

ITEM NUMBER: 5b

20/01429/FUL	Demolition of existing detached house, to be replaced with a new detached home.	
Site Address:	Mabuhay Brownlow Road Berkhamsted Hertfordshire HP4 1HB	
Applicant/Agent:	Mr Julian Hearn	
Case Officer:	James Gardner	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary views of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The principle of a replacement dwelling is acceptable in this area in accordance with Policy CS4 of the Dacorum Core Strategy.

2.2 In terms of heritage impacts, the proposed design is suitable and would not be harmful to significance of the nearby Scheduled Ancient Monument or the setting of the Berkhamsted Conservation Area, thereby complying with Policy CS27 of the Dacorum Core Strategy.

2.3 The design respects the rhythm of the street and would satisfactorily integrate with the streetscape character, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy.

3. SITE DESCRIPTION

3.1 The application site comprises of a two-storey, detached dwellinghouse and associated curtilage, which occupies a large plot on the westernmost side of Brownlow Road, Berkhamsted.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling.

5. PLANNING HISTORY

Planning Applications (If Any):

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 21

CIL Zone: CIL1

Conservation Area: BERKHAMSTED

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Yellow (45.7m)

Railway (100m Buffer): Railway: 100m buffer

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

Residential Character Area: BCA13

Parking Standard: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Council Core Strategy (2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Planning Obligations
Policy 15 - Retention of Housing
Policy 18 - The Size of New Dwellings
Policy 51 - Development and Transport Impacts
Policy 100 - Tree and Woodland Planting
Policy 118 - Important Archaeological Remains
Policy 120 - Development in Conservation Areas

Saved Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking Standards Supplementary Planning Document (2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of the development;
Impact on Significance of Heritage Assets
Quality of Design / Impact on Visual Amenity
Impact on Amenity of Neighbours
Highway Safety and Parking Provision

Principle of the Development

9.2.1 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.2.2 The principle of the development is therefore acceptable, subject to the satisfying of other material planning considerations.

Impact on Significance of Heritage Assets

9.3.1 The application site is located immediately adjacent to the Berkhamsted Conservation Area. Accordingly, the local planning authority is required to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that “...*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

9.3.2 Paragraph 193 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

9.3.3 Policy CS27 of the Dacorum Core Strategy is an overarching heritage policy which seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and, if appropriate, enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. This is supported by saved Policy and 120 of the Dacorum Local Plan, which relates specifically to development affecting conservation areas.

9.3.4 Policy 120 of the Dacorum Local Plan requires new development in conservation areas to be carried out in a manner which preserves or enhances its established character or appearance. It further states that each scheme will be expected to respect established patterns of development, utilise materials and design details which are traditional to the area, and be sympathetic to the scale, form, height and overall character of the surrounding area.

Impact on Setting of Berkhamsted Castle

9.3.5 The setting of the castle has changed considerably since its construction in the 11th century. The London and Birmingham Railway (now the West Coast Main Line) arrived in the late 1830s and resulted in the destruction of the castle's gatehouse. Residential dwellings began to be constructed to the west of the castle during the inter-war period, with the application dwelling dating to the second half of the 20th century.

9.3.6 The massing of the replacement dwelling would be similar to that of the existing dwelling. It would therefore continue to be visible from Berkhamsted Castle. The Heritage Statement submitted in support of the application includes a number of photographs of the current dwelling from various vantage points within the castle grounds, which are then followed by visual representations of the proposed dwelling from the same perspectives. By utilising a palette of dark materials at first floor level and above, it would be possible to reduce the prominence of the building.

9.3.7 Freehand flint work would be used at ground floor level – a direct reference to the curtain walls of the castle – with Zinc cladding at first floor and roof level; which, it is considered, would introduce an interesting juxtaposition. Timber accents and aluminium window frames are also shown on the plans, the former being a reference to the timber used in the castle's construction. Whilst the use of aluminium window frames has no corollary in terms of the castle, it would nonetheless allow for considerably slimmer profiles and therefore reduce the prominence of the building.

9.3.8 Schedule 4, Paragraph (r) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the local planning authority to consult Historic England where an application would affect the site of a scheduled monument. Historic England have been consulted on two occasions during the course of this application. In the first instance, they were of the view that insufficient information had been provided in order for an objective assessment to be made.

9.3.9 The most recent comments from Historic England are based on an updated Heritage Statement. Given the sensitivity of the site and the concerns raised by Berkhamsted Town Council, Historic England's comments have been provided in full for ease of reference:

The revised Heritage Statement satisfactorily addresses our previous concerns and we now consider that the application meets the requirements of paragraphs 189, 194 and 196 of the National Planning Policy Framework.

The revised Heritage Statement demonstrates that the materials proposed for the replacement dwelling would make the building more visually recessive than the existing house in key views from the Berkhamsted Castle scheduled monument, such as from the top of the motte.

However, the proximity of the proposed development site to the scheduled monument does mean that the replacement dwelling would be clearly visible from within the scheduled monument, particularly from the path along the outer earthwork on its western side. As set out in the revised Heritage Statement, the visual impact of the proposed development, and the resulting level of harm to the significance of the scheduled monument, could be mitigated by appropriate planting in front of the replacement dwelling.

With appropriate mitigation planting in place, Historic England considers that the level of harm to the significance of the Berkhamsted Castle scheduled monument would be towards the lower end of less than substantial harm in terms of the National Planning Policy Framework.

If planning permission is granted we recommend that the requirement to include and retain screening planting in front of the proposed replacement dwelling is included as a planning condition.

9.3.10 It is considered that suitable planting to the front of the dwelling would be sufficient to mitigate the low level of harm identified by Historic England. As the planting would effectively result in no harm to the heritage asset, there is no need for the balancing exercise outlined in the historic environment policies of the NPPF to be undertaken. Details of a suitable planting scheme will be reserved by condition.

Impact on Setting of Conservation Area

9.3.11 The Council's Conservation and Design Officer has seen sight of the plans and provided comments, an extract of which has been reproduced below:

The proposed new dwelling is of a high architectural standard. It has carefully considered the context and has addressed our concerns with the rhythm and the mass we raised at pre application stage. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clear story which the concept has evolved through to the design proposal.

In relation to the design we warmly welcome the use of freehand flint which would be more in keeping with the materials used in the area. This helps to respond to the context and traditional vernacular character of building within the wider area of Dacorum and root the building in the area. This contrasts with the use of zinc for the first floor and roof and therefore the contrast gives the building an appearance of being of its time when combined with the window openings and use of vertical boarding. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.

The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being caused.

9.3.12 The design includes a mixture of building materials which complement the character of the area, while enhancing the conservation area through the use of high quality materials and good architecture. The proposal would represent an improvement on the existing dwelling, thereby enhancing the Berkhamsted Conservation Area.

Conclusion

9.3.13 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Area under S72 of The Planning (Listed Building and Conservation Areas) Act 1990, which, it is accepted, is a higher duty. It is concluded that no harm would be caused to character and appearance of the Conservation Area, which would be enhanced.

9.3.14 The design and appearance of the proposal is considered acceptable in heritage terms. No harm would be inflicted upon heritage assets and therefore the proposal is considered to accord with Policy CS27 of the Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

Quality of Design / Impact on Visual Amenity

9.4.1 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

9.4.2 Policy CS12 further states that development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and amenity space.

Internal Environment

9.4.3 The ground floor layout indicates that the living space would be predominantly open-plan within the main core of the dwelling, and served by full height glazing on southern, eastern and western elevations. The effect would be to allow good levels of daylight to enter the building. The entrance hall would be a spacious area and serve as a link to the single-storey wing that projects outward into the garden. At first floor level, the bedrooms would be dual aspect and accessed off a central corridor. The master bedroom would be located in a separate northern wing.

Amenity Space

9.4.4 Saved Appendix 3 of the Dacorum Borough Local Plan states that all residential development is required to provide private open space for use by residents.

9.4.5 Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.

9.4.6 The primary amenity space is shown as being located to the rear and would have a depth ranging from approximately 15 – 18.5 metres (owing to the sight variation in the rear build line and the boundary of the site). By moving the new dwelling closer to the road it has been possible to maximise the use of the rear garden amenity area. It is considered that the garden area is of sufficient depth and width to afford future occupiers a highly functional and pleasant outdoor space.

Street Scene Impact

9.4.7 The proposed dwelling would respect the rhythm of the street by retaining the clear gaps between the respective first floors of the nearby dwellings. Whilst wider than nos. 1 – 4 Brownlow Road, the introduction of a 3.6 metre wide glazed element on the main elevation would reduce the visual impact of the dwelling. The massing is further broken down by a clear dichotomy between the ground and first floors. At ground floor level, freehand flint is the predominant material. A concrete band above the flint work serves as a transition to the zinc cladding at first floor level. The ridgeline is shown as being equalised with that of no. 1 Brownlow Road, the higher eaves representing an approximate mid-point between no. 1 and Fosse House.

9.4.8 It is submitted, therefore, that the proposed design is suitable and would fully accord with Policies CS11 and CS12 of the Dacorum Core Strategy.

Impact on Amenity of Neighbours

9.5.1 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

Effect on Fosse House

9.5.2 Spacing between the new dwelling and Fosse House (to the south) would be reduced should planning permission be granted for this proposal. However, a separation distance of approximately 6

metres would be retained and, furthermore, Fosse House does not have any primary windows on its flank wall. The small high-level window is understood to be a secondary server for the master bedroom (as shown on plans submitted in support of application 4/02985/18/FHA). There may be a small loss of daylight to this window, but this is not considered to be so severe as to warrant withholding planning permission, especially when consideration is given to the fact that the primary light source is through the front (eastern facing) window. Two-storey built form would not extend past the rear elevation of Fosse House; therefore, there would be no visual intrusion or any potential for loss of sunlight and daylight to habitable windows.

Effect on 1 Brownlow Road

9.5.3 The proposed design includes an elongated single-storey wing, which extends for some 12 metres into the rear garden and is proximate to the boundary with no. 1 Brownlow Road. There are, however, factors which militate against a refusal of planning permission on the basis that there would be an adverse impact on the neighbouring property.

9.5.4 Firstly, as demonstrated on drawing no. 520 22 000 (Rev. P2), by means of excavation the height above ground level would be limited to a mere 2 metres – the average height of a boundary fence. Secondly, a distance in excess of 2 metres would be retained between the wall of the single-storey wing and the boundary.

9.5.5 The limited extent of two-storey development is such that there would be no significant impact on the windows on the rear elevation. In terms of the south facing windows on the flank wall of no. 1 Brownlow Road, these are understood to serve a single aspect bedroom. It is acknowledged that the proposed development would result in two-storey development moving closer to these windows (approximately 9 metres reduced to 6.2 metres), but it should be noted that this distance is broadly similar to that maintained between the first floor windows of nos. 1 and 2 Brownlow Road. Whilst this is not a reason in and of itself to grant planning permission, the context is nonetheless important in setting reasonable expectations in terms of the level of amenity that occupiers can expect to enjoy. It should also be noted that no objections have been received from the neighbouring property.

9.5.6 No windows are proposed at first floor level in the flank wall of the northern elevation of the proposed dwelling, thereby avoiding any loss of privacy.

9.5.7 On balance, the relationship between the proposed dwelling and no. 1 Brownlow Road is considered to be acceptable.

Highway Safety and Parking Provision

Highway Safety

9.6.1 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.6.2 Furthermore, Saved Policy 51 of the Dacorum Borough Local Plan states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.6.3 The development site is on Brownlow Road, which is an unnumbered "C" classified local distributor road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

9.6.4 The site currently has a carriageway access, allowing vehicles to enter and leave the highway in forward gear, which appears to operate without any issues. No new or altered vehicular or pedestrian access to the highway is proposed and no works are required in the highway.

9.6.5 For the avoidance of doubt, the Highway Authority have been consulted on the application and have confirmed that the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the condition and informatives which have been provided and are included within the relevant section of this report.

Parking Provision

9.6.6 Policy CS12 of the Core Strategy states that on each site, development should provide sufficient parking.

9.6.7 The Dacorum Parking Standards Supplementary Planning Document (2020) was formally adopted by the Council in November 2020. The starting principle is that all parking demand for residential development should be accommodated on site, with departure from the standards only being accepted in exceptional circumstances.

9.6.8 The floor plans submitted in support of this application indicate that the proposed dwelling would have a total of five bedrooms – four at first floor level and one within the roof space.

9.6.9 In accordance with the Parking Standards SPD, dwellings containing in excess of four bedrooms are to be assessed on an individual basis.

9.6.10 Whilst the dwelling is located extremely close to Berkhamsted Station, there is no guarantee that future occupiers of the dwelling will be commuters and exclusively use the train for their day-to-day travel. Furthermore, although conceivable, it is unlikely that a dwelling of this size will be occupied by one or two occupants; rather, it is reasonable to assume that it will be occupied by either multi-generational family or a family with a number of children, all of whom will almost certainly become drivers at the appropriate age. As such, it is considered that parking provision for up to five cars would be appropriate in this particular case.

9.6.11 Having reviewed drawing no. 520 10 000 (Rev. P2), it is considered that the requisite number of cars could be accommodated on the spacious site frontage and within the integral garage.

9.6.12 As such, the development is considered to accord with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

EV Charging

9.6.13 The parking standards SPD requires one active charging point to be provided per house. Details of EV charging have not been provided as part of this application. However, it is considered that this matter can be dealt with satisfactorily by way of an appropriately worded condition.

Other Considerations

Trees and Landscaping

9.7.1 Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges. Development should also respect adjoining properties in terms of landscaping.

9.7.2 The existing site comprises a mix of both hard and soft landscaping which will inevitably be impacted upon by the proposals. However, it is noted that none of the trees within the application site are covered by a Tree Preservation Orders.

9.7.3 Limited information has been submitted regarding proposed landscaping and as such, it is recommended that the submission and approval of further details be secured through the imposition of a relevant planning condition to ensure that a high-quality finish to the development is achieved.

Archaeology

9.7.4 The site is located within an Area of Archaeological Significance and within close proximity to a Scheduled Ancient Monument (Berkhamsted Castle).

9.7.5 The Historic Environment Unit has been consulted on the application and state that the historic environment record (HER) notes that the site lies adjacent to the Scheduled Monument of Berkhamsted Castle (SAM55, HER39). This dates from the eleventh century and is a rare example of a double-moated castle. Evidence of Bronze Age (HER4251) and Roman (HER1336) activity has also been found.

9.7.6 OS mapping from the nineteenth century appears to show earthworks running into the site, although the HER notes that this has become an area of watercress beds by the time of the 1899 OS map (HER12194). The aforementioned earthworks also appear to have suffered disturbance by the construction of the current houses.

9.7.7 It is therefore considered that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and conditions which secure the submission and approval of a Written Scheme of Investigation and site investigation are recommended to be attached to the decision notice.

Refuse Collection

9.7.8 Drawing No 520 10 000 Rev P2 demonstrates that sufficient refuse and waste receptacles are to be provided to within the north-eastern segment of the site. This location will ensure that waste and recycling can be deposited without an unacceptable carry distance and easily collected by the Council's Refuse Collection Team.

Noise Sources

9.7.9 It is acknowledged that the site is located within the Railway (100m Buffer) constraint due to its proximity to the railway line to the south.

9.7.10 Network Rail have responded to consultation stating that they are aware residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

9.7.11 Similarly, the Council's Environmental Health Officer has stated that to ensure that the new build is appropriate to prevent adverse effect on health and quality of life due to noise they advise that the submission of a ventilation strategy should be submitted to and approved by the Local Planning Authority. Whilst the recommended condition requires the submission and approval of the strategy prior to development, it is considered acceptable for the submission requirement to be amended to allow demolition and groundworks to commence.

9.7.12 This amendment is reflected within the wording of Condition 10 which is contained within the relevant section of this report.

Sustainability

9.7.13 Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible.

9.7.14 It is considered that the development broadly comply with these objectives and given the scale and nature of the proposals, it is considered that this matter can be adequately and appropriately assessed through the Building Control process.

Permitted Development Rights

9.7.15 Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

9.7.16 It is not considered that the removal of permitted development rights can be justified in this instance.

Land Contamination

9.7.17 Policy CS32 of the Core Strategy states that any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

9.7.18 The Council's Environmental and Community Protection Team have been consulted on the application and have stated that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

9.7.19 This is considered necessary because the application site is on land which was formally a watercress bed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that planning conditions should be included if permission is granted.

9.7.20 As such, the conditions are recommended within the relevant section of this report.

Source Protection Zone

9.7.21 The site is subject the Source Protection Zones 2/3 designation. However, given the location of the site and the scale of the proposals, the designation and associated considerations are not considered to represent a constraint on the proposed development.

Ecology

9.7.22 Policy CS29 of the Core Strategy states that development should minimise impacts on biodiversity and incorporate positive measures to support wildlife. Furthermore, Paragraph 175 of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.7.23 Hertfordshire Ecology were consulted and noted that:

The property looks to be in good condition with well-sealed roof and ridge tiles, soffits, windows and doors. It appears to be sub-optimal for bats to use for roosting. Given the nature of the site, and lack of apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.

9.7.24 As a result, it is considered that an informative advising of the procedure to be followed if bats are discovered during the course of the demolition / construction works will be sufficient in this instance.

9.7.25 A precautionary approach is also advocated in respect of Great Crested Newts in light of the application site being separated from a local wildlife site by a tarmac road, which newts would not favour crossing.

Community Infrastructure Levy (CIL)

The site is situated within Charging Area 1 as defined by the Community Infrastructure Levy Charging Schedule, wherein a charge of £328.74 per square metre applies.

10. CONCLUSION

10.1 The principle of residential development in this area is acceptable subject to compliance with the relevant local and national planning policies.

The design has been well thought out and would respect the streetscape character. It is acknowledged that the site is sensitive given its location opposite a Scheduled Ancient Monument (Berkhamsted Castle) and adjacent to the Berkhamsted Conservation Area. The design responds to these constraints by utilising appropriate high-quality materials that reference the castle. The darker palette of materials (proposed at first floor and roof level) would reduce the prominence of the building. Coupled with a robust landscaping scheme on the frontage, it is considered that there would be no harm to the significance of Berkhamsted Castle and an enhancement to the character and appearance of the Berkhamsted Conservation Area.

Residential amenity of neighbouring properties has been considered, and while there would be some impacts on no. 1 Brownlow Road, this is would not be so harmful as to weigh in favour of withholding planning permission.

Parking is adequately provided for by way of the large forecourt on the frontage and the integral double garage. Details of EV charging will be secured by condition.

The County Ecologist does not consider it likely that the current dwelling is inhabited by bats. No further surveys are therefore required. An informative will, however, be included with any grant of planning permission, which outlines the procedure that must be followed should bats be discovered.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to 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. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

520 00 001 Rev P2 (Location Plan)
520 10 000 Rev P2 (Proposed Site Plan)
520 20 000 Rev P2 (Proposed Ground Floor Plan)
520 20 001 Rev P2 (Proposed First Floor Plan)
520 20 002 Rev P2 (Proposed Second Floor Plan)
520 20 003 Rev P2 (Proposed Roof Plan)
520 21 000 Rev P2 (Proposed Front Elevation)
520 21 001 Rev P2 (Proposed Rear Elevation)
520 21 002 Rev P2 (Proposed Side Elevation)
520 21 003 Rev P2 (Proposed Side Elevation)
520 22 000 Rev P2 (Proposed Sections)

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

3. **Notwithstanding the submitted details, no development (except demolition and site clearance) shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- **retained historic landscape features and proposals for restoration, where relevant.**

The planting must be carried out within one planting season of completing the development. All other approved landscaping works shall be completed prior to first occupation of the development hereby approved.

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policies CS12 and CS27 of the Dacorum Borough Council Core Strategy (2013).

4. **(a) No development (excluding demolition) approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report**

containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

5. **Any contamination, other than that reported by virtue of Condition 4 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

6. **No below-ground development / excavation shall take place 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 archaeological significance and research questions; and:**

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment

- 4. Provision to be made for analysis of the site investigation and recording
County of opportunity**
- 5. Provision to be made for publication and dissemination of the analysis and records
of the site investigation**
- 6. Provision to be made for archive deposition of the analysis and records of the site
investigation**
- 7. Nomination of a competent person or persons/organisation to undertake the works
set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 7. All demolition / development shall take place in accordance with the programme of
archaeological works set out in the Written Scheme of Investigation approved under
Condition 6.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 8. 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 6 and the
provision made for analysis and publication where appropriate.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 9. Prior to the first occupation of the development hereby permitted the proposed
on-site car and cycle parking / servicing / loading, unloading / turning /waiting area
shall be laid out, demarcated, levelled, surfaced and drained in accordance with the
approved plan and
retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance Saved Policy 51 of the Dacorum Borough Council local Plan (2004).

- 10. No development (except demolition and site clearance) shall take place until a
ventilation strategy has been submitted for the approval of the LPA to suitably
protect likely future occupiers of new housing from exposure to railway
transportation noise ingress in conjunction with adequate ventilation and mitigation
of overheating.**

The ventilation strategy should address, but is not restricted to, how:

- **The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade**
- **Service and maintenance obligations for the MVHR**
- **The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this.**

- **Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise.**

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.

Reason: To ensure matters pertaining to noise are adequately addressed in accordance with Policy CS32 of the Dacorum Borough Council Core Strategy (2013).

11. **No development (except demolition and site clearance) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. A flint sample panel shall be built on site for approval.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character and historic integrity of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

12. **No development (except demolition and site clearance) shall commence until full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

Informatives:

1. **INFORMATIVES**

Environmental Health

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

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

Construction Dust Informative:

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

demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative:

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

Land Contamination

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

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

Highway Safety

1. 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.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

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

Ecology

If bats, or evidence for them, are discovered during the course of demolition, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The existing house dates from the second part of the 20th century. It is of no architectural merit although does not particularly stand out. It is of brick with a concrete tiled roof. Therefore we would not object to its demolition. Opposite and of heritage and architectural interest is the Castle. Adjacent are a group of interesting mid 20th century Dutch style houses.</p> <p>The proposed new dwelling is of a high architectural standard. It has carefully considered the context and has addressed our concerns with the rhythm and the mass we raised at pre application stage. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clear story which the concept has evolved through to the design proposal.</p> <p>In relation to the design we warmly welcome the use of freehand flint which would be more in keeping with the materials used in the area. This helps to respond to the context and traditional vernacular character of building within the wider area of Dacorum and root the building in the area. This contrasts with the use of zinc for the first floor and roof and therefore the contrast gives the building an appearance of being of its time when combined with the window openings and use of vertical boarding. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.</p> <p>The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being</p>

	<p>caused.</p> <p>In relation to the setting of the castle we would defer to Historic England as it is a Scheduled Ancient Monument. However given that there is now buildings on the site and have been since the second half of the 20th century that we would not consider that there to be any additional harm.</p> <p>Recommendation We would support the proposals and recommend approval as the proposed design would enhance the built environment. External materials subject to approval and it would be recommended that a flint sample panel be built on site for approval.</p>
Parish/Town Council	<p>Objection</p> <p>The scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area.</p> <p>CS11, CS12 Objection</p> <p>The Committee took note of the caution suggested by Historic England and await their final comments. The scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area.</p> <p>CS11, CS12, CS 27</p>
Archaeology Unit (HCC)	<p>Thank you for consulting us on the above proposal, which appears to include the construction of a new dwelling largely on the footprint of the existing structure.</p> <p>The historic environment record (HER) notes that the site lies adjacent to the Scheduled Monument of Berkhamsted Castle (SAM55, HER39). This dates from the eleventh century and is a rare example of a double-moated castle. Evidence of Bronze Age (HER4251) and Roman (HER1336) activity has also been found.</p> <p>OS mapping from the nineteenth century appears to show earthworks running into the site, although the HER notes that this has become an area of watercress beds by the time of the 1899 OS map (HER12194). The aforementioned earthworks also appear to have suffered disturbance by the construction of the current houses.</p> <p>I believe that the proposed development is such that it should be</p>

regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation of the proposed development site, prior to any development or site preparation commencing.

County of opportunity

2. Such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

a. the preservation of any remains in situ, if warranted,

b. the archaeological monitoring of demolition of the existing structure(s) from slab level and any "grubbing out" of foundations,

c. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,

d. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of

any remains then encountered),

e. such other provisions as may be necessary to protect the archaeological interests of the site;

3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

4. such other provisions as may be necessary to protect the archaeological and historic interests of the site.

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 the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework, and 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 three 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:

A No demolition/development shall take place/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 archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. The programme and methodology of site investigation and recording

	<p>as suggested by the archaeological evaluation</p> <p>3. The programme for post investigation assessment</p> <p>4. Provision to be made for analysis of the site investigation and recording</p> <p>County of opportunity</p> <p>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</p> <p>6. Provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</p> <p>B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)</p> <p>C The development shall not be occupied/used 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 (A) and the provision made for analysis and publication where appropriate.</p> <p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Hertfordshire Highways (HCC)	No objection, subject to conditions.
Hertfordshire Property Services (HCC)	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be</p>

	<p>contacted separately from our Highways Department. Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision. I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit. Thank you for your email regarding amended/ additional information relating to the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any further comments to make following from our response dated 12/06/2020.</p> <p>You may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Network Rail	<p>The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.</p>
Environmental And Community Protection (DBC)	<p>Land Contamination</p> <p>No objections. Standard contaminated land conditions recommended.</p> <p>Noise</p> <p>I note the application above is to demolish the existing house and build a new one in its place. The site is located closed to the mainline of the railway and which represents a potential source of transport noise. To</p>

	<p>ensure that the new build is appropriate to prevent adverse effect on health and quality of life due to noise I would advise the condition below.</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to suitably protect likely future occupiers of new housing from exposure to railway transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating.</p> <p>The ventilation strategy should address, but is not restricted to, how:</p> <ul style="list-style-type: none"> o The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade o Service and maintenance obligations for the MVHR o The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this. o Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise. <p>The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.</p> <p>Reason</p> <p>Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>
<p>Historic England</p>	<p>The revised Heritage Statement satisfactorily addresses our previous concerns and we now consider that the application meets the requirements of paragraphs 189, 194 and 196 of the National Planning Policy Framework.</p> <p>The revised Heritage Statement demonstrates that the materials proposed for the replacement dwelling would make the building more visually recessive than the existing house in key views from the</p>

	<p>Berkhamsted Castle scheduled monument, such as from the top of the motte.</p> <p>However, the proximity of the proposed development site to the scheduled monument does mean that the replacement dwelling would be clearly visible from within the scheduled monument, particularly from the path along the outer earthwork on its western side. As set out in the revised Heritage Statement, the visual impact of the proposed development, and the resulting level of harm to the significance of the scheduled monument, could be mitigated by appropriate planting in front of the replacement dwelling.</p> <p>With appropriate mitigation planting in place, Historic England considers that the level of harm to the significance of the Berkhamsted Castle scheduled monument would be towards the lower end of less than substantial harm in terms of the National Planning Policy Framework.</p> <p>If planning permission is granted we recommend that the requirement to include and retain screening planting in front of the proposed replacement dwelling is included as a planning condition.</p>
Historic England	<p>Historic England Advice</p> <p>Significance of the Historic Environment</p> <p>Berkhamsted motte and bailey castle is a well-documented example of a Norman castle with historical records dating from the 12th to the 15th century.</p> <p>Motte and bailey castles are a type of medieval fortification introduced to Britain by the Normans and functioned as military strongholds, aristocratic residences and as centres of local or royal administration. They were generally constructed in strategic positions allowing them to dominate their immediate locality and are the most visually impressive monuments of the early post-Conquest period that survive in the modern landscape. As a class of monuments, they are particularly important for the study of Norman Britain and the development of the feudal system.</p> <p>The Berkhamsted motte and bailey and its defences survive in extremely good condition and will retain considerable potential for the preservation of archaeological and environmental evidence relating to the various stages of development of the castle. The site is publically accessible and in the care and management of the Berkhamsted Castle Trust and English Heritage Trust.</p> <p>Impact of the Proposed Development</p>

The proposed development site lies within the immediate setting of the Berkhamsted motte and bailey castle scheduled monument. Consequently any changes at the proposed development site have potential to impact upon the setting of the monument and cause harm to its significance.

The scale, design and materials of a structure all influence the extent to which it impacts upon the setting of a designated heritage asset such as a scheduled monument. Consequently, any replacement structure that is of a different scale or design, or which utilises different materials has potential to have a different impact upon a heritage asset's setting. This difference means that it cannot be assumed that because a structure already exists at a site that any replacement structure would have the same level of impact on a heritage asset's setting or result in the same level of harm to its significance.

The proposed replacement dwelling is of a different scale, design and materials to that which already exists at the site. Consequently the extent to which the proposed replacement dwelling would impact on the setting on the Berkhamsted Castle scheduled monument and the harm that would arise from that impact need to be fully assessed.

The heritage statement submitted with the current planning application contains only three viewpoints of the proposed development site from within the scheduled monument. It concludes that 'views from centre of castle do not observe Brownlow Road or existing site'.

However, other locations within the scheduled monument do include views of the proposed development site. These include locations elsewhere within the curtain wall, from the motte and from the path along the outer earthwork which lies immediately adjacent to Brownlow Road (c.30m from the proposed development site).

The heritage statement sets out that the design of the proposed development, 'uses materials that reference the castle opposite in a contemporary manner, thus seeking to form a positive relationship with the historic asset'.

The proposed replacement dwelling uses zinc cladding for its first floor and roof. As these form the upper part of the structure, it is likely that they would be the part of the dwelling that would be most visible from the scheduled monument.

When discussing the 'materiality of the proposal', the heritage statement refers only to the freehand flintwork proposed for the ground floor. There is no discussion of the zinc cladding, or of the timber or concrete elements of the proposed dwelling.

The potential visual impact that the use of the zinc cladding on the most prominent part of the proposed dwelling would have on the setting of the scheduled monument is not considered.

The choice of materials for the proposed replacement dwelling, and the

overall increase in its front elevation, mean that it would have potential to affect the setting the scheduled monument and cause harm to its significance.

The choice of materials for the proposed replacement dwelling, and the overall increase in its front elevation, mean that it would have potential to affect the setting the scheduled monument and cause harm to its significance.

Policy Context

Heritage assets, including scheduled monuments, are

'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' National Planning Policy Framework (NPPF) paragraph 184.

Paragraph 189 of the NPPF establishes that

'local planning authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.

The NPPF goes on to say in paragraph 190 that,

'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

When considering the impact of a proposed development upon the significance of scheduled monuments, NPPF paragraph 193 requires great weight to be given to the monument's conservation.

As NPPF paragraph 194 sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

Where a development proposal would lead to less than substantial harm to the significance of a scheduled monument, NPPF paragraph 196 requires that the harm is weighed against the public benefits of the proposal.

Historic England's Position

Historic England considers that the submitted heritage statement does not meet the requirements of paragraph 189 of the NPPF.

	<p>There is insufficient information in the submitted heritage statement to make an informed assessment of the impact of the proposed development on the setting of Berkhamsted motte and bailey castle scheduled monument and establish the level of harm to its significance that would arise.</p> <p>We consider that a fuller assessment of the impact of the proposed development on the setting of the scheduled monument is necessary. The assessment should include further viewpoints and visualisations of the proposed development and should include more detailed discussion of the visual impact of the proposed choice of materials.</p> <p>The heritage statement should be undertaken with reference to;</p> <p>Historic Environment Good Practice Advice in Planning: 3. The Setting of Heritage Assets (Second Edition 2017).https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets</p> <p>We also recommend that the English Heritage Trust and Berkhamsted Castle Trust are consulted as neighbours to the proposed development site, if this has not already occurred.</p> <p>Recommendation</p> <p>Historic England has concerns regarding the application on heritage grounds.</p> <p>We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 193, 194 and 196 of the NPPF.</p> <p>If no further information or amendments are forthcoming, please treat this letter as an objection.</p> <p>If you have any questions, or we can be of any further assistance, please do not hesitate to contact us.</p>
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group of which I am Chairman. The Group wishes to OBJECT strongly to this proposed replacement dwelling for a number of reasons, as follows:</p> <ol style="list-style-type: none">1 The house it will replace is modest in size and design and does not detract from its setting close to a site of historic significance; or from the houses around it. This replacement in its current form will.2 The impact on the castle opposite will be deleterious.3 The materials - especially the zinc roof - are inappropriate. The flint blockwork is not acceptable.4 The design of the huge rear dormers - 'sheds on the roof' - are overpowering the house itself, as well as the rear view from its garden. <p>Whilst not objecting to replacement dwellings in a modern style per se, the Group would prefer to see a more restrained design which fits with its neighbours and its setting in this prominent position in the historic quarter of Berkhamsted.</p>