is for 1 dwelling only, the level of noise attributed to a single family home (including vehicular movements) within reasonable spacious setting would not give rise to significant noise pollution which could be reason for refusal. The environmental health officer has raised no objection on noise or nuisance grounds.

9.18 Turning to the impact of the development to the Spinney, which is the property located to the west of the site. A distance of 23m is maintained between the rear elevation of the Spinney to the

front of the new dwelling which is the required distance between properties to achieve sufficient privacy levels. It is noted that due to the height of the Spinney, it is likely to be views from the first floor windows to the new dwelling, albeit at an oblique view across. The new dwelling is at a lower level to the surrounding properties, and whilst a two storey large dwelling, it is not considered to be overbearing to the Spinney. Conditions will be imposed to ensure that the windows on the first floor side windows are to be obscure glazed to over loss of privacy and a condition will be imposed removing permitted development rights for Classes A, B, C and E in order for the planning department to ensure any further extensions will avoid any further loss of privacy.

9.19 Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space; the proposed dwelling retains a garden depth of approximately 13 metres and the new dwelling would achieve a garden in excess of 12m as well as a terrace to the rear. It is recognised that the rear garden of new dwelling comprises high hedging which is to be retained, however given the width is in excess of 20m, and a private terrace is also proposed, sufficient amenity provision is achieved. Looking within the immediate, there is variation in terms of garden lengths, widths and sizes throughout, some of which are larger and smaller than that proposed at Fullers. As such, the proposal achieves sufficient levels of private amenity provision for both new the new house and Fullers in accordance with CS12 and appendix 3.

9.20 The new utility room to the side of Fullers, would in in place of the existing garage and would not result in any harm to the amenity of the Spinney next door, due to the spacing, scale and existing

Impact on Highway Safety and Parking

9.21 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and adequate provision of spaces for ultra-low emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.22 The application site currently has a U-shaped driveway which allows for entrance and exit from the site in forward gear. The proposed development would utilise one of the accesses thereby requiring a sufficient turning area to be retained within both sites.

9.23 For four bed dwellings 3 off-street parking spaces should be provided within the areas of hardstanding serving both properties. Both properties achieve in excess of 3 spaces per dwelling shared between the driveways and detached garages. A condition will be imposed requiring the garages to be retained for the purposes of parking.

9.24 The County Highway Authority has no objections subject to conditions requiring specific drawings of turning space for emergency vehicles and submission of details for bin storage. It is considered that sufficient space exists for emergency vehicles however a condition will be imposed requiring this information. Sufficient provision can be made for bin storage for both properties which would be within 25m from the Highway and 30m from the dwelling. It is noted that provision for bin storage is made within the proposed garage, however this is in excess of 25m from the highway and as such, a condition asking for a plan showing bin storage to be located near the proposed utility room of Fullers to be submitted. If this is not possible, through discussions at condition stage, alternative provision for bin storage will be made nearer to the new dwelling, and the bins will be taken to Cross Oak Road for collection, in the same way as the neighbouring properties.

Other Material Planning Considerations

Impact on Trees and Landscaping

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

9.26 The trees located near the front of the site on Cross Oak Road are Protected Trees and the site is generally very well screened by mature trees and hedging on all four sides. The application is accompanied by an arboricultural report which concludes that the construction proposed, will not be harmful to trees to be retained, nor will require any trees of significant public amenity value to be removed. The garage and drive to the front of the site would affect a small section of the root protection of 4 trees however this would be unlikely to damage the trees and it is recommended that no special footings are needed. Specific measures to ensure protection during construction have been detailed in the report and the tree officer has considered the scheme and agreed that that scheme can be developed without injuring the existing trees of value. A condition will be imposed requiring the existing trees/hedging to be retained in accordance with the details and plan set out in the arboricultural report. Should any loss of trees/hedging occur, the condition will seek replanting. Finally, due to concern that the hedge located between the Spinney and the new dwelling could be lost due to the driveway and as such, specific details of how this can be installed without damaging the roots of the hedge will also be sought as a condition.

Ecology

9.27 One neighbour has raised an issue of potential harm to protected species. The site is currently open back garden with some large trees, few of which are to be removed or under threat (as confirmed by the Tree Officer) and there is no evidence of potential threat to protected species or habitat however the applicant will be informed on their legal responsibility should they disturb any protected species.

Response to Neighbour Comments

9.28 The raised points have been addressed above.

Community Infrastructure Levy (CIL)

9.29 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable

10. CONCLUSION

10.1 To conclude, the site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4. A number of backland developments are evident within the immediate area and the proposal can be accommodated on the site by meeting the minimum space, size and amenity standards. Given the separation distance, design of the proposals, and existing circumstances including high level of existing screening, there would be no significant adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. The proposal would comply with Policy CS12 in these regards. The new garage to the frontage and side extension would also be acceptable in design and amenity terms.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be granted subject to the conditions set out below:

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

**9518/11
9518/12
9518/13
9518/14
9518/15
9518/16
9518/17
9518/18
9518/19
9518/20
9518/21**

Arboricultural Report dated 14th Oct 2019

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

3. **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **The development hereby approved shall not be occupied until a properly scaled swept path diagram demonstrating that the proposed access /on-site turning /waiting area is accessible to Fire and utility vehicles in order to service the new property and enter and leave the highway in forward gear or (plans for alternative fire hydrant provision) has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

Reason: In the interests of highway safety in accordance with policy CS8 and CS12.

5. **Construction of the development hereby approved shall not commence until a detailed refuse collection plan in line with the regulations set out in Roads in Hertfordshire has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan**

Reason: In the interests of maintaining highway efficiency and safety in accordance with policy CS8 and CS12

6. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- specific details of the method of construction of the driveway

Any tree or shrub which forms part of the approved Arboricultural report which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development, safeguard amenity of neighbouring properties and character of the area, and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Dacorum Borough Council Core Strategy (2013).

- 7 **The tree protection plan and methodology as contained within the arboricultural report shall be fully implemented prior to any demolition or clearance of the site and tree protection shall remain in situ during the whole period of construction.**

Reason: To improve the appearance of the development, safeguard amenity of neighbouring properties and character of the area, and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Dacorum Borough Council Core Strategy (2013).

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

Classes A, B, C and E

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

- 9 **The windows at first floor level in the western elevation of the extension hereby permitted shall be non-opening below a height of 1.7m and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

10 The two detached double garages hereby permitted shall both solely be used for the parking of vehicles and for no other purpose.

Reason: To ensure an appropriate amount of off-street parking is retained for both dwellings without compromising the turning areas within the site in the interests of maintaining emergency vehicle access and highway safety and in accordance with Policy CS12 (a and b) of the Dacorum Borough Council Core Strategy (2013).

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. Highways :
 - a) 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.
 - b) 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.
 - c) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
3. It is possible that bats or other protected species may be using areas of the existing site. UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present or other protected species, a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	<p>Objection</p> <p>The Committee agreed that Mr Allen's concerns were based on material planning grounds and that the proposed development could potentially be viewed as an overdevelopment due to the scale of the building of the plot but recognised that an objection on those grounds may not be sustained at Development Management. However, it did agree that the proposed does not adhere to the spacing and large gardens guidelines outlined in BCA12 and therefore objected to the application on those grounds. It also objected to the scale, mass and bulk of the proposed build and expressed regret at the proposal of a backland development.</p> <p>BCA12</p> <p>Second response: Objection</p> <p>The Committee's view on this application had not changed from its previous objection in April. This is sensitive back-land development with many precedents and although the scheme conforms broadly with Appendix 3 with regard to distance and functional amenity space, its setting is not compliant with the space guidance for BCA12.</p> <p>BCA12</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application. However, in the event that permission is granted it is recommended that</p>

	<p>the following informative is included on the planning decision.</p> <p>Contaminated Land Informative: In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed, because the safe development and secure occupancy of the site lies with the developer.</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Swept Path Analysis Construction of the development hereby approved shall not commence until a properly scaled swept path diagram demonstrating that the proposed access /on-site turning /waiting area is accessible to Fire and utility vehicles in order to service the new property and enter and leave the highway in forward gear has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. Reason: To ensure the permanent availability of the access/manoeuvring area, in the interests of highway safety.</p> <p>2. Refuse Storage and collection Construction of the development hereby approved shall not commence until a detailed refuse collection plan in line with the regulations set out in Roads in Hertfordshire has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan Reason: In the interests of maintaining highway efficiency and safety.</p> <p>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:-</p> <p>INFORMATIVES</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public</p>

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.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or

other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such 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.

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

COMMENTS

This application is for AMENDED PROPOSAL Construction of new dwelling with access via existing driveway. Demolition of existing garage and construction of two new detached double garages.

This amendment submits drawing number 29518/12, which is exactly the same as drawing number 29518/12 submitted with the previous application on 20/03/2020, therefore the Highway response is exactly the same. Cross Oak Road is an unclassified local access road with a 30mph speed limit. there have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

PARKING

The proposal is to provide a new double garage for each property.

ACCESS:

The existing property has an in-out access with two vxos onto Cross Oak Road. The proposal is to reuse these; one for each property. The access drive for the proposed new property would be over 60m in length and drawing no 29518/12 shows it to be over 5m in width for its length. This is sufficient for access by two-way traffic and also large vehicles.

	<p>EMERGENCY VEHICLE ACCESS:</p> <p>Although there is a turning head shown in drawing number 29518/12, it has not been demonstrated that fire engines or utility vehicles are able to use this in order to enter the site and turn to exit in forward gear.</p> <p>This is not in accordance with the guidance in MFS 6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:</p> <ul style="list-style-type: none"> o there should be a minimum carriageway width of 3.7 m between kerbs; there should be vehicle access for a pump appliance within 45 m of single family houses; there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes; a vehicle access route may be a road or other route; and', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'. The applicant is therefore required to provide properly scaled and computer generated swept path diagrams to show that large vehicles are able to enter, turn, and leave the site in forward gear. <p>WASTE COLLECTION:</p> <p>Provision needs to be made for an on-site bin/refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method would need to be confirmed as acceptably by Dacorum Borough Council as Waste Collection Authority.</p> <p>The distance recommended in Manual for Streets (DfT, 2007) and Dacorum Council's 'Refuse Storage Guidance Note' (February 2015) which recommend the following in relation to refuse collections for residential developments: maximum reverse distance of 12m for refuse collection vehicles, although longer distances can be considered if reversing routes are straight and free from obstacles or visual obstructions; residents should not be required to carry waste more than 30m to the storage point; and refuse collection vehicles should be able to get to within 25m of the storage point</p> <p>CONCLUSION: HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.</p>
Trees and Woodlands	<p>The information submitted advises there will be a small number of ornamental shrub species which will require removal to facilitate the development. These offer relatively low amenity value and should not pose a constraint to the development. Trees along the south eastern boundary of the development are protected by TPO 49. According to the Arb report they have been afforded appropriate protection to ensure any detrimental effects associated with the development are minimised. Consequently, I have no concerns and recommend approval of the application.</p>

Conservation and Design officer	The revised plans have taken heed of the pre-app comments, the design of the building is an improvement and remains well shielded from the neighbouring properties. I still consider that the footprint is large in relation to the amenity space, an inevitable result of tandem development, but as it sits on a lower level to the original house, its impact in this case is more muted.
Environmental Health Noise	No objection on noise or air quality grounds.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	3	0	2	0

Neighbour Responses

Address	Comments
The Spinney Cross Oak Road Berkhamsted Hertfordshire HP4 3NA	<p>We are the owners and occupiers of the Spinney, Cross Oak Road which adjoins the above application site.</p> <p>We wish to object most strenuously to this application.</p> <p>The application is for a tandem development with a new house to be constructed to the rear of the existing house and reached by a new driveway along the boundary of our property.</p> <p>We are aware that the council's Supplementary Planning Guidance, Development in Residential Areas 2004 states quite unequivocally at para 2.6.5 in respect of such tandem development that 'it is the Council's view that this is a generally unsatisfactory form of accommodating new housing'</p> <p>Although the document dates from 2004 the document is still current on the council's development plan website and is referred to as such at para 10.5 of the 2013 Core Strategy, which also states at para 10.4 that 'the Council recognises that residential gardens are not always suitable for development.'</p> <p>We believe therefore that the council cannot simply ignore this policy and as such should only grant permission for such 'a generally unsatisfactory' form of development where the applicant has shown grounds for an exception. We do not believe such grounds exist in this case. We believe we should be protected by the council's stated objective that development should respect the existing character, as set out in the Core Strategy policy CS11 saved local plan policy C10. This proposal is not compatible with either policy as the development does not reflect the character of the area. The applicant's own Design and Access statement acknowledges that the area is characterised by 'large detached individual houses'. Tandem development is not in keeping with that character and, if repeated on all similar properties, would eventually result in the character of the area being entirely lost. This proposal therefore represents the erosion of the established</p>

	<p>character.</p> <p>We are also aware that National Planning Policy Framework, para 122, states that planning decisions should take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens).' We believe it would be wrong for the council to grant permission contrary to both the council's own planning policies and the NPPF.</p> <p>Other matters</p> <p>Should, despite this objection and contrary to your stated policies, the committee resolve to grant planning permission we would ask for the following matters to be regulated by conditions;</p> <ul style="list-style-type: none"> o First, that the windows on the flank elevation of the proposed house be obscure glazed and non-openable to a height of 1.8m above internal floor level so as to prevent overlooking. o Second, that to protect the mature hedge and trees along the boundary that the council stipulate a 'no dig' construction of the access road and require details of that construction prior to building work. This is, I am told, an established practice and uses a geogrid to spread the load and a permeable surface. <p>In this respect I would point out that construction vehicles are likely to lead to compaction of the soil and that temporary protection is necessary. We assume that root protection will be required to current British Standard.</p> <ul style="list-style-type: none"> o Third, that the Council require a construction management plan to include details of current ground water conditions and to confirm that existing soil drainage patterns will not be affected. <p>However, the above do not in any way diminish our objection in principle to development contrary to the Supplementary Planning Guidance 2004 and the Core Strategy.</p>
<p>2 Tower Close Berkhamsted Hertfordshire HP4 3NF</p>	<p>While our property is not immediately adjacent to Fullers, we are concerned that the proposed development would set a troubling precedent for the backland development of neighbouring properties. Both Charnwood and The Spinney adjoin our land and neither has yet to apply for permission to construct a new dwelling. Both these properties are set back further from the road than Fullers and therefore closer to the boundaries of 1 Tower Close and 2 Tower Close. We believe, however, it is reasonable to assume that the current or future owners of these properties may make such an application at some point and so the application by the owners of Fullers has the potential to set a precedent.</p> <p>The application is proposing that a very substantial building be constructed which would overdevelop the plot, impose on neighbouring houses and be visually obtrusive. Previous backland developments on Cross Oak Road have involved less imposing dwellings on larger plots (e.g.: Dellswood) or the demolition of the original dwelling and the construction of two new dwellings to ensure a more balanced development (e.g.: Mariners). The committee should not consider these developments comparable to what is proposed in this application, which is a substantial two-storey executive home on a cramped plot and closer to the boundaries of properties to the rear than any previous backland development on Cross Oak Road.</p> <p>Of relevance here are previous guidance:</p>

	<p>- Guidance arising from the 1999-2011 plan said "the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development but certainly the most inefficient, problematic and unsatisfactory. The area policy statements make no reference to tandem development. It is the Council's view that this is generally an unsatisfactory form of accommodating new housing", and</p> <p>- Appendix 3 to the Borough Plan says "larger houses or executive style homes will be expected to provide gardens of greater depth than 11.5m".</p> <p>In addition, we feel this development would have a detrimental impact on local ecology. The plot is adjacent to a band of trees that are under TPO protection. This band of trees extends from Fullers to Orchard End and is utilised by local wildlife including bats, owls and a variety of bird species. We are concerned that over development in the vicinity of these protected trees will result in loss of habitat to wildlife due to proximity and increase of human activity.</p> <p>We would ask that the committee reject this application on the grounds of its scale and size, and that it is visually intrusive and cramped in relation to its plot (over development). It will also have a detrimental impact on local ecology.</p>
3 Tower Close	<p>Thank you for your letter of the 23rd March 2020 notifying me of the above planning application. I am writing to advise you that I object to the proposed development and request that this application be refused on the following grounds as supported by the relevant planning policies. i.e. Core Strategy CS11, CS12, Saved Local Plan Policy 2004 Appx 3 and Saved Local Planning Guidance 2004 Area Based Policies 4, Development in Residential Areas Appx 3, Layout and Design of Residential Area.</p> <ol style="list-style-type: none"> 1. Summary of Objections. <ol style="list-style-type: none"> a. The accuracy of comment in the Design and Access Statement b. The backland development which detracts from the open environment and will cause noise and visual intrusion. c. The impact on neighbourhood amenity. 2. The Design and Access Statement. <ol style="list-style-type: none"> a. The applicant presented the plans as a fait accompli rather than a discussion. He stated that he had no idea when the build would take place, if at all, or whether it would be he or someone else who would live in it. I said that I did not welcome this proposal. At no time did I say I was 'happy and have no objections.' I have consulted with my neighbours in Dellswood and The Spinney and both deny saying they were happy with the proposal. I then went on to discuss with the applicant the very high Leylandii hedge that he planted against the original privet hedge bordering our properties which I have frequently asked to be kept trimmed. It now would be the main screen if the proposal is passed. It will, of course, be on the new owner's land and the height will be at his discretion.

b. The statement in paragraph 9 that the proposal is designed 'to make an assured addition to the existing character of the neighbourhood' is overstated. The building cannot be seen from Cross Oak Road nor from anywhere except the three main adjacent properties and it detracts from their neighbourhood amenity.

c. Housing Policy CS4 says ' Approach to new development and growth must recognise the Borough's environment and countryside and therefore it is appropriate to exercise some constraint.'

3. Backland or Tandem Development.

a. What the application is actually proposing is that a very substantial building should be set in the large garden of Fullers, one of a number of large gardens in the area, which reduces the size of the plots of both houses considerably. In doing so the plot becomes over developed and cluttered with more hard standing, a new garage in the front of Fullers, a garage for the new house, additional parking and the loss of grass. The supplementary planning guidance May 2004 carried over from the Local Plan refers to the practice of this form of development as Tandem Development. I quote, 'the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development but certainly the most inefficient, problematic and unsatisfactory. The area policy statements make no reference to tandem development. It is the Council's view that this is a generally unsatisfactory form of accommodating new housing.'

Furthermore, it is recognised in National Planning Policy that 'gardens are Greenfield rather than Brownfield sites and, generally development on them is not to be encouraged.'

b. Future occupants of Fullers will have a close, full in the face and overbearing view of the front of the new property, its garage and any parked vehicles, from all parts of the rear of Fullers. Some years ago the applicant planted the Leylandii referred to in Section 2 to reduce the visual impact of the roof line of my house, 3 Tower Close, which is well over 40m away to the east of Fuller's rear aspect. The decision to build in the garden seems at odds with this decision.

c. Similarly, the new house will face the rear of Fullers separated by a narrow garden and with a view dominated by Fullers. The view would be directly into the accommodation on both floors of Fullers. Thus the aspect from both facing properties is visually obtrusive and overbearing. I suspect this situation would be unsatisfactory to any future occupant of either house.

d. Appendix 3 to the Borough Plan says 'Larger houses or executive style homes will be expected to provide gardens of greater depth than 11.5m.' The rear garden of the proposed building looks to be minimal and unsuitable for such a residence. Most adjoining gardens are larger. The new build is very cramped in relation to its plot and presents an overbearing aspect to Dellswood as well as Fullers. Depending on the screening it will be visually obtrusive to me.

e. The application also quotes precedents such as the Chilterns and Dellswood saying that Dellswood was built 10 years ago (in fact 25 years ago.). The claims regarding precedent should be considered carefully e. g. Dellswood was objected to but allowed because it was shielded by a row of substantial trees between it and 3 Tower Close. As soon as the foundations were laid the developer removed the trees.

Subsequently he was forced to build a hedge and a fence. However the building is relatively unobtrusive as it is a bungalow not a substantial two storey house. However, a precedent within backland development doesn't make a new build any better.

4. Impact on Neighbourhood Amenity

a. The National Planning Policy framework seeks to secure high quality design of land and buildings for all existing and future occupants. Policy CS12 of the Core strategy aims to protect the amenity of adjoining occupiers and states that 'development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties and a good standard of amenity.'

b. The entrance will be at the side of Fullers and will result in considerable disturbance both day and night to the occupants of the Spinney and future occupants of Fullers as the owners of the new property exit and enter.

c. The nearest corner of my house to the border hedge is 3.5 meters. I have already mentioned the perceived problem of noise from the rear of the new property but there is also a potential problem of 'overlook' from the upstairs rooms of the new property.

d. The rear garden of the new property will be shaded by its roof in the late afternoon and evening sun and by the bordering hedge and trees in the morning and afternoon. This is not ideal and could create an oppressive environment. Appendix 3 of the Local Plan makes it clear that 'residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings.'

f. The sketches and photographs of the borders around my property are about right for summer but generous regarding the remainder of the year when the leaves fall. In spring and the late autumn I still enjoy sitting out. Also the main shielding will now be reliant on the Leylandii hedge within the curtilage of the new property. This cannot be guaranteed as I witnessed with Dellswood.

g. I will clearly hear conversation and sound from the new property when the occupants are in their rear garden or on their patio and they will hear me.

h. I would also urge you to consider The Human Rights Act, in particular Protocol 1, Article 1 which states that 'a person has the right to peaceful enjoyment of all possessions which include the home and other land.' PPS1 states that the 'Government is committed to making places better for people.....and that planning policies should endeavour to protect and advance the quality, character and amenity value of the countryside and urban areas.' The location of this large residence does nothing to further this concept.

5. Conclusion.

The proposed development will, by reason of its size, scale and plot coverage appear visually obtrusive and cramped and will have an adverse impact on adjacent properties. As such, it should be refused.