

ITEM NUMBER: 5e

21/02104/FUL	Replacement dwellinghouse	
Site Address:	Garden Cottage, Kingshill Way, Berkhamsted, Hertfordshire, HP4 3TP	
Applicant/Agent:	Mr & Mrs D Higgins	Mr Christopher Higenbottam
Case Officer:	Daniel Terry	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Berkhamsted Town Council have provided a contrary view to the officer recommendation.	

1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**, subject to conditions.

2. SUMMARY

- 2.1 The application site is within the built-up part of Berkhamsted wherein development is generally acceptable in principle, in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposal would have an acceptable appearance and would harmonise well with the existing group of dwellings, which are predominantly large detached dwellings, in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The proposals would not result in unreasonable impacts to neighbouring amenity, nor would there be any significant risk to highway safety and as such the proposal would accord with Policy CS12 of the Core Strategy.
- 2.4 The proposals would have a negligible impact on existing ecology and new planting and biodiversity features would be incorporated into the scheme to provide a biodiversity net gain. Similarly the proposals would adhere to sustainable design and construction principles, in accordance with Policy CS29 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site lies to the north of Kingshill Way (A416) and is accessed via a private track which serves the application dwelling, Garden Cottage, and its neighbour to the west Kingshill. The existing dwelling benefits from a large gravel driveway area to the front for parking, along with a single detached garage located to the north, adjacent to the rear garden.
- 3.2 The garden serving Garden Cottage is in two distinct parts, being behind the existing dwelling, to the north-east, and a slightly smaller area located to the north behind the garage.
- 3.3 The site is not subject to any planning constraints that would prevent development in principle, although the site does adjoin the Green Belt to the east, comprising the playing fields.

4. PROPOSAL

- 4.1 Full planning permission is sought for a replacement dwelling. The main part of the new dwelling measures to be 15m deep and 6.9m wide, although there is also a lower-height wing forming a T-shape to the right hand side which would have a depth of 6.8m and a width

of 6m. The new dwelling would have a one and a half storey appearance and would be 2.74m taller than the existing dwelling.

- 4.2 The new dwelling largely follows the existing footprint of the bungalow, although it would be slightly set in from its southern boundary with the access track, and set in from the eastern boundary where the site adjoins the open playing fields. The main reason for altering the plan form from an L to a T-shape is to provide a larger garden to the rear.
- 4.3 The application form sets out that the dwelling would be constructed of red multi bricks, with red plain clay hanging tiles to the upper parts of the elevations. Similar red plain clay tiles would also be used to the roof, whilst the doors and windows would comprise of grey powder-coated aluminium frames.
- 4.4 The dwelling would comprise of 4 bedrooms and parking for 2 cars would be provided at the front of the site, along with new planting. A third parking space would be retained within the existing garage.

5. PLANNING HISTORY

Planning Applications (If Any): None

Appeals (If Any): None

6. CONSTRAINTS

CIL Zone: CIL1

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

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

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

Residential Character Area: BCA12

Parking Standards: 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 (July 2021)

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

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity;
The impact on highway safety and car parking; and
Other material considerations.

Principle of Development

9.2 The application site lies within the built-up part of Berkhamsted. Policy CS4 states that development will be guided towards appropriate areas within settlements and further states that appropriate residential development is encouraged. The proposal would therefore be acceptable in principle and furthermore, would not conflict with Policy CS1 which seeks to focus the majority of new development within existing towns and large villages.

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 generally state that development should respect the character and appearance of the site itself and the surrounding area. This includes matters such as density, important views and landscapes, layout, scale and use of materials for example.

9.4 The proposals seek a replacement dwelling that is larger than the existing, but would have the appearance of being one and a half storeys in height due to the relatively low eaves height. This means that the first floor rooms are partially provided within the roofspace. There are 5 other dwellings within this grouping that are accessed from Kingshill Way and which are generally all large, detached dwellings, set within spacious plots. The proposal for a larger detached dwelling would therefore be in-keeping with this group of dwellings. The suggested use of building materials would also help to ensure that the replacement dwelling successfully integrates with this group. At present, its single storey height and white-painted brickwork make it an anomaly. The materials should be secured by condition.

9.5 At the time of the site visit, the dwelling was observed from Chesham Road, some 275m to the east. It was noted that due to the open nature of the playing fields, the existing dwelling is visible from this nearby road. However, importantly, the dwelling is viewed in the context of

the adjacent dwellings, which currently forms a backdrop to Garden Cottage and are clearly two storey in height.

- 9.6 The site falls within the BCA12 Shootersway Character Area for Berkhamsted, set out in the Area Based Policies (2004). This character appraisal identifies that dwellings are mainly two storey in height and the area comprises of large dwellings throughout. The Design Principles section of the character appraisal suggests that large dwellings are appropriate and are encouraged. It also suggests that there are no special requirements in relation to design, although new development will be required to enhance existing landscaping provision, including planting to front gardens. The proposal for the dwelling to have a one and a half storey appearance with low eaves height would therefore give it the appearance of being subservient to nearby dwellings such as Kingshill.
- 9.7 The proposal to create a T-shaped plan form would ensure that a slightly larger garden can be provided to the rear of the property, whilst still retaining sufficient space at the front of the site for parking. This would also ensure that sufficient space within the site for new planting is available, including an infill of hedgerow to the eastern boundary. Details of new planting is required and so should be secured by condition.
- 9.8 Therefore, having regard to all of the above, it is not considered that the proposal would appear cramped, nor is it considered to amount to an overdevelopment of the plot. The proposal therefore complies with Policies CS11 and CS12 of the Core Strategy, the NPPF, and complies with the Design Principles set out in the Area Based Policies Character Appraisal, area BCA12.
- 9.9 Notwithstanding the fact that the proposals would be acceptable, it is considered appropriate in this instance to remove permitted development rights for any further extension of the property, which could lead to an overdevelopment. Removing these PD rights would therefore ensure that the LPA can enact careful control over any future development at this site.

Impact on Residential Amenity

- 9.10 Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004) states development should not have an adverse impact on the residential amenity of surrounding properties in terms of visual intrusion, loss of sunlight and daylight, outlook or privacy. Paragraph 130 of the NPPF adds that planning policies and decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.11 With regard to residential amenity, the neighbour most likely to be affected by the development is the nearest neighbour to the west, Kingshill. This neighbouring dwelling is separated from Garden Cottage by a shared driveway area that measures from the plans to be between 8.5m and as much as 9m where the western elevation is set in at the southern end.
- 9.12 Plans from two 2005 planning applications for Kingshill identify that the two ground floor windows serve a breakfast room and family room respectively. The breakfast room is an extension of the kitchen to the front, whilst the family room acts as a second living room, with the primary lounge being located towards the western end of the dwelling. This family room is also served by a conservatory to the rear which provides some additional access to light. The first floor window in the side elevation meanwhile is understood to be a secondary window, with the room's primary window being the dormer located in the northern elevation, facing the garages.

- 9.13 With regard to the impact on the abovementioned side-facing windows, the applicants have provided an assessment of the vertical sky component (VSC). This refers to guidance set by the Building Research Establishment (BRE) to assess the impact of physical built form upon a window's access to sunlight and daylight. This VSC drawing suggests that, based on the height of development and distance from Kingshill, there would be a reduction of some 15% of the former value (access to light). The applicants suggest that BRE guidelines indicate that any reduction less than 20% of the value would be acceptable.
- 9.14 Having carried out a site visit, and having regard to the separation distances involved and noting the rooms that the windows in Kingshill serve, it is considered that the impact would be acceptable in this instance. Whilst recognising that any increase in height at Garden Cottage will inevitably have a greater impact, this impact is not considered to be so significant that it would warrant refusal of the application. Furthermore the proposed dwelling would not breach a 45 degree line measured from the nearest windows in the principal or rear elevations. For the reasons set out above, it is not considered that the proposals would unreasonably affect outlook from the windows of Kingshill, taking into account the existing arrangement.
- 9.15 Given the site adjoins open land to the east and north-east, the proposals would have no impact on neighbours in that direction. To the south lies the access track so no neighbours would be affected in that direction either. The next nearest property to the development appears to be Gooseberry End. The nearest part of that neighbouring dwelling would be 15.6m away from the replacement dwelling at Garden Cottage and there are some single storey garages that intervene between the two sites. As such, it is not considered that the proposals would unreasonably affect any other neighbouring properties, besides those addressed above.
- 9.16 With regard to overlooking, the only windows shown in the western elevation at first floor level are three rooflights. These rooflights would all serve bathrooms or en-suites. The submission indicates that these would all be high-level so as to prevent any overlooking. It is considered appropriate in this instance to impose a planning condition to ensure these rooflights are obscure-glazed and at non-opening unless the parts that can be opened are at least 1.7m above the finished floor level. This is for the privacy of both Kingshill and Garden Cottage.
- 9.17 Due to concerns raised by neighbours, the applicant has also provided amended plans that suggest the windows at ground floor level in the side elevation, serving a hallway, shower room and utility room will be obscure-glazed. However, views of the windows in the side elevation of Kingshill are obtainable simply by standing in the driveway and it is not therefore considered that these ground floor windows mentioned would provide advantageous views. It would not therefore appear reasonable to impose a condition requiring these to be obscure-glazed. Instead, it would be at the discretion of the future occupiers of the development to install obscure-glazing if they wish to ensure their own privacy.
- 9.18 The proposal is therefore considered to comply with Policy CS12 of the Core Strategy and complies with the NPPF in this regard.

Impact on Highway Safety and Parking

- 9.19 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF state that development should ensure a safe and suitable access to the site can be achieved for all users.
- 9.20 In this regard, the Highway Authority at Herts County Council have been consulted. The HA notes that the proposal would involve the use of the existing access and that the amount of

parking would remain the same. The HA do not consider the proposals to impact the adopted highway network and do not therefore object to the application.

- 9.21 With regard to parking, the replacement dwelling would comprise of 4 bedrooms and so in accordance with the Car Parking Standards SPD, 3.0 parking spaces should be provided within the site. These standards stipulate that external parking spaces should measure 2.4m by 4.8m in size, whilst garage spaces should measure 3m by 6m internally.
- 9.22 The two spaces to the front of the dwelling on the new permeable paved driveway would comply with the above measurements. The garage space measures 3m by 6m externally, but internally the space is likely to be less than this. The existing garage space would therefore fall short of the guidance in the SPD. Notwithstanding this, the parking arrangement remains unchanged from the existing provision. Therefore in this instance it is considered that the parking provision would be sufficient and the scheme would not result in any significant risks to highway safety.
- 9.23 The Parking Standards SPD requires all new development to achieve one active electric charging point per dwelling. This charge point has been shown on the submitted plan and should be secured by condition to ensure it is built out. This would help to assist in promoting the use of electric vehicles.
- 9.24 The proposal therefore complies with Policy CS12 of the Core Strategy, the Car Parking Standards SPD and the proposal would comply with the guidance in the NPPF.

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.25 The Council's Trees & Woodlands team have been consulted on the proposals. There are no Tree Preservation Orders at the site, although the Tree Officer has suggested that a Horse Chestnut outside the site to the rear would be worthy of retention. It is important that any future development does not result in damage to the root protection area of the tree and therefore a tree survey and protection plan are required. This can be secured by condition.

Ecology

- 9.26 The applicants have submitted a Preliminary Ecological Appraisal (PEA) in support of the application, which was carried out by Samsara Ecology Ltd. This report refers to an inspection of the property that took place and confirms that the only likely species to be found on site are nesting birds, bats and hedgehogs.
- 9.27 For nesting birds, the report identifies that there were no nesting opportunities at the time of the inspection and the roof is tightly sealed presenting no gaps. It is acknowledged that the mature hedgerows around the property may provide some opportunities, but this is unlikely given the well-maintained nature of the hedges in order to retain their height.
- 9.28 Regarding bats, the roof tiles were noted as being tightly sealed and no other gaps in the building work or soffits were noted. An internal inspection of the loftspace found no signs of bat droppings and with the lights off, there were no signs of natural light entering the roofspace, thus confirming the above assertion that there are no entry points into the building for bats.
- 9.29 As with most residential areas, the report identifies that the site may be used by hedgehogs for commuting and foraging, particularly in light of the adjacent fields to the east.

- 9.30 The report recommends potential enhancements which include the installation of bat and bird boxes as well as suggestions on how the movement of hedgehogs can be preserved and enhanced. This can include features such as gaps in fencing to allow for free movement of hedgehogs.
- 9.31 It is recommended that the biodiversity net gains be secured by condition. Alongside the additional soft landscaping that has already been suggested above in this report, this should provide an overall biodiversity enhancement that is commensurate with the scale of development being proposed. The Ecology team at Herts County Council have been consulted and confirm that they have no objection, subject to a condition being imposed to achieve the enhancements referred to above. The proposal is therefore considered to comply with the NPPF in this regard.

Thames Water

- 9.32 Thames Water have considered the application and note that the scale of development would not materially affect the sewer network. Therefore with regard to waste water network and sewage treatment works, Thames Water have no objection. They have however suggested planning informatives that should be included as part of any decision.

Contaminated Land

- 9.33 The Council's Environment and Community Protection team have been consulted on the proposals. They have confirmed that there is no objection to the proposals in relation to contaminated land and therefore no planning conditions are required. However, as some groundworks will be involved, they have recommended planning informatives that should be included as part of any decision, should the applicants discover any contamination. These are standard planning informatives.

Waste Management

- 9.34 Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. Although these details have not been shown on the plans, the application is for a replacement dwelling and therefore the collection method for waste and recycling would remain unchanged from the existing arrangement on site.

Sustainable Design and Construction

- 9.35 The applicant has provided a completed sustainability checklist in line with Policy CS29 of the Core Strategy. This sets out how the development will comply with sustainability principles and includes, for example, ensuring that building materials such as timber are sustainably sourced; using permeable materials to the hardsurfaced areas; and providing new soft landscaping features such as infill hedgerows etc. As discussed above, the proposal also includes the provision of an electric charging point.
- 9.36 To ensure that the measures are implemented, a standard planning condition should be included as part of the decision. On that basis, the proposals would accord with Policy CS29 of the Core Strategy.

Response to Neighbour Comments

- 9.37 These points have been addressed above other than in relation to the shared driveway. Comments received by neighbours have highlighted that a large portion of the access track is owned and maintained by Kingshill (Berkhamsted) Ltd. Concerns have been raised that

the proposals may lead to damage to this shared driveway. Should any damage occur, this would be a civil matter between the applicants and the management company.

- 9.38 Concerns were raised with the intention to insert a door in the side elevation which would provide access from the driveway to the utility room. Due to these concerns, the applicants have amended the plans to omit this door and instead replace it with a window.

Community Infrastructure Levy (CIL)

- 9.39 All new developments are expected to contribute towards the provision of on-site, local and strategic infrastructure in accordance with the requirements of Policy CS35 of the Core Strategy. The Council adopted its Community Infrastructure Levy (CIL) in February 2015 and the development would be liable for payment of CIL in accordance with the adopted Charging Schedule. Exemptions may apply and therefore the applicants would need to establish this with the Council's CIL Officer, prior to any works commencing on site.

10. CONCLUSION

- 10.1 To conclude, the proposal would have an acceptable visual appearance that harmonises well with the surrounding built form. Planning conditions have been suggested that would ensure that appropriate building materials are used and furthermore ensures that the scheme will be supplemented by appropriate hard and soft landscaping, with details to be confirmed by condition.
- 10.2 Whilst recognising that any larger scale re-development of this site will have a greater impact on neighbours such as Kingshill, in this instance the harm is not considered to be so significant that it would warrant refusal of the application. Planning conditions have been recommended to ensure no overlooking from first floor level occurs and furthermore it has been suggested that permitted development rights be removed.
- 10.3 The proposals would not raise any concerns in respect of highway safety and the site would provide the required parking provision in accordance with the Parking Standards SPD. There are no other material considerations apparent that would lead to a decision being made contrary to the Development Plan.

11. RECOMMENDATION

- 11.1 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 constructed in accordance with the materials specified on the application form.**

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).

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

**2270/02F;
2270/03F;
2270/04A;
2270/05A.**

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

4. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

5. **No development shall take place above slab level until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to occupation of the dwelling.**

Reason: In the interests of improving biodiversity in the Borough and delivering a biodiversity net gain in accordance with paragraph 174 of the National Planning Policy Framework (2021).

6. **The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing 2270/02F. The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained 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).

7. **The dwelling hereby permitted shall not be occupied 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.

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 permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist.**

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 154 and 157 of the National Planning Policy Framework (2021).

9. **The rooflights at first floor level in the north-western elevation of the dwelling hereby permitted shall be permanently fitted with obscured glass and non-opening unless the parts of the window that can be opened are a minimum of 1.7m above the finished floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

Classes A, B, C and E of Part 1, Schedule 2.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

Informatives:

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

2. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
3. As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
4. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
5. 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.
6. 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.
7. 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.

8. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
9. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection</p> <p>The Committee noted the objections from the immediate neighbours regarding loss of amenity. The proposals are an overdevelopment and not in keeping with the streetscene with regard to scale, mass and bulk.</p> <p>CS12, Appendix 3 (iv, v)</p>
Environmental And Community Protection (DBC)	<p>Daniel,</p> <p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>However, given that the application site is a brownfield site (albeit only a residential dwelling) and that there will be a degree of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p>

	<p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Please let me know if you have any questions.</p> <p>Regards David Carr Lead Scientific Officer Environmental and Community Protection 01442 228562 / 07866 151275 david.carr@dacorum.gov.uk The Forum Marlowes Hemel Hempstead HP1 1DN</p>
Hertfordshire Highways (HCC)	<p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 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.</p> <p>AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or</p>

	<p>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.</p> <p>AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.</p> <p>Comments</p> <p>The application is for the construction of a replacement dwellinghouse at Garden Cottage, Kingshill Way, Berkhamsted. The dwelling is located on a private route that is not highway maintainable at public expense. The private route joins the highway network via a junction onto Kingshill Way, a 30mph principle A main distributor route that is highway maintainable at public expense.</p> <p>The new dwelling will use the existing access for the current dwelling, the amount of parking will stay the same. HCC Highways is primarily concerned with the adopted highway network. This application has no impact on the adopted highway network and therefore HCC Highways would not wish to restrict a grant of permission for this application.</p> <p>Signed George Fermer</p>
Trees & Woodlands	<p>Close to the rear boundary stands a large, prominent Horse Chestnut. I am surprised it doesn't appear to be the subject of a TPO however it would meet the criteria. The root protection area (RPA) will spread quite a way into the subject site. In order to ensure that parts RPA are not damaged by the construction process which can include numerous operations injurious to tree roots, a tree survey and protection plan in</p>

	<p>accordance with BS 5837 is needed.</p> <p>Condition tree survey as above, to be discharged before demolition or construction starts.</p> <p>No objection, subject to condition.</p>
Thames Water	<p>Dear Sir/Madam</p> <p>Re: GARDEN COTTAGE, KINGSHILL WAY, BERKHAMSTED, HERTFORDSHIRE , HP4 3TP</p> <p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your</p>

development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

Water Comment

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Yours faithfully
Development Planning Department

Development Planning,
Thames Water,
Maple Lodge STW,
Denham Way,
Rickmansworth,
WD3 9SQ
Tel:020 3577 9998
Email: devcon.team@thameswater.co.uk

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
14	2	0	2	0

Neighbour Responses

Address	Comments
Kingshill Kingshill Way Berkhamsted Hertfordshire HP4 3TP	see Consultee comment Kingshill on planning web-site
Gooseberry End Kingshill Way Berkhamsted Hertfordshire HP4 3TP	<p>Having reviewed the plans and documents that have been submitted with the application, I have concerns that I would like to raise.</p> <p>The existing property is described by the applicant as being a chalet bungalow, but with only one dormer window it is more akin to being a simple bungalow. The proposed replacement dwelling is a two storey dwelling.</p> <p>The property as it currently stands has a small gable end with no windows facing towards the rear garden of my property with a dormer window facing north west. The property when viewed from the entrance to Kingshill Way is diminutive due to its single storey nature. The replacement dwelling would completely change its setting within the street scene. Moreover, the height of the dwelling is proposed to be increased by 2.74m. This is not an insignificant change in height and is made more apparent by the difference in levels between the application site and my own property. The levels of the application site and the siting of the proposed dwelling show that it is a minimum of 0.5m higher than my own site, meaning that the 2.74m height increase to the property is amplified and has a further detrimental impact on my property.</p> <p>Noticeably, no comparison plans have been provided and no existing plans have been either. This does appear a little strange if wanting to demonstrate that the replacement dwelling would not have an impact on the street scene or its overall setting. In addition to the increase in height of the dwelling as a whole, the height of the eaves have increased significantly from the existing building. The increase in height of the ridge and the eaves enables the replacement dwelling to have large gable features on three of the four elevations in place of the smaller gable ends on the existing dwelling. Whilst the second floor is shown to be within the roof, the gable features and roof pitch create a very usable floor area akin to being an actual second floor of which the gable ends add weight to, rather than retaining a chalet style property.</p> <p>The change in style of the dwellinghouse adds substantial mass and bulk from what is currently viewed on the site.</p> <p>Furthermore the design and access statement states in the last paragraph on page 4, which continues into page 5, that the replacement dwelling will impact on Kingshill to the north east. The statement attempts to justify the increase in height and mass and bulk through a Vertical Sky Component (VSC) assessment.</p>

The statement says that the VSC demonstrates that Kingsmill would not be adversely affected, but with the change in style and increase in height, the bulk and mass of the replacement dwelling will appear overbearing and overdominant when viewed not only from Kingshill, but my own property, the school playing fields and the street scene. The plans show that there will be windows in north east elevation at first floor level. These windows are for bedrooms. As previously stated there are no windows currently on this elevation. Whilst the windows do not look towards my house directly, the introduction of the windows result in there being a detrimental effect on my property through perceived overlooking. But the windows will provide a degree of overlooking into the external private amenity area of my property.

Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. But whilst the Design and Access Statement on pages 9 and 10 makes reference to the changes made from the pre-application that was submitted to the Council in February of this year that has resulted in the footprint being reduced, there is still considerable mass and bulk to the proposed property with the large gable ends which is not compliant with policy. I also question the fact that the applicant believes that the proposed property is only 53% larger than the existing dwelling, where it is in fact 65% with a far larger volume increase to the existing dwelling.

It is therefore quite clear that the development does not avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the neighbouring properties and would be contrary to the aforementioned policies.

Whilst the property is located within an urban area where there is no objection in principle to residential development through Policy CS4, and the NPPF promotes and supports development of underutilised land and buildings, the application site is well utilised in terms of its layout and provides habitable space for four bedrooms and living accommodation/amenity provisions.

The replacement dwelling is only a four bedroom dwelling as well, so it is clear that the site is not underutilised as there is no increase in bedrooms as the site accommodates the maximum size property available to it already other than increasing the height of the dwelling. I therefore do not consider the development to accord with the wording of paragraph 118 of the NPPF.

Given the foregoing, I therefore respectfully ask you to refuse the application due to the proposed scheme not complying with policy. If the officer is regrettably minded to approve the scheme, then I ask that conditions relating to the following are included:

- Remove permitted development rights to prevent further development within the roof space (Class B and C)
- Remove permitted development rights to prevent further extensions to the building as a whole (Class A) or erection of further buildings within the curtilage (Class E)
- That no further windows are inserted first floor level or above.
- That the windows on the north east elevation are obscurely glazed and high level opening on the north east elevation
- A materials schedule is produced
- A hard and soft landscaping scheme to be produced

Yours Sincerely
On behalf Kingshill (Berkhamsted) Ltd. Company no. 03129489

The private road leading from the main road to the driveway owned by Kingshill, is owned, managed and maintained by Kingshill (Berkhamsted) Ltd. The owners of the following 5 properties are members of the company and manage the running and share the associated costs of the road. Old Meadow, Mayfield, Gooseberry End, Ashcombe House and Kingshill. It should be noted that Garden Cottage does not contribute.

The management company would like to officially raise their concerns over the proposed development of Garden Cottage in terms of the potential damage to the private road due to the heavy machinery and contractors usage on what is a road designed for access by car to the properties.

As a condition of planning, we require assurances that any exceptional wear and tear and damage is made good once the development is complete in the event the development goes ahead.

see consultee comment -Gooseberry End on planning web-site.