

ITEM NUMBER: 5b

20/01126/FUL	Construction of a detached bungalow with associated parking & landscaping, and the securing of the adjacent land outlined in blue an open space.
Site Address	Land at Laurel Bank, Felden Lane, Hemel Hempstead Hertfordshire HP3 0NX
Applicant	Mr R Morrison, Hemel Property Company
Case Officer	Nigel Gibbs
Parish/Ward:	(No Parish) Bovington/ Flaunden/Chipperfield
Referral to Committee	Called in by Councillor Stewart Riddick if the recommendation is to grant planning permission

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As amended).

2. SUMMARY

2.1 The principle of providing a new dwelling in this area is acceptable. The proposal would contribute to the Borough's housing stock and retain an area of informal open space in the interests of maintaining some of the locality's spacious character through subdivision.

2.2. The compact and adaptable lifetime type bungalow with a south facing private, low maintenance small garden and accessible off street parking, would be a high quality inclusive dwelling in a sustainable location. The building, with potential for modification, would be ideal for a person(s) with disabilities/ limited mobility, as a starter unit and for downsizing, with the second bedroom/boxroom providing the opportunity for occasional accommodation for a visitor/ carer and a study for the occupier(s) if working from home.

2.3 The dwelling's design would be visually compatible with the streetscape, echoing the scale of the adjoining garage. There would be no demonstrable harm to the residential amenity of the locality with no apparent overriding access/ highway/ parking, archaeological, ecological, secure by design, contamination and drainage objections.

2.4 The proposal is materially different to the two dismissed appeals for two storey dwellings at the site, with latest Planning Inspectorate's decision on 10 September 2020. This is in terms of both design and the retention of an area of undeveloped land within the streetscape.

3. SITE DESCRIPTION

3.1 Laurel Bank is a modern but maturing cul de sac of detached two storey dwellings located on the south western side of Felden Lane, close to its junction with the London Road. The cul de sac comprises of primarily 2 phases of residential development. The upper / southern part was initially developed, linked to Felden Lane by the existing elongated

roadway. The second phase occupies the south western and north western parts of the cul de sac. No. 1, adjoining the Felden Lane - Laurel Bank junction and featuring a side garden parallel with Laurel Bank, is of an individual design to reflect its pivotal visual role at the roadway's entrance.

3.2 The application site comprises part of an elongated large tract of grassed amenity space on the cul de sac's south western side. It is located opposite nos. 15, 16, and 17, and between the detached garages serving nos 1 and 2. The land is bounded to the south east by fencing that is set back a significant distance from the road frontage with vegetation behind the fencing.

3.3 The land is indented by a double length parking bay adjoining a lamp post. It is understood that the roadway is not adopted, but was designed on the basis of achieving adoption. The land to the south west of this tract of land forms the elongated rear gardens of the older dwellings in Felden Lane. The cul de sac has the potential to provide an access to this garden land for additional residential development if linked through the current area of open land subject to this application.

4. PROPOSAL

4.1 This is for a detached quasi hipped roof two bedroom bungalow unit (with a box room) on the northern part of the existing area of open space. It would be served by a south west facing small garden and an angled driveway adjoining the detached garage at no. 1 on its northern side.

4.2 The southern part of the open area of land, edged blue by the submitted location plan, has been recently included within the application's description. This is known as the 'Revised Scheme' requiring recent re notification, referring to '...and the securing of the adjacent land outlined in blue an open space'.

4.3 It is expected that if permission is granted for the dwelling the blue land would be retained in perpetuity as an undeveloped informal open space through a unilateral undertaking/ planning obligation.

5. PLANNING HISTORY

Planning Applications

4/02704/17/ FUL: Dwelling: Refused/ Dismissed Appeal.

4/00766/18/FUL Dwelling : Refused.

4/02335/19/FUL - Construction of a detached two storey 3-bedroom dwelling with associated Parking & landscaping: Refused/ Dismissed Appeal.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Area of Archaeological Significance: 35
CIL Zone: CIL3

LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenisee Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Town: Hemel Hempstead

7. CONSULTATION RESPONSES

7.1 These are reproduced in full at Appendix A.

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)

National Planning Policy Guidance

National Design Guide

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

Policy NP1 - Supporting Development

Policy CS1 - Distribution of Development

Policy CS4 - The Towns and Large Villages

Policy CS10 - Quality of Settlement Design

Policy CS11 - Quality of Neighbourhood Design

Policy CS12 - Quality of Site Design

Policy CS13 - Quality of Public Realm

Policy CS17 - New Housing

Policy CS18- Mix of Housing

Policy CS23- Social Infrastructure

Policy CS27- Quality of Historic Environment

Policy CS29 - Sustainable Design and Construction

Policy CS32- Air, Soil and Water Quality

Hemel Place Strategy

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

Policy 10 - Optimising the use of Urban Land

Policy 18 - Size of New Dwellings

Policy 21 - Density of Residential Development
Policy 51- Development and Transport Impacts
Policy 54- Highway Design
Policy 58 - Private Parking Provision
Policy 113- Exterior Lighting
Policy 118- Important Archaeological Remains
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision Appendices

Supplementary Planning Guidance

HCA 4: Felden West (Character Appraisal) (May 2004)
Sustainable Development Advice Note (March 2011)
Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (September 2011)
Refuse Storage Guidance Note (February 2015)
Parking Standards Supplementary Planning Document (March 2019)

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:

- Principle of development: Residential.
- The loss of Part of the Amenity Land /Open Space/ Impact upon Openness/ Spaciousness.
- The quality of the design.
- The impact on the residential amenity of the locality.
- Highway safety and parking provision.

Principle of Development: Residential Development

9.2 The site is located within the urban area of Hemel Hempstead. Under Policies CS1 and CS4 of the Dacorum Core Strategy residential development is acceptable in principle. CS1 confirms that Hemel is to be the focus for new homes, as expressed

through Hemel Hempstead Place Strategy. CS4 clarifies that in residential areas appropriate residential development is encouraged.

9.3 Policy CS17 supports new residential development to meet the district housing Allocation, with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This approach is set against the NPPF's emphasis upon delivering sustainable development – with the social objective of providing a sufficient number and range of new homes, as expressed through Part 5 (Delivering a sufficient supply of homes).

9.4 Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure under criteria (a). This echoes the NPPF's Paragraph 61.

9.5. Also in considering the application the Council does not have a demonstrable 5-year supply of deliverable housing sites. Under the NPPF's paragraph 11 planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF that protect areas or assets of particular importance provide clear reasons for refusal.

9.6 Set against this background the principle of additional housing in Laurel Bank is acceptable. This has to be considered with reference to the loss of an area of undeveloped land and the implications for the spaciousness of the area.

9.7 The role of formal Open Land is recognised through the Core Strategy with Policy CS23 identifying such land as ' social infrastructure' and need for its protection unless appropriate alternative provision is made or satisfactory evidence is provided to prove the facility is no longer viable. The land in question has no formal status in the local plan or Core Strategy, however due to its openness does contribute to the character of the area.

9.8 In considering 3 previous applications at the site for housing, the LPA has consistently recognised the importance of the area of land. It is fundamentally important to refer to this recent background history to provide a context for the current application. The report for Application 4/00766/18/FUL explained that the land 'provides visual relief from the built development which is evident to the south and west when entering the road from the north and provides a similar experience when viewed from the north'. Through dismissed Appeal Decision 4/02704/17/ FUL for a detached 2 storey house PINS concluded that the development 'would result in the loss of an area of undeveloped land which contributes positively to the spacious feel of Laurel Bank':

-The site is situated within the HCA4 Character Area, which identifies that the wider area has limited public open space. However, I note that this is not a reason for refusal *per se*. Nevertheless, the proposal would result in the loss of an area of undeveloped land which contributes positively to the spacious feel of Laurel Bank.

-The site is not within a conservation area and so there is not the statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of this area. However, it is a statutory requirement that my decision is made in accordance with the development plan unless material considerations indicate otherwise.

Policy CS12 of the Dacorum Core Strategy 2013 (CS) seeks that, in the development of sites, proposals should integrate with streetscape character and respect adjoining properties in terms of matters which include layout and site coverage.

-The loss of this open land fronting Laurel Bank through the erection of a house would detract from the visual relief and sense of openness currently provided which would create a more enclosed streetscape, harmfully out of keeping with the spacious character of this residential area.

9.9 The background to the PINS decision is clarified by the LPA's Report for Decision 4/02704/17/ FUL noting:

'However, it is considered that the proposals would severely compromise the visual relief and sense of openness that the site currently provides to the street scene. The boundary fencing which would enclose the site would abut the existing pavement thereby dominating and enclosing the street scene and would provide an unwelcome and aesthetically insensitive and intrusive addition to it. Furthermore, the proposed dwelling would be within such proximity to the roadside that it would also appear overbearing and would combine to enclose the otherwise spacious aspect of the streetscene.

As such, the proposal is considered to be contrary to Policy CS12 of the Core Strategy and the NPPF'.

9.10 Part of the LPA's reason for refusal of 4/02704/17/ FUL was:

'It is considered that the proposals would severely compromise the visual relief and sense of openness that the site currently provides to the street scene. The proposed development would dominate and enclose the street scene and would provide an unwelcome, aesthetically insensitive and intrusive addition to it. Furthermore, the proposed dwelling would be within such proximity to the roadside that it would also appear overbearing and would combine to enclose the otherwise spacious aspect of the streetscene. The resultant erosion of the site's existing contribution to the area is considered to adversely impact upon the street scene and would fail to improve the character and quality of the area'.

9.11 The report for the subsequent Application 4/02335/19/FUL for a smaller 2 storey dwelling of a different design form of enclosure at the site addressed the implications of building on this space noted:

'The loss of the such a significant area of long established informal open space (which contributes positively to the spacious character of Laurel Bank) and the presence of development at the site in terms of the building and proposed enclosure would fundamentally harm the existing streetscape.

This is notwithstanding the combined effect of reduced massing, position of the proposed building and the resultant softening effects of the proposed structural landscaping fronting Laurel Bank when compared to the Appeal scheme'.

9.12 The reason for refusal reflected this assessment, explaining that the proposals would severely compromise the visual relief and sense of openness that the site currently provides to the street scene, dominating and enclosing the existing otherwise spacious aspect of the streetscene.

9.13 In the subsequent recently dismissed Appeal 4/02335/19/FUL, PINS noted that the locality 'overall, the area has a spacious, residential and relatively open character and appearance' and the development ' would have the effect of eroding the open spacious quality of the area and appearing as an incongruous feature of the street scene' :

'The appeal site is within a residential area characterised by large modern detached dwellings, finished in similar materials, set a similar distance back from the road with relatively open frontages. Overall, the area has a spacious, residential and relatively open character and appearance.

An appeal was dismissed in 2018 for a similar scheme. The scheme before me differs in that, among other things, it has a smaller footprint, is not as tall, has alternative detailing, alternative positioning, additional landscaping and proposed boundary treatments.

The proposed dwelling would be positioned in a long and narrow plot opposite Nos 15 to 17 Laurel Bank (Nos 15 to 17). However, even though the proposed main front elevation would face the road and would be a similar width and appearance to Nos 15 to 17, it would be much shallower, much closer to the road with limited space around it with its main private amenity space noticeably to its side.

Thus, consistent with the Inspector in 2018, I find the scheme before me would appear cramped and at odds with the prevailing pattern of development. It would have the effect of eroding the open spacious quality of the area and appearing as an incongruous feature of the street scene. The proposed low boundary treatments and any proposed landscaping would not overcome this harm.

In reaching these conclusions, I have noted the comparison with No 1 Laurel Bank (No 1). However, No 1 is a much larger corner plot than the appeal site. It has frontages to both Laurel Bank and Felden Lane. No 1 is not therefore comparable to the appeal scheme nor would the appeal proposal repeat its layout. I also note the comments about what may or may not be done with the appeal site should the appeal fail. However, I have determined the appeal on merit, informed by the evidence and my site observations and none of those comments alter my earlier findings.

Therefore, for the reasons given, I find the proposal would harm the character and appearance of the area. It would therefore conflict with the good design aims of the National Planning Policy Framework (the Framework) and Policy CS12 of the Dacorum Core Strategy 2006-2031 (2013) which seeks to ensure, among other things, that new development integrates with streetscape character'.

9.14 As an important background to the current application, the report for Application/02335/19/FUL explained the opportunity to accommodate a dwelling at the site under 'An Alternative Way Forward':

'The key issues are ensuring that the development is compatible with the existing streetscape. This can be achieved by significantly reducing the scale of the building and retaining most of the open space. This would comply with the NPPF's economic, social and environmental objectives.

The case officer has indicated to the Agent that an alternative way forward would be to propose a smaller single storey 1 bedroom unit relating to the existing detached garage with a commensurate south facing side garden and to retain much of the existing undeveloped land as unenclosed open space which could be transferred to the Management Company serving Laurel Bank in perpetuity'.

9.15 The current application has been submitted set against 'An Alternative Way Forward'. For clarification this predates PINS recent Appeal decision.

9.16. In its originally submitted form the application showed the retained open area within the area of land edged blue, with the supporting statement through Para 6.15 noting '... the proposal is now for a significantly smaller scheme and a large proportion of the existing open area would be retained'.

9.17 The issue of the future of this open land is not otherwise addressed through the supporting statement which has resulted in the LPA's request for this to be specifically resolved with otherwise inbuilt uncertainty. This has culminated through LPA- Agent dialogue in the application's description being changed to 'the securing of the adjacent land outlined in blue an open space'. This is based upon the Agent's clarification that:

'I confirm that the applicant would be willing to enter into a legal agreement to secure the adjacent land as open space in perpetuity.

This will be achieved by one of the below options:

- The land would be gifted to local residents to be used as open space.
- The applicant would enter into a legal agreement (UU) confirming that the land would be retained as open space and maintain thereafter in accordance with the agreed schedule of works.
- A legal agreement would be tied to the application site, requiring the owner and any subsequent owner of proposed dwelling to retain the adjoining land in a tidy condition as open space thereafter.

We would not object to a change in description and re notification if you believed that this was necessary.

Construction of a detached bungalow with associated parking & landscaping, and the securing of the adjacent land outlined in blue an open space'.

9.18 It is understood that the maintenance of the land is currently dependent upon the Applicant's voluntary willingness to continue to do this. If the land falls into a poorly maintained area the only planning option would be the service of an s215 Notice of the Town and Country Planning Act 1990. This enables an LPA to serve a notice if it considers the condition of land is harmful to the amenity of an area, with a notice requiring the tidying up of waste on open land through remedial actions.

9.19 There should be certainty in achieving a well maintained tract of the retained open land in perpetuity in the interests of the character of the area/ streetscape. This would be assured if the Applicant offers a Planning Unilateral Undertaking, with the opportunity for the establishment of a Management Company to be given the opportunity to manage the land at all times in the future, with the UU ensuring:

- The land remains permanently open with no forms of enclosure.
- The establishment of a permanent management / with a regular maintenance plan/ soft landscaping plan with full details.

9.20 The UU has not been submitted. The alternative would be a s106 Agreement or the land is permanently transferred to the Council and included in its regular maintenance programme with an associated commuted payment. A condition is also recommended for the soft landscaping of the land with biodiversity benefits.

9.21 Unless there is a legally binding approach to robustly secure the remaining open land's future, there remains uncertainty given the recent planning history. It would be to the detriment of the spacious character of the locality if the land is enclosed/ forms a garden for the new dwelling or not maintained, with due regard to PINS decisions.

9.22 Therefore, it is fundamental to the decision that the retained open space's role is permanently assured in the interests of maintaining the locality's sense of spaciousness/ openness if the land is to be subdivided as proposed.

9.23 In this context by a planning obligation there is the opportunity through the current proposal to retain some of the existing undeveloped land as unenclosed open space which could be transferred to the Management Company serving Laurel Bank in perpetuity. By doing so, it would eliminate any uncertainty regarding its future maintenance/ permanent role. This would not necessarily override the potential for an application to be submitted to provide an access through Laurel Bank to facilitate the provision of additional housing.

9.24 Set against this background the application provides a balanced approach in supporting a new unit at the site and provides an opportunity to ensure that the retained area of open land permanently maintains a noticeable sense of spaciousness within the streetscape/ character of the area. This would be in accordance with the expectations of Policies CS11 criteria (a), (b) and (e), CS12 and Policy CS13 in contributing to the 'Quality of the Public Realm'. This is reinforced by NPPF Part 12's 'Achieving well designed places', as expressed through the National Design Guide's reference to the role of landscaping, open spaces (paras 92, 93 and 94) and well managed and maintained environments (Part L). Support for this approach would reflect importance of 'making effective use of land' under the NPPF's Part 11, with the application site providing an opportunity to optimise the land and maintaining the high quality environment created by the retained area of open land.

Quality of Design / Layout

9.25 Again the context is set by Policies CS11, CS12 and CS13 which expect that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm, reinforced by the NPPF's Part 12 and National Design Guide. In this respect the NPPF's Paragraph 130 explains that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.26 In dismissing the Appeal for 4/02704/17/ FUL the Inspector noted:

'In arithmetic terms, the proposal would still broadly reflect the current density of surrounding development. However, in terms of layout and site coverage the proposal would not reflect the prevailing pattern of road fronting housing with small front gardens and quite large rear gardens. The proposal is not entirely comparable to No 1 which occupies a corner plot with a frontage onto Elden Lane and a side return onto Laurel Bank. The appeal proposal occupies a plot of land that tapers in depth compared with that of the plot occupied by No 1. This limited site depth necessitates the dwelling proposed fronts quite closely onto Laurel Bank, with very little space behind and necessitating a somewhat contrived 'blind' rear elevation. Although there would be garden space to the side of the dwelling this is not typical of the general arrangement of housing this area. I consider the layout proposed to be both cramped and incongruous when compared with that of the surrounding housing.

For the above reasons the proposal would have a harmful effect on the character and appearance of the area and by failing to integrate with the existing streetscape character and respect the layout of surrounding development would conflict with Policy CS12'.

Recent Appeal decision 4/02335/19/FUL reinforces this approach.

9.27 It is fully recognised that due to the location and land available there is no depth to the plot and therefore the layout implications are fixed. However, the proposed design is materially different to the dismissed scheme by being single storey, with a resultant reduced scale. There would be a visual cohesion between the bungalow and the adjoining garage serving no. 1 within the existing streetscape, softened by the proposed frontage planting which adds a 'green relief'. The bungalow would have a consolidating role within the street scene, reducing the isolated effect of the garage at no. 1. It would represent a visual transition/ connection between no's 1 and 18 on the eastern side of Laurel Bank. The quasi hipped roof design would dilute the building's visual impact ensuring that it is more compact, with the design making reference to / echoing the design of buildings in the immediate locality which has historically featured bungalows in Felden Lane, reinforcing the theme of visual continuity.

9.28 This design assessment has taken into account the Design & Conservation Team's responses.

9.29 Overall, it is considered that this compact and adaptable life- time 'well fenestrated' bungalow with a south facing private, low maintenance and accessible side garden and off street parking would add to the existing local housing stock in the locality in an existing very quality residential environment in a sustainable location. It is an opportunity to provide a small adaptable dwelling for a person(s) with disabilities, limited mobility, as a starter unit

and for downsizing, with the box room second room providing accommodation for a visitor/ carer and study when for working from home.

Impact on Residential Amenity

9.30 This is with reference to Policy CS12 which addresses impact through criteria (c) and (g), which is in accordance with the NPPF's Paragraph 127 (f). This expects high quality design and good standard of amenity for all existing and future occupiers of land and buildings. These are complemented by saved Appendix 3 of the Dacorum Borough Local Plan. There would be no harm to any of the adjoining/ nearby dwellings relating to the physical impact, privacy, the receipt of day and sunlight and noise and disturbance.

Impact on Highway Safety and Parking

9.31 This is with reference to Policies CS8, CS12, saved DBLP Policies 51, 54 and 58 in conjunction with saved DBLP Appendix 3 and 5 and the NPPF's Part 9 (Promoting sustainable transport) and set against the site's sustainable location.

9.32 Hertfordshire County Council Highways raises no objections. There are no general or fire tender access issues, with the bungalow providing accommodation for persons with disabilities or limited mobility. The layout enables refuse bin storage in accordance with the expected standards.

Other Material Planning Considerations

Archaeological Implications

9.33 Hertfordshire County Council Historic Environment raise no fundamental objections, with recommended conditions.

Ecological Implications

9.34 The retention of the tract of open land with potential for additional planting has ecological benefits.

Crime Prevention/ Security

9.35 There are apparent inbuilt secure by design issues.

Contamination/Flooding/Foul and Surface Water Drainage/ Water Supply

9.36 Given the site's planning history there are unlikely to be contamination issues. The site is not identified to be within a flood risk area and Thames Water has recently not raised any fundamental objections, with no response to date from Affinity Water. It would be expected that surface water is addressed through a sustainable drainage system.

CIL

9.37 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development with site within Zone 3.

10. CONCLUSION

10. The proposal is an alternative approach to the site's development, materially different to the schemes subject to the dismissed appeals. It provides a much needed new inclusive dwelling, a type which is rarely available in new developments.

10.2 The subdivision would result in the loss of a significant part of the existing undeveloped area with a resultant reduction in the locality's of spaciousness.

10.3 However, importantly, there would still remain a significant area. This markedly contrasts with the entire loss of the open land associated with previous applications involving the provision of a garden.

10.4 By retaining the land edged blue land as undeveloped and open space in perpetuity through a planning obligation a sense of spaciousness associated with the character of the area is guaranteed.

10.5 Based upon this balanced approach, it is considered that the proposal is in accordance with the National Planning Policy Framework's economic, social and environmental objectives representing a sustainable development.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As amended) and subject to the following conditions:

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. No construction of the superstructure shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:**

- (a) The programme and methodology of site investigation and recording.**
- (b) The programme for post investigation assessment.**
- (c) Provision to be made for analysis of the site investigation and recording.**
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.**
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.**
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

3. **i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 2.**

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2; and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

4. **A landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the land edged blue on plan 22A shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.**

Reason: In the interests of the character and appearance of the development in accordance with Policies CS11 and CS12 of Dacorum Core Strategy (2013).

5. **Subject to the requirements of the other conditions of this planning permission the development hereby permitted shall be otherwise carried out in accordance with the following approved plans:**

21A

22A

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. HIGHWAYS

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

2. 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. Drainage

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>ORIGINAL SCHEME AMENDED PROPOSAL Construction of a detached two storey 3-bedroom dwelling with associated parking & landscaping (amended scheme). Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. HIGHWAY INFORMATIVES: AN) 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 https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047 AN) 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-andpavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047 COMMENTS / ANALYSIS:</p>

<p>Amended Scheme</p>	<p>This proposal is for : Construction of a detached two storey 3-bedroom dwelling with associated parking & landscaping (amended scheme). The site is on land between 1 and 2 Laurel Bank, Felden Lane, Hemel Hempstead. Laurel Bank is a private road and not maintainable at public expense. The nearest highway maintainable at public expense on Felden Lane is approximately 60m from the site.</p> <p>VEHICLE ACCESS & PARKING: The proposals include a vehicle crossover (VXO) / dropped kerb from Laurel Bank leading to a driveway. The access arrangements are considered to be acceptable by HCC as Highway Authority. Following consideration of the location and nature of the access, vehicular to vehicular visibility is considered to be acceptable. Although on a private road, HCC as Highway Authority would recommend that the new VXO be designed and built in accordance with HCC's 'Residential Dropped Kerbs: Terms and Conditions' HCC as Highway Authority considers that the level of parking with a driveway of two parking spaces is acceptable.</p> <p>REFUSE / WASTE COLLECTION: Provision has been made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is considered to be acceptable. The collection method must be confirmed as acceptable by Dacorum Borough Council (DBC) waste management.</p> <p>EMERGENCY VEHICLE ACCESS: The proposed plot is within the recommended emergency vehicle access of 45 metres from Laurel Bank to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.</p> <p>CONCLUSION: Hertfordshire County Council as Highway Authority considers that the proposal would not have a severe residual impact on the safety and operation of the adjoining highways. subject to the inclusion of the above informatives. 22 May 2020</p> <p>AMENDED DESCRIPTION Construction of a detached bungalow with associated parking & landscaping, and the securing of the adjacent land outlined in blue as an open space.</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p>
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INFORMATIVES:

1. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/>

highways-roads-and-pave ments.aspx or by telephoning 0300 1234047

2. 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-andpavements/>

business-and-developer-inf

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047

COMMENTS / ANALYSIS:

This proposal is for : Construction of a detached two storey 3-bedroom dwelling with associated parking & landscaping (amended scheme).

This amendment changes the description to: Construction of a detached bungalow with associated parking & landscaping, and the securing of the adjacent land outlined in blue an open space
The site is on land between 1 and 2 Laurel Bank, Felden Lane, Hemel Hempstead. Laurel Bank is a private road and not maintainable at public expense. The nearest highway maintainable at public expense on Felden Lane is approximately 60m from the site.

VEHICLE ACCESS & PARKING:

The proposals include a vehicle crossover (VXO) / dropped kerb from Laurel Bank leading to a driveway. The access arrangements are considered to be acceptable by HCC as Highway Authority.

Following consideration of the location and nature of the access, vehicular to vehicular visibility is considered to be acceptable.

Although on a private road, HCC as Highway Authority would recommend that the new VXO be designed and built in accordance with HCC's 'Residential Dropped Kerbs: Terms and Conditions'

HCC as Highway Authority considers that the level of parking with a driveway of two parking spaces is acceptable.

REFUSE / WASTE COLLECTION:

Provision has been made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is considered to be acceptable. The collection method must be confirmed as acceptable by Dacorum Borough Council (DBC) waste management.

EMERGENCY VEHICLE ACCESS:

	<p>The proposed plot is within the recommended emergency vehicle access of 45 metres from Laurel Bank to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.</p> <p>CONCLUSION:</p> <p>Hertfordshire County Council as Highway Authority considers that the proposal would not have a severe residual impact on the safety and operation of the adjoining highways. subject to the inclusion of the above informative notes.</p>
<p>Hertfordshire County Council Archaeological Unit</p>	<p>This proposal is effectively identical in archaeological terms to previous applications 4/00766/18/FUL and 4/02335/19/FUL, on which we recommended archaeological conditions be placed. I therefore reproduce my colleague's comments on the original application below: 'The proposed development site is in Area of Archaeological Significance no. 35 as identified in the Local Plan. This notes very significant archaeological remains of prehistoric and Roman date. The historic environment record (HER) notes that these include the well preserved remains of Boxmoor Roman villa which is a Scheduled Monument (SM 27916, HER 0072). Approximately seventy metres to the south-west of the site there is evidence for flint built Roman wall foundations and sixty metres to the south other occupation evidence of Roman and prehistoric date (HER 11687). Further evidence for prehistoric and Roman settlement has been found eighty metres to the west of the development site at 7 Box Lane (HER 31098, HER 31097).'</p> <p>I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> 1. The archaeological monitoring of the groundworks of the development, including the initial topsoil strip, foundation trenches, piling, service trenches, ground reduction, landscaping, access and any other ground impact. This should include a contingency for the further investigation or preservation of any remains encountered; 2. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results; 3. such other provisions as may be necessary to protect the archaeological interest of the site. <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015). In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the</p>

	<p>local planning authority in writing. The scheme shall include assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>Condition B</p> <p>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</p> <p>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under www.hertfordshire.gov.uk condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work. Please do not hesitate to contact me should you require any further information or clarification.</p>
<p>Conservation and Design (DBC)</p>	<p>AMENDED SCHEME</p> <p>From a design perspective, a bungalow with a crown roof in this location is totally out of keeping with the rhythm, style, massing and layout of all the other two-storey houses in the street. The plot is so constrained that there is barely any amenity space and the building is squashed up against the boundary fence. I cannot see how a suitable design could be devised for a house on this valuable piece of green space .</p>
<p>Thames Water</p>	<p>AMENDED SCHEME</p> <p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with</p>

	<p>other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes</p> <p>https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p> <p>https://developers.thameswater.co.uk/Developing-a-large-site/Applyand-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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Appendix B

Neighbour Responses

16 Laurel Bank
Hemel Hempstead
Hertfordshire
HP3 0NX

Despite alterations to the height of the property, the application is still fundamentally flawed. Just like the last ones, this development is completely out of kilter with the rest of the street. In fact, given the fact that it is single storey makes this even more so. Not only will it place an additional burden on the already constrained flow of vehicles in the

street, but is of questionable value to the neighbourhood. It is a clear and cynical drive to overdevelop the street and should not be allowed under any circumstances. Our position is entirely unchanged in this regard and the applicant's continued attempts to make minor changes in an attempt to allow this to slip through should be observed.

It should be noted that the applicant is the same one who has attempted to shoehorn similarly inappropriate developments in to other "spare" pieces of land around the street, but has demonstrably failed to maintain any remaining aspects that he owns. We understand that he owns adjacent land in Felden Lane so the planning office would be wise to treat any planning applications of this nature around this area from this individual with extreme caution.

Despite alterations to the height of the property, the application is still fundamentally flawed. Just like the last ones, this development is completely out of kilter with the rest of the street. In fact, given the fact that it is single storey makes this even more so. Not only will it place an additional burden on the already constrained flow of vehicles in the street, but is of questionable value to the neighbourhood. It is a clear and cynical drive to overdevelop the street and should not be allowed under any circumstances. Our position is entirely unchanged in this regard and the applicant's continued attempts to make minor changes in an attempt to allow this to slip through should be observed.

Note that the applicant claims to have been maintaining the land in question during the last few years. This is incorrect. When we moved in to the area six years ago, one of the neighbours had to prompt the applicant to mow the lawn on a number of occasions. Furthermore after neighbours objected to one of the previous applications, the applicant chose not to continue doing so in retribution. The owners of Nos. 15-18 take it in turns to mow the lawn and maintain the area at our own cost. Serious consideration should be given to the above statement in light of any claims that the applicant is a responsible developer. Clearly this is not the case.

It should be noted that the applicant is the same one who has attempted to shoehorn similarly inappropriate developments in to other "spare" pieces of land around the street, but has demonstrably failed to maintain any remaining aspects that he owns. We understand that he owns adjacent land in Felden Lane so the planning office would be wise to treat any planning applications of this nature around this area from this individual with extreme caution.

5 Laurel Bank
Felden
Hemel Hempstead
Hp3 0nx

I object to this application for the following reasons

1. The proposed bungalow is totally out of keeping with the 18 houses on this cup de sac which are all 4 and 5 bedroom homes. This development will impact on the desirability of Felden as an area and the value of properties on this road.
2. There is already insufficient parking on this road together with the

use of the road by people trying to save money by not paying for the station car park. This proposal removes the only available parking and we already have safety concerns regarding the ability of emergency vehicles to get up the road as well as refuse vehicles and deliveries. There are young children in the road and this is a massive concern. We frequently cannot ourselves get out of the road safely as things are and this would get significantly worse under this proposal.

3. The plot in question is too small to support a dwelling
4. The plot in question attracts significant bird life and other animals. This will be lost under this proposal.

11 Laurel Bank
Hemel Hempstead
Hertfordshire
HP3 0NX

This development has already been rejected twice for good reason, I will highlight my main reasons for objecting:

1. Blocking light to surrounding and opposite properties.
2. Surrounding property will be over looked and suffer loss of privacy, especially property in laurel bank that is opposite this development.
3. There is already inadequate parking space for existing residents/visitors in Laurel bank.
4. The entrance and road way in Laurel Bank is narrow and barely allows two cars to pass each other. Parking to the new property is positioned near the entrance and will have a blind exit to one side from the property to the road.
5. Possible to add more rooms in the roof at a later date.
6. Small plot, very small garden which is out of context with surrounding property, surround by 5 bed homes.
7. Limited parking for visitors such as carers/support for potential occupants of new development.
8. Developer no longer maintains the existing plot since residents objected to his first planning application. Who will maintain open space if application were to go ahead.
9. Development still compromises visual relief.
10. Stopped driveway/paths not ideal/dangerous for potential elderly/disabled occupants.

Comments: This development has already been rejected thrice for good reason, I will highlight my main reasons for objecting:

1. Blocking light to surrounding and opposite properties.
2. Surrounding property will be over looked and suffer loss of privacy, as will this single story development, which is facing existing two story properties that will overlook this bungalow and its outdoor space.
3. There is already inadequate parking space for existing residents/visitors in Laurel bank.
4. The entrance and road way in Laurel Bank is narrow and barely allows two cars to pass each other. Parking to the new property is positioned near the entrance and will have a blind exit to one side from the property to the road.
5. Possible to add more rooms in the roof at a later date.

6. Small plot, very small garden which is out of context with surrounding property, surround by 5 bed homes.
7. Limited/No parking for additional visitors such as carers/support for potential occupants of new development.
8. Developer no longer maintains the existing plot since residents objected to his first planning application. Who will maintain open space if application were to go ahead.
9. Development still compromises visual relief.
10. Stopped driveway/paths not ideal/dangerous for potential elderly/disabled occupants.
11. Access for emergency vehicles could at the worst be blocked with additional vehicles parked in the road, especially if the occupants of the proposed development are elderly or disabled as they may well require regular home visits from care and support staff who would have to park in the road.
12. The proposed property is being built to generate a monetary gain for the developer and is likely to sell for a high price. I therefore fail to see how one cramped and out of character private development contributes to national housing targets.
13. The developer hasn't maintained this land for a number of years as is stated in the proposal. At one time my wife would contact him directly when ever the site needed attention and he would respond in a timely manner. However, when he learned that we had objected to his original proposal, he said he would no longer maintain the plot and no longer did so.

1-12 , 14, 15-18 Laurel

Bank, Hemel

AMENDED SCHEME

Thank you for sending us notification of the above planning application.

Laurel Bank

Felden

HP3 ONX

On behalf of the following residents of Laurel Bank, this letter contains the major points of our objection which has been signed by the following residents the end of this document:

Numbers 1 to 12 inclusively

Number 14

Numbers 15, 16, 17 and 18

(Submissions by other residents and additional points of objection by the above residents have also been made separately)

Page 1 of 9

We are surprised that Hemel Hempstead Property Co (Apsley) Ltd has seen fit to apply once again to build on this site after planning permission for a house has been refused four times by DBC and also on appeal. As our objection demonstrates, the revised application for

a bungalow does not mitigate the unsuitability of the site for development.

Another case officer (sic) has been copied on our response as the office he handled previous applications and also Stewart Riddick, our local councillor.

We would like to draw the attention of DSC to the use of the application title to imply that substantial differences have been made to the application since it was last made in May this year.

The application is no different and cannot alter the fact that Laurel Bank would significantly lose its sense of open space should this application proceed.

The main takeaway from this application is that the plot of land is so small that only the very smallest amendments can be made to the proposed construction and these would not even be noticeable to residents or anyone examining the plans in detail.

This application has been resubmitted in an attempt to achieve planning permission for land which has been consistently demonstrated as unfit for construction of a dwelling. This is because the land is left over from development of the existing houses.

Furthermore, the application attempts to leverage misunderstandings around new central government laws to increase housing across the country. we will demonstrate below how this law has been misunderstood and misrepresented to DSC.

Review of the Planning Statement by Section
Section 1: Introduction

The introduction attempts to justify the application by suggesting that it has been submitted following positive feedback from the Planning Officer's Report. The residents can find no evidence of this in any of the papers provided by DSC and only a clear rejection of an almost identical application in May this year. The introduction suggests that this application 'successfully addresses previous concerns' which is incorrect as there are no material differences between this application and the last one.

Section 2: Site Description and Surroundings

The plot is described as 'broadly rectangular in shape' which is incorrect as the site tapers significantly, making it impossible to develop an attractive house and garden on the site. The site is viewed by residents and visitors to the road as a verge due to its small size, which also makes it unsuitable for development.

The plot is also described as 'an open grassland area' which makes it sound much larger than it is.

The definition of a grassland is 'a large open area of country covered

with grass, especially one used for grazing'. Whilst this may seem a small point, it is just one example of how words have been used incorrectly throughout the application both to imply that the site is larger than it actually is and the road is more densely populated than in reality. Likewise, out of date images and those taken with a wide-angle lens further misrepresent the location. The council decision makers are kindly invited to visit the site for themselves.

Further, Section 2 states that the land was retained by the developer to maintain the possibility of a second stage of development. This is correct but the history of this process has not been documented in the application. For a long time, the applicant attempted to buy land at the bottom of the garden adjacent to the plot (belonging to The Moorings on Felden Lane). These attempts, which became increasingly aggressive, were refused by the owner of The Moorings, who now refuses to engage with the applicant any further, even to lodge his objection to these various recent applications. These recent applications are an attempt to profit from a very small piece of leftover land. The original intention was to build at least one two-storey house in the garden of The Moorings. After this proved impossible due to the landowner's refusal to sell his garden, the applicant first applied for permission to build a two-storey house on the Laurel Bank plot and when this was refused, started to apply for permission to build a bungalow. Hemel Hempstead Property Company (Apsley) Ltd has also recently had rejected an application to build a garage between numbers 2 and 3 further up the road. Again, this application was unsuitable in the extreme as it would have violated the landscape and security of the residents.

We make these points in order to put this application in context and to make the council aware of the aggressive nature of this application.

The residents would like the council to note that turning the application from two-storey to onestorey does nothing to mitigate the other multiple issues with the development which are outlined in this document.

Lastly, in Section 2 the applicant has stated that he has maintained the land ever since owning it. The residents have continually refuted this in each application. Since the houses were built in Laurel Bank, Hempstead Property has needed continual chasing to cut the

grass and gave up sometime about 7 years ago. The company cut the grass for a short time in 2014 after being contacted on multiple occasions by the previous owner of Number 18, ... Before and after that time, the residents of Numbers 15, 16, 17 and 18 have taken it in turns to cut the grass.

This section also includes an image of the first section of Laurel Bank which includes the plot under discussion. It has been taken with a wide-angle perspective from Google Street view to make the plot look larger. The residents invite the planning committee to inspect the land themselves.

Section 2.3 states that the 'surrounding area' consists of informally arranged detached dwellings.

This is incorrect. Laurel Bank has a high standard of four- and fivebedroom houses laid out in a way that is aesthetically pleasing.

Section 3: Proposed Development

The residents dispute the suggestion that a one-bedroom bungalow would be suitable for this site.

The reduced height of the building does not mitigate the parking and access issues which this property would create, nor the strain on infrastructure and destruction of the local wildlife, shrubbery and open character of the road.

Section 3.4 suggests that this property would provide 'ideal accommodation for an elderly or disable [sic] resident.' Laurel Bank is not within easy wheelchair access of any amenities, including the train station. Therefore, the resident would only be able to use their car. Access to the parking bay would be restrictive and difficult to manage, facing the driveway of Number 17 and using a dropped pavement cut into the only pavement available at this section of the road (there is no pavement on the other side). The fence of Number 1 would block sight of traffic approaching from Felden Lane.

Extreme caution would be needed, together with good neck mobility to avoid a collision or injury to pedestrians.

From the plans, the residents have made an estimation of the comparative size of the development versus the houses opposite. The internal size of numbers 16, 17 and 18 are all 229 sqm each versus the proposed development size of approximately 68 sqm. The space for the entire property would be inconsistent with the size and spaciousness of the other properties in the road. The garden would clearly be very small. This can be seen by visiting the site and viewing

the space available. Here are some other useful comparisons:

- o The living room part the proposed property would be no more than 2/3 of the size

of Number 16's smallest bedroom at 7.5 sqm.

- o In the living area, after furniture were added, it would be difficult to turn a wheelchair. The space needed for a smooth U turn of a wheelchair is 1.96m. A

power-assisted wheelchair requires 2.38m to turn.

- o The WC measures 0.7m in width and an average wheelchair measures 0.71m in

width with some power assisted versions measuring up to 1.016m in width.

- o The bedroom measures 3m x 2.2m and needs to accommodate a bed, two doors

and two windows. There is very little room for wheelchair access and movement.

We state these points to indicate that this property has not been designed to serve a wheelchair

user but merely to tick a box which will mean that it could be viewed more favourably. Likewise, the

planned boxroom would not be large enough for a carer to stay in.

In Point 3.5, the applicant states that the plans have been revised to mitigate the feeling of

overcrowding in the planned development. Additional space freed up by the developer would

represent a small patch of land next to the garage of Number 2 Laurel Bank. It would not materially

affect the feel of the development.

The residents would also like to mention that there have been no investigations by the applicant into

the potential impact on the water/sewage systems in the road. When the houses in this section of

Laurel Bank were constructed, the builders tipped concrete into the drains and there have been

various issues with flooding. Flooding has also been caused by water running down Felden Lane. The

residents are concerned that an additional property could create further problems with the sewage

system.

Section 4: Relevant Planning History

Point 4.1 makes no sense. It refers to the application being rejected In January 2020 due to its

impact on the open character of Laurel Bank and it then advises that a bungalow was mooted as a

possibility instead. However, the applicant resubmitted plans in May 2020 for a bungalow which

were rejected for the same reason. Objecting to the May application, the residents drew the

council's attention to the fact that the bungalow would have the same

detrimental impact on the character of the road as a two-storey dwelling as it would occupy the same footprint. Therefore, there is no difference between this application and the application made in May.

Point 4.2 mentions that DCB suggested that a bungalow might be acceptable but it is clearly impossible to build a habitable dwelling without removing the remaining open space in Laurel Bank.

DBC clearly supported this view in May.

Section 5: Planning Policy

Point 5.2 suggests that somehow construction of this extremely small house would have a positive impact on DBC's plans for additional housing in the area.

The residents would like to draw attention to HM Government's National Planning Policy Framework

which does not offer carte blanche for unsuitable development:

"Plans should consider the case for setting out policies to resist the inappropriate development of residential gardens, for example, where development would cause harm to the local area."

HM Government's National Planning Policy Framework, Section 70

The same policy also explains that housing:

"... should be adjacent to existing settlements, proportionate in size to them."

HM Government's National Planning Policy Framework, Section 71b

Point 5.6: The residents are surprised that the applicant tries to assert that this development would

'Respect the typical density intended in an area and enhance spaces between buildings and general character' as this would clearly not be the case.

Point 5.7: It is incorrect to say that as the policy did not form part of the reason for refusal, the proposal would be in full compliance with government guidelines. This is an extraordinary distortion of the facts and the residents' points about the detail of the legislation described above refute this.

Point 5.8a: Once again, the applicant states that Hertfordshire Highways has somehow approved the

placement of this dwelling. Laurel Bank is a private road owned by Kier and the residents do not

understand how Hertfordshire Highways would be able to make this decision. Likewise, the residents previously requested to see this authorisation but it has not been made public.

Point 5.8b: This property would be constructed at the most congested part of the road which is

frequently simultaneously populated by: residents accessing and exiting from driveways directly

opposite; the whole of Laurel Bank accessing and exiting the road;

delivery vans and visitors
accessing the road.

Point 5.8c: The residents request sight of the officer's report which states that there would be no visual intrusion. It is impossible for this to be the case as the property would be built directly opposite numbers 16 and 17. The proposed house would constitute a home for a maximum of one person and not be a family home, unlike the other houses in the road. Point 5.Sd: The landscaping proposed cannot be described as 'high quality'. There is no information on the plants that would be used and there is too little space for effective landscaping.

Points 5.Sf & g: It is clear from the plans that the development would not 'sit comfortably' within the streetscape as it would look totally different from all the other houses and remove the sense of openness in the road. Likewise, the development cannot respect the layout, coverage, scale, height, landscaping or amenity space of the existing properties.

Points 5.9 to 5.12: This application misunderstands the national government requirement for sustainable development. Sustainable development requires the construction of accommodation to a high standard which encourages local living. Laurel Bank currently has a spacious feel which is appreciated by all the residents.

Section 6: Planning Justification

The residents take issue with the erroneous interpretation of national government's planning framework. The policy does not require development if it negatively affects the environment. This is an idea propagated by the media but not reflected in the actual planning framework.

The application states that Laurel Bank is a 'built up cul de sac' but it is actually a very spacious development.

Points 6.12-5 try to minimise the effect of the development by suggesting that the impact of the development would be minor, that Laurel Bank is an informal development of houses and that the tiny proposed garden is a 'minor issue'. This is an attempt to deflect from the multitude of problems that this development would cause, both in its draw on the local infrastructure and its unsightliness and inappropriateness.

Point 6.16: The application attempts to make a comparison with a bungalow next to the Boxmoor Lodge. This is the only bungalow in the area. There were previously two next to each other and the

owner of the hotel had the second destroyed and rebuilt as a house as he could see how unsightly and inappropriate these two properties were. Therefore, it is inappropriate to look to this remaining bungalow as a justification for a new proposed development.

Point 6.17: The design of the proposed bungalow is squeezed and unattractive.

Point 6.22: The proposed bungalow does not have a 'flexible open plan layout' as the footprint is so small that once the essentials have been included inside, there is no space for a flexible layout.

The need for windows will make it almost impossible to furnish the house.

In order to provide natural light to the property, the plans show three very small windows on the northern side which will obtain minimal light as they will be mere feet from the fence bordering The Moorings on Felden Lane. The property combines the kitchen and living room in a cramped 19'4 x 14' room in order to accommodate both requirements.

Point 6.24: The residents would like to draw DCB's attention to the blind access point which would be created by the driveway of the proposed development.

Conclusions

In conclusion, the residents of Laurel Bank are extremely concerned by this proposed development.

It has been formulated to profit from leftover land rather than to create appropriate additional accommodation. The proposals use incorrect terminology and argument to try to persuade DBC of the efficacy of the development, using an erroneous interpretation of national planning guidelines.

The development would destroy the open character of Laurel Bank, creating congestion, danger to drivers and pedestrians and unknown risks to water drainage and sewage.

The residents thank DBC for reading this long response which was necessary to refute the many erroneous claims made in the application.

1-12 , 14, 15-18 Laurel
Bank, Hemel

ORIGINAL SCHEME

Thank you for sending us notification of the above planning application.

Laurel Bank

Felden

HP30NX

On behalf of the following residents of Laurel Bank, this letter contains the major points of our

objection which has been signed by the following residents the end of this document:

Numbers 1 to 12 inclusively

Number 14

Numbers 15, 16, 17 and 18

(Submissions by other residents and additional points of objection by the above residents have also been made separately)

We are surprised that Hemel Hempstead Property Co (Apsley) Ltd has seen fit to apply once again to build on this site after planning permission for a house has been refused three times by DBC and also on appeal. As our objection demonstrates, the revised application for a bungalow does not mitigate the unsuitability of the site for development and we are further surprised that this was even mentioned as a possibility in the last planning refusal.

Another case officer has been copied on our response as this officer handled previous applications and also Stewart Riddick, our local councillor.

1. The residents dispute the planning officer's suggestion in the previous refusal that a onebedroom bungalow would be suitable for this site.

The suggestion that if more land were left vacant, the application would become acceptable does not stand up to scrutiny. Allowing a greater amount of land to remain undeveloped at the street side of the property would make the property even less viable .

The slightly reduced footprint of the building does not mitigate the parking and access issues which this property would create, nor the strain on infrastructure and destruction of the local wildlife, trees and open character of the road.

2. Section 2.2 of the application states that the developer has maintained the land for over 21 years. This is incorrect. The residents of 16 Laurel Bank have lived in the property since 2013 and can testify that Heme I Hempstead Property cut the grass for a short time in 2014 after being contacted on multiple occasions by the previous owner of Number 18, Mr Farrant.

Before and after that time, the residents of Numbers 15, 16, 17 and 18 have taken it in turns to cut the grass. This can be confirmed by the gardener who works for Number 16.

3. Section 2.2 shows a photograph of the land which has been taken with a wide-angle perspective within Google Street view to make it look bigger. The residents invite the

planning committee to inspect the land themselves.

4. Section 2.3 states that the 'surrounding area' consists of informally arranged detached dwellings of differing styles. This is incorrect. Laurel Bank has a high standard of four- and five-bedroom houses in two styles. The Tudor style houses are all at the top of the road and the red brick houses are all within the vicinity of the proposed development and of a similar style, size and character.

S. Section 3.3 states that 'a hedge would be planted forming a private garden'. Presumably this is to avoid accusations that fencing would create a more built up appearance. However, once the property had been sold, a hedge could be quickly replaced by the new owner with fencing and most likely this would be done for security reasons. Therefore, it must be assumed that the garden would become fenced off as detailed on the previous planning application.

6. Section 3.4 suggests that this property would provide 'ideal accommodation for an elderly or disable [sic] resident.' Laurel Bank is not within easy wheelchair access of any amenities, including the train station. Therefore, the resident would only be able to use their car.

Page 2 of 7

Access to the parking bay would be restrictive and difficult to manage, facing the driveway of Number 17 and using a dropped pavement which is the only pavement available at this section of the road. The fence of Number 1 would block sight of traffic approaching from Felden Lane. Extreme caution would be needed, together with good neck mobility to avoid a collision.

From the plans, the residents have made an estimation of the comparative size of the development versus the houses opposite. The internal size of numbers 16, 17 and 18 are all 229 sqm each versus the proposed development size of approximately 68 sqm. The space for the entire property would be inconsistent with the size and spaciousness of the other properties in the road. The garden would clearly be very small. This can be seen by visiting the site and viewing the space available. Here are some other useful comparisons:

- o The living room part the proposed property would be no more than

2/3 of the size

of Number 16's smallest bedroom at 7.5 sqm.

o In the living area, after furniture were added, it would be difficult to turn a

wheelchair. The space needed for a smooth U turn of a wheelchair is 1.96m. A

power-assisted wheelchair requires 2.38m to turn.

o The WC measures 0.7m in width and an average wheelchair measures 0.71m in

width with some power assisted versions measuring up to 1.016m in width.

o The bedroom measures 3m x 2.2m and needs to accommodate a bed, two doors

and two windows. There is very little room for wheelchair access and movement.

We state these points to indicate that this property has not been designed to serve a

wheelchair user but merely to tick a box which will mean that it could be viewed more

favourably.

7. Section 4. Relevant Planning History. This section suggests that all concerns of the previous

refusal have been mitigated by reducing the size of the property:

7a The 'visual relief and sense of openness currently provided' which would 'create a more

enclosed streetscape.' The streetscape would still become more enclosed.

7b 'The proposed layout would be cramped when compared to that of the surrounding

housing, with a resultant harmful effect on the character and appearance of the area and by

failing to integrate with the existing streetscape character and respect the layout of

surrounding development would conflict with Policy CS12.' The new layout would still give a

cramped impression.

7c The planning application cannot resolve the environmental damage to the area caused by

loss of trees and wildlife habitats. There are also archaeological risks to further development

of the area which require independent assessment.

In order to provide natural light to the property, the plans show three very small windows

on the northern side which will obtain minimal light as they will be mere feet from the fence

bordering The Moorings on Felden Lane. The property combines the kitchen and living room

in a cramped 19'4 x 14' room in order to accommodate both requirements.

8. Section 5.6a: The development will not protect or enhance

significant views within character areas but the reverse.

9. Section 5.8a: The residents of Laurel Bank politely request a copy of the confirmation from Hertfordshire Highways that 'the proposal would not have any impact on highway safety'.

The residents disagree with this as the property will require a dropped pavement opposite the driveway of Number 17. It should also be noted that Laurel Bank is a private road and owned by Kier Group Plc.

10. Section 5.8g: The plan does not 'respect adjoining properties in terms of layout' and 'site coverage'.

11. Section 5.17: This will not be a 'well designed place' as it will be extremely cramped.

12. Section 6.5: This property would only accommodate one extra individual and will therefore not materially support the Council's objectives to create more housing.

13. Section 6.10: The residents of Laurel Bank object to the description of the road as a 'built up cul de sac' as the road design is currently spacious. This development is the polar opposite and would have a detrimental effect on the entire road. This section also refers to the proposed development site as 'an expansive area'. It is not and is often described by visitors as a verge.

14. Section 6.12: The applicant admits that 'The proposed bungalow and associated landscaping would inevitably have an impact on openness and result in a more enclosed street scene than the existing situation.' The residents are dismayed by the potential incursion of the developers into what is currently an attractive environment for residents and visitors which forms part of the gateway between Boxmoor and Felden.

15. Section 6.16: There are no other bungalows in Laurel Bank and all other properties are either 4- or 5-bedroom houses. A bungalow would look totally out of place. The picture of Felden Lane does not demonstrate that different house types are acceptable as the application suggests. The house on the left is a recent replacement for a bungalow similar to the house on the right, demonstrating the positive way in which the area is being developed. The aim of all the residents of Felden has been to improve the area with

properties which are closer in design and size to those in Laurel Bank.

16. Section 6.17: Contrary to the applicant's argument that the

bungalow will fit aesthetically with the other houses, the proposed windows are very narrow and will create a large expanse of brickwork. This will be unattractive but is unavoidable for the developers as larger windows would not allow room for furniture and doors inside the property.

It should be noted that all the photographs of the properties in Laurel Bank are old and do not reflect the many improvements which have been made to them over the last ten years, especially those facing the proposed development.

17. Section 6.26: All the properties in Laurel Bank have double garages and the proposed development would have a single open-air parking space.

18. There is no reference in the application to the strain that an additional property would place on the sewage system.

Lastly, the residents would like to draw the council's attention to the continual harassment of the residents by Hemel Hempstead Property Company (Apsley) Ltd wishing to exploit every square foot of land within Laurel Bank.

Hemel Hempstead Property Company (Apsley) Ltd has made many attempts to acquire land that forms part of The Moorings on Fe Iden Lane (the house directly behind the land in this application).

The owner of The Moorings has refused to sell his garden to Hemel Hempstead Property Company (Apsley) Ltd and has received numerous aggressive approaches. As a result, Hemel Hempstead Property Company (Apsley) Ltd is attempting to monetise an unsuitable piece of land via constant planning applications.

Hemel Hempstead Property Company (Apsley) Ltd has also recently had rejected an application to build a garage between numbers 2 and 3 further up the road. Again, this application was unsuitable in the extreme as it would have violated the landscape and security of the residents.

We make these points in order to put this application in context and to make the council aware of the aggressive nature of this application.

Felcote
Felden Lane
Hemel Hempstead

I have a few questions? It says securing of adjacent land outlined in blue. What do you mean by securing? Fencing? In the application I am led to believe that that land will be left landscaped like it is at the

Hertfordshire
HP3 0BA
moment?

The design of the bungalow currently has windows which I presume will overlook a fence onto The Moorings? Will the windows be contained below the fence or over the top?

What is to stop a purchaser or developer from putting in a loft conversion? The way the roof has been built would mean full standing height and then windows would overlook my property which is currently very private.

The plans literally have two paving slabs between the wall of the house and the fence of the adjacent property. This will affect light and the view from both The Moorings and Felcote.

Currently there is a tree on this land which provides some privacy. There is no sign of this tree on the plans so am I to presume it is being removed? What measures will be put in place to retain the privacy currently provided by this tree?

Over the past number of years this land has been transformed from farmland (where I remember feeding the horses at the end of the garden over the fence), and a single property, to a road and loads of houses, the demographics of the area has changed considerably and the whole ambience of Felden Lane has also changed. Please stop squeezing in more and more properties in every available space there is. We purchased these houses because they were private spaces and they are becoming less and less. Please look at the changes over the last 40 years, not just the last couple to see the damage that has already been done. Please don't make it even worse.

The Moorings
Felden Lane
Hemel Hempstead
Hertfordshire
HP3 0BA

Development is not the objection. The objection is to the placement of windows overlooking the private garden of the Moorings. Kitchen window as example will have the resident overlooking the private seating of the garden and closing the property unlike previous development of neighbouring house. Replacement of side windows with roof velux skylight type would remove this concern. In addition the placement of the building so close to the boundary will remove the natural light from the garden of the moorings, 50 years in the making. Objection is based on the windows overlooking into the private space and height of the property and if these can be addressed and mitigated along with suitable high fencing to maintain privacy no further comment is necessary.

11 Laurel Bank

Hemel Hempstead, Hertfordshire HP3 0NX

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of parking
- Loss of privacy
- More open space needed on development
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities
- Traffic or Highways

Comments: This development has already been rejected thrice for good reason, I will highlight my main reasons for objecting:

1. Blocking light to surrounding and opposite properties.
2. Surrounding property will be over looked and suffer loss of privacy, as will this single story development, which is facing existing two story properties that will overlook this bungalow and its outdoor space.
3. There is already inadequate parking space for existing residents/visitors in Laurel bank.
4. The entrance and road way in Laurel Bank is narrow and barely allows two cars to pass each other. Parking to the new property is positioned near the entrance and will have a blind exit to one side from the property to the road.
5. Possible to add more rooms in the roof at a later date.
6. Small plot, very small garden which is out of context with surrounding property, surround by 5 bed homes.
7. Limited/No parking for additional visitors such as carers/support for potential occupants of new development.
8. Developer no longer maintains the existing plot since residents objected to his first planning application. Who will maintain open space if application were to go ahead.
9. Development still compromises visual relief.
10. Slopped driveway/paths not ideal/dangerous for potential elderly/disabled occupants.
11. Access for emergency vehicles could at the worst be blocked with additional vehicles parked in the road, especially if the occupants of the proposed development are elderly or disabled as they may well require regular home visits from care and support staff who would have to park in the road.
12. The proposed property is being built to generate a monetary gain for the developer and is likely to sell for a high price. I therefore fail to see how one cramped and out of character private development contributes to councils housing targets.
13. The developer hasn't maintained this land for a number of years as

is stated in the proposal. At one time my wife would contact him directly when ever the site needed attention and he would respond in a timely manner. However, when he learned that we had objected to his original proposal, he said he would no longer maintain the plot and no longer did so.