

ITEM NUMBER: 5c

21/00142/FUL	Demolition of existing dwelling and construction of a pair of semi-detached dwellings	
Site Address:	Woodley, 37 Chesham Road, Bovingdon	
Applicant/Agent	Mr D Dowling/Mr G Randall	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee given the objections from Bovingdon Parish Council and following a request from Councillor Riddick.	

1. RECOMMENDATION – That planning permission be GRANTED.

2. SUMMARY

- 2.1 The intensification in residential use of this site is considered to be acceptable in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy.
- 2.2 The proposed layout and design of this residential scheme is considered to be appropriate in accordance with Policies CS11 and CS12 of the Core Strategy and should not result in any significant detriment to the amenities of neighbouring properties.
- 2.3 The proposed development is not considered to be significantly or demonstrably harmful to matters of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 The application site is located on the south eastern side of Chesham Road approximately 47m from its junction with Hyde Lane. The site is just under 0.1ha in size upon which there is a modest bungalow and detached garage.
- 3.2 The site is located within the village of Bovingdon. The surrounding area is primarily residential with a variety of dwellings fronting Chesham Road.

4. PROPOSAL

- 4.1 The application involves the demolition of an existing bungalow on Chesham Road and the construction of a pair of semi-detached dwellings. This would provide 2 x 3 bedroom properties. A total of four off-street parking bays would be provided within the front garden with cycle storage provision being provided within the rear gardens.
- 4.2 The proposed dwelling would be two storeys in height, with the third bedroom within the roof space, and would be constructed in a mixture of red brick, white render and stone. A small study is provided at first floor level. The study is not capable of being occupied as a bedroom under the Housing Act 1985 given its size (below 50 sq.ft)

5. PLANNING HISTORY

- 5.1 A replacement dwelling was granted planning permission on 10.09.08 (ref: 4/01547/08/FUL). This permission, however, was not implemented and has lapsed.
- 5.2 In addition, the applicant has drawn our attention to two recent decisions for development on Chesham Road.
- 5.3 Planning permission was granted on the 21st May 2020 for the demolition of an existing bungalow at Rosecroft, 49 Chesham Road and the construction of 8 semi-detached dwellings under 19/02696/FUL. The highway authority raised no objection to four properties (6 spaces) reversing onto the highway. In doing so, they noted that a number of properties did not have the ability to enter and exit the site in a forward gear and that this did not appear to have resulted in any significant accidents in the vicinity of the site within the last five years.
- 5.4 Similarly the appeal decision for 9 houses on land at nos. 50-53 Chesham Road (APP/A1910/W/18/3202687) was granted by the Planning Inspectorate on the 1st March 2019. In this instance the Inspectorate concluded on matters of highways safety that:

“Appeal A would provide parking spaces to the front of proposed plots 50a and 50b but they would not allow a vehicle to turn on the site.....I observed on my site visit that many houses that front onto Chesham Road have access points which do not allow for the turning of vehicles.....there is nothing substantive in the evidence before me that indicates that the proposed arrangement would harm highway safety”

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

7. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design

CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS29 – Sustainable Design and Construction
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Energy Efficiency and Conservation
Water Conservation

8. CONSIDERATIONS

Policy and Principle

- 8.1. The application site comprise an existing dwelling within the built up area of Bovingdon. Bovingdon is defined as a large village within the Core Strategy, wherein there would be encouragement for the construction of new dwellings in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy. There is further support to optimise the use of urban land in accordance with the NPPF and Saved Policy 10 from the Local Plan 1991-2011.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (2020).
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy.
- 8.5 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy

Layout and Design

- 8.6 High quality design is required in the context of the site and surroundings to comply with Policies CS11, CS12 and CS13 of the Core Strategy.

- 8.7 The proposed development is considered to be appropriate in terms of its design, bulk, scale, site coverage and use of materials and would make a positive contribution to the visual amenities of the area in accordance with Policies CS11 and CS12 of the Core Strategy. The properties within Chesham Road are varied and exhibit a variety of roof forms and designs. The submitted street scenes demonstrate that the proposed development, though increasing the height of the existing property would be similar in height to 35 Chesham Road and sit comfortably within the street scene and would not dominate neighbouring units.
- 8.8 The proposed residential units would be provided with a high level of amenity with both the internal space and external amenity spaces exceeding the standards in the National Space Standards and Appendix 3 of the Local Plan 1991-2011 respectively.

Impact on Amenity

- 8.9 The proposed dwellings have been carefully sited and designed to ensure that there is no substantial harm to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.10 The principle front and rear elevations of the properties are aligned and as such the proposed development would not breach a 45 degree angle to the main windows and rooms thereto.
- 8.11 It has also been demonstrated through the submission of daylight and sunlight assessments that any overshadowing of neighbouring property would not be significantly increased as a result of the proposals. These assessments were submitted and alleviate concerns that the proposals may have an adverse impact upon the solar panels on the flank elevation to No.38.
- 8.12 The proposals would not result in any significant overlooking of neighbouring properties and are not considered to be detrimental to the privacy of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3.

Access and Parking

- 8.13 In order to provide sufficient parking for future occupants in accordance with Policy CS8 and CS12 of the Core Strategy and to address the requirements of the Car Parking Standards SPD (November 2020) the applicants will provide hard standing to the front of each unit to allow for the off-street parking of two vehicles. The parking arrangement to the front of the properties has been amended such that 2 separate double dropped kerbs are created at the crossovers, separated by the access paths to the dwellings. The planting areas have been repositioned adjacent the boundaries.
- 8.14 A three bedroom dwelling in this location is expected to provide 2.25 allocated parking spaces (1.8 if unallocated) in accordance with the Car Parking Standards SPD (2020) and these spaces are expected to measure some 2.4m x 4.8m in accordance with paragraph 8.2 of the SPD. The proposed development would provide 2 spaces per dwelling and this is considered to be acceptable given a fraction of a space could not be accommodated.
- 8.15 Although the County Council as highway authority have objected to these spaces as they would require vehicles to reverse onto the highway, officers are of the opinion that this grounds for refusal would be difficult to substantiate in view of the planning decisions referred to in section 5 of this report and given the relatively modest increase in vehicular movements that would be associated with this site. There do not appear to be any material

differences between these locations that might lead one to conclude differently in relation to each case.

Other Material Planning Considerations

Noise and Ventilation

- 8.16 The Council's Environmental Health team have raised some concerns with regards to the impact of traffic noise upon the residential amenities of future occupants. A condition is recommended to address this issue to comply with Core Strategy Policy CS32 and the NPPF to safeguard the health and wellbeing of future residents together with informative on construction noise and dust. This condition was applied in the case of other developments on Chesham Road.

Sustainable Construction

- 8.17 The proposals are not accompanied by any Sustainability Statement in accordance with Policy CS29 of the Core Strategy. The absence of this statement does not prevent the determination of the proposals although it would be useful to understand how the construction of this building would contribute to the aims and objectives of this policy and meet the requirements of the Car Parking Standards SPD, Energy Efficiency SPD and Water Conservation SPD. This should cover the requirements for EV parking spaces (one space per unit) and reflect the energy hierarchy at Figure 16 of the Core Strategy. It is recommended that further details are secured by a planning condition.

Impact on Infrastructure

- 8.18 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable.
- 8.19 The Council adopted its CIL schedule in February 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre apply to the proposed development.

Consultation Responses

- 8.20 There are no objections to this proposal from neighbouring properties or local residents.

Conditions

- 8.21 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and only used where they satisfy tests that they are necessary, relevant to planning and the development to be permitted, reasonable, precise and enforceable.
- 8.22 The Conditions identified at 8.16 and 8.17 above are considered to be meet the relevant tests for the imposition of planning conditions. Given that they provide clear constraints as to how the development may be built out, it is considered that it would be appropriate to require this information prior to the commencement of works on the superstructure of the building hereby approved.
- 8.23 It would also be prudent to secure the provision of car parking at the site and a detailed landscaping proposal for the site prior to the occupation of the development and to ensure

an appropriate appearance to the scheme in accordance with Policies CS8, CS11, CS12 and CS13 of the Core Strategy

9 CONCLUSION

- 9.1 The proposal demonstrates an efficient use of an existing developed site within Bovingdon and is considered to be sustainable development. It is supported by the NPPF and Policies NP1, CS1, CS2 and CS4 of the Core Strategy. The scheme will make a small contribution to the housing land supply under Policy CS17 of the Core Strategy
- 9.2 The development would not have any detrimental impacts on the character and appearance of the area, the amenity of neighbouring residents or on highway safety. The proposals are acceptable in accordance with Policies CS4, CS8, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and Car Parking Standards SPD (2020)

10 RECOMMENDATION

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

Plans

PL06 Revision B (Street Elevation)
PL07 Revision C (Site Plan)
PL08 Revision C (Floor Plans)
PL09 Revision B (Elevations)
PL10 Revision C (3D Views)

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

- 3. No development of the superstructure shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. The development, hereby approved, shall not be occupied until the access and parking arrangements shown on drawing PL07 Revision C (Site Plan) have been**

provided. These parking arrangements shall be thereafter retained in accordance with the approved drawings.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 5. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

- 6. No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.**

The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:

- **How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, 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, where required**
- **A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.**
- **Likely noise generated off-site where mechanical ventilation is introduced to site and, 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 which remains in perpetuity in respect of the residential use.

Reason: To ensure an appropriate level of residential amenity in accordance with Policies CS12 and CS32 of the Core Strategy.

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

- **all external hard surfaces within the site;**
 - **other surfacing materials;**
 - **means of enclosure;**
 - **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- The planting must be carried out within one planting season of completing the development.**

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 Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

- 8. The development hereby approved shall not be occupied until full details of the arrangements for the storage of refuse have been submitted to and approved in writing by the local planning authority. The proposed bin storage shall be provided fully in accordance with the approved details prior to occupation and shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the appropriate provision for the storage of waste in accordance with Policy CS12 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object – Although the Parish Council support the improvement of the site but have concerns that there may be insufficient parking spaces if the four spaces are allocated. It would be unusual for a development of this standard not to have allocated spaces. There is no provision for visitor parking at either property. There are concerns that vehicles will have to reverse onto the Chesham Road (reportedly the busiest ‘B’ road in the county). In addition, there were comments made relating to whether the new houses would be positioned correctly within the existing building line. One detached property would be more suitable for the site and negate any of the above parking issues.
Councillor Riddick	<p>I have re-checked the application on our website and have a number of concerns.</p> <p>Pre App Advice The applicant repeatedly stated that they had been in discussions with our ‘Planning Office’, and quickly ‘defended’ the proposal when questioned about various elements.</p> <p>Did the applicant seek any ‘Pre-App Advice’? because on their Application Form they have confirmed that NO PreApp Advice had been sought.?</p> <p>Public Comments The applicant stated that they had received SUPPORT as indicated on the DBC website. Having checked, one of the ‘SUPPORTERS’ is actually the applicant, Mr. Dowling, 22A Hyde Lane...and the second ‘SUPPORTER’ (38 Chesham Road) confirmed on the following day,</p>

	<p>that they had <i>'discussed the application with Mr Dowling'</i>.</p> <p>Parking The application is none compliant with the latest Parking Standards. 4 Bedroom Dwellings (for that is what they are – see below) require a <i>minimum</i> of 4 spaces each. The new sizing of the bays should be 5m X 3m to be of sufficient size for even a normal modern family saloon. Vehicles should also not 'back-out' into this busy main road.</p> <p>N.B. Chesham Road is a 'Blue Light – Rapid Response Route' for Emergency Vehicles attending the Mount Prison on a regular basis.</p> <p>The <i>stylised</i> 3D Front view appears to indicate surprisingly 'small' executive cars. There is no provision for visitor parking at either property.</p> <p>Site Plan (PL07)</p> <p>The plan is annotated for the <i>correct</i> number 6 Spaces – but only shows 4.</p> <p>Floor Plan (PL08)</p> <p>The First Floor Plans show an area identified as a 'Study' when this is in fact the 4th Bedroom which will be created by simply moving the wall between the 'Study' and the 'Hallway' and elimination of the 'Store' on the Landing.</p>
Hertfordshire County Council – Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed access arrangements are not in accordance with Hertfordshire County Council's (HCC) specifications as documented in 'Roads in Hertfordshire; Highway Design Guide' and has the potential to interfere with the free and safe flow of highway users on the adjacent secondary distributor road. The proposals are therefore contrary to policy guidelines as outlined in 'National Planning Policy Framework (NPPF)' 2012 and HCC's 'Local Transport Plan' 2018 policies 1, 5 and 7. 2. The development does not have the ability for vehicles to turn on-site and therefore vehicles cannot enter and exit the highway in forward gear which is against Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. Therefore, the site could pose a potential highway safety risk which is against policies 1 and 5 within Hertfordshire's Local Transport Plan (adopted 2018) <p>Comments The proposal is for the demolition of the existing detached dwelling and construction of 2 semi-detached dwellings at 37 Chesham Road,</p>

Bovingdon. Chesham Road is a 30 mph, classified B secondary distributor route that is highway maintainable at public expense. HCC has decided to recommend refusal for this application owing to the two reasons above involving the access arrangements for the site. Below will be the reasons for these refusals;

1) The position and layout of the new access are shown on the submitted drawing no.PL07 including a proposed VXO/dropped kerb of approximately 9.6m in width providing vehicle crossover access to four parking spaces. This is not clearly illustrated on the plans but can be seen within drawing no. PL10. This is not in accordance with HCC's Residential Dropped Kerbs: Terms and Condition and Roads in Hertfordshire, which recommends a maximum individual dropped kerb of 5.4m (made up of four flat kerbs) and maximum shared dropped kerb of 7.2m (made up of 6 flat kerbs). Therefore this would impact the pedestrian environment which is against policies within Hertfordshire Local Transport Plan (Adopted 2018). Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section, 4 – Design Standards and Advice, Chapter 1 – Road Design Criteria; Figure 4.1.14.1: Vehicular footway and verge crossovers.

2) The 4 parking spaces illustrated on drawing no. PL07 do not provide space for vehicles to enter and exit the Highway in forward gear. This is a requirement for a secondary distributor road as per Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. I would note that within the planning statement it states that an inspector dismissed a 'similar' scheme at 50 Chesham Road stating;

"I observed on my site visit that many houses that front on to Chesham Road have access points which do not allow for the turning of vehicles".

I would like to add that from observations, the adjacent properties to 37 in the immediate vicinity have some sort of ability to manoeuvre on-site to enter and exit the highway in forward gear. Therefore, the statement above does not hold as much weight for this proposal. The planning statement alludes to existing highway safety concerns but this does not mean that the new access will not impact the highway network. The prior application mentioned in the planning statement was consulted on before HCC's Local Transport Plan (adopted August 2018) was adopted, therefore our user hierarchy was not implemented for that site. The lack of ability to both enter and exit the site in forward gear not only has implications for the safety of road vehicles but also for pedestrians using the adjacent footway.

Reversing out of the site onto the highway network reduces visibility and untimely has a greater safety impact on the highway network. Therefore, in line with HCC guidance regarding secondary distributor routes, I would reinforce that vehicles must be able to enter and exit the highway network in forward gear which this site fails to achieve.

Conclusion

	<p>HCC as Highway Authority is recommending that the application be refused in its current form. The access arrangements are not in accordance with the Highway Authority's specifications and have the potential to interfere with the free and safe flow of vehicles, pedestrians and other highway users on Chesham Road. It is, therefore, unable to recommend the granting of permission for this application.</p>
<p>Environmental Health</p>	<p>Due to proximity to Chesham Road the site is likely to be impacted by road traffic noise. This can have a detrimental impact on health and quality of life. To ensure an adequate level of amenity can be achieved for future occupiers I would advise the following condition be applied.</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 protect likely future occupiers of new housing from exposure to road transportation noise ingress.</p> <p>The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:</p> <ul style="list-style-type: none"> - How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, 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, where required - A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this. - Likely noise generated off-site where mechanical ventilation is introduced to site and, 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 which remains in perpetuity in respect of the residential use.</p> <p>Reason: 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>

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Rising Sun, 36 Chesham Road	I having lived next door to the derelict property and its weed infested garden for the last 20 years, we are looking forward to the proposed development on the site going ahead. Throughout the proposed development the developers have been in contact with my partner and myself (36) and the neighbours (38) on the other side of the property, from the plans that we have seen I can see no objections whatsoever.
Conway, 38 Chesham Road	As discussed with the developer, Mr Dowling, we would ask that the current building line is observed.