

**ITEM NUMBER: 5g**

<b>20/01889/FUL</b>	<b>New Dwelling</b>	
<b>Site Address:</b>	<b>Land At Birch Lane To Side Of Annexe Of 96/97 Flaunden Flaunden Hertfordshire HP3 0PT</b>	
<b>Applicant/Agent:</b>	<b>Mrs Jacqui Sander</b>	<b>Mr Mark Battram</b>
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Flaunden Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>Objection from Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The application is recommended for approval.

2.2 The proposed development is considered to be acceptable in principle, reflecting appropriate development in the Green Belt, in accordance with Paragraph 149 of the National Planning Policy Framework (NPPF) (2021) and Policy CS5 of the Dacorum Borough Core Strategy (2013). The proposed new dwelling is also considered to be acceptable in design terms and in terms of its impact on designated heritage assets, (i.e. Flaunden Conservation Area and neighbouring Grade II Listed Buildings), by virtue of its scale, design, detailing, bulk, mass, height, positioning and material finish.

2.3 Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Whilst it is noted that the proposal would generate a shortfall of 0.5 parking spaces, it is not considered that a refusal of the scheme on these grounds could be sustained, given the availability of off-street car parking provision within the immediate area. Given all of the above, the proposal complies with the NPPF (2021), Policies CS5, CS6, CS11, CS12, CS27 and CS29 of the Core Strategy (2013), Saved Policies 57-58 and 99 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Parking Standards Supplementary Planning Document (2020) and the Dacorum Refuse and Storage Guidance Note (2015).

**3. SITE DESCRIPTION**

3.1 The application site is situated on the eastern side of Birch Lane, and comprising an area of approximately 0.03 hectares. The site is currently occupied by a detached brick built garage and attached lean-to greenhouse.

3.2 The applicant has confirmed that the application site was purchased under a single Land Registry title in 2011, with the site providing private amenity space and off-street car parking provision for property 94 Flaunden. The application site is, however, physically separated from this property, and has been functionally severed from this property for a period of approximately nine years, with the applicant letting the cottage out and retaining the application site for their own personal use.

3.2 The site falls within the Metropolitan Green Belt, Flaunden Conservation Area and is sited within close proximity of a number of Grade II Listed Buildings, including Granary Cottage, 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden).

## **4. PROPOSAL**

4.1 Planning permission is sought to demolish the existing lean-to greenhouse and construct a new two storey cottage with associated patio area. The new cottage would provide two new bedrooms, and would comprise a long catslide roof, reducing its visual bulk at the rear. The proposed development would be constructed in high quality materials, comprising windows and joinery finished in high quality timber, external walls finished in fair face brickwork laid in Flemish bond, with flint and gauged rubbed arches, and a roof clad in double cambered clay tiles and gable ends with decorative bargeboards and detailing.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

20/01452/DRC - Details as required by condition 4 (Tree protection plan) and condition 9 (garage details) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration).  
*GRA - 3rd August 2020*

21/00196/DRC - Details as required by condition 2 (Materials) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.)  
*GRA - 16th March 2021*

21/00365/FUL - Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen.  
*GRA - 6th August 2021*

21/00614/FUL - Raising of Roof, front extension within the courtyard. Conversion of stable building to residential use and changes to fenestration.  
*REF - 9th April 2021*

4/02987/15/FHA - Single storey rear extension  
*WDN - 11th October 2016*

Appeals (If Any):

4/02987/15/FHA - Development Appeal  
*- 17th August 2016*

## **6. CONSTRAINTS**

Special Control for Advertisements  
CIL Zone 2  
Conservation Area: Flaunden  
Former Land Use (Risk Zone)  
Green Belt  
Heathrow Safeguarding Zone: LHR Wind Turbine  
RAF Halton and Chenies Zone: Green (15.2m)  
Parking Standards: Zone 3  
EA Source Protection Zone: 3

## **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 (2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Planning (Listed Buildings and Conservation Areas) Act (1990)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Conserving the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

#### *Policy Context*

9.2 The site is located within the Metropolitan Green Belt, whereby inappropriate development is restricted by national and local planning policy.

9.3 Whilst Paragraph 149 of the NPPF (2021) states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as inappropriate, it goes on to list the following exception to this rule: 'e) *limited infilling in villages.*'

9.4 Local policy aligns with national policy when defining appropriate development in the Green Belt. Policy CS5 of the Dacorum Borough Core Strategy (2013) states that small-scale development will be permitted for the uses defined as appropriate in national policy, provided it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside.

### *Principle*

9.5 The NPPF (2021) fails to define what constitutes 'limited infilling.' Local Policy, (as set out in the explanatory text preceding Policy CS6 of the Core Strategy), however defines infilling as 'a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings.' This text later goes on to define the terms 'limited', noting that this term is used to refer to 'development which does not create more than two extra dwellings.'

9.6 Given that the current proposal seeks permission to construct a single detached dwelling between two points of built form, (i.e. between the existing garage and the annexe of no. 96/97 Flaunden), the proposal is considered to constitute limited infilling.

9.7 Taking the above into account, the key issue of consideration to the application is whether the site forms part of the village of Flaunden.

9.8 Flaunden does not have a defined village boundary. It is however noted that recent case law and appeal decisions, (e.g. Wood vs. Secretary of State), attach little weight to designated village boundaries when determining whether a site forms part of the village, noting that such assessments should be made subjectively with reference to facts on the ground. For example, case law and appeal decisions have clarified that reference should be made to the individual physical characteristics of the site, (including patterns of development and density etc.), functional/locational characteristics of the site, (including the distance of the site to the physical centre of the village and core village services etc.), and visual characteristics of the site.

### *Assessment*

9.9 Ordnance survey mapping indicates that the historic core of the village is centred around the crossroads of Birch Lane, Village Hill and Flaunden. It is noted that the centre of the application site in question, is located approximately 50m from this crossroads.

9.10 In addition to the point raised above, it is noted that development surrounds the site on all sides. The presence of six semi-detached properties on the western side of Birch Lane, coupled with the footpath and parking bays, add to the sense of arriving within a settlement when heading in a southerly direction, noting that views of agricultural fields are lost and development becomes prevalent.

9.11 Given the specific characteristics of the application site and surrounding area, it is considered that the facts on the ground in this case are that the application site lies within the village of Flaunden. As such, the proposal is considered to be acceptable in principle, subject to its compliance with other local and national planning policies.

### Quality of Design / Impact on Visual Amenity and Designated Heritage Assets

9.12 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Core Strategy

(2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.13 The site falls within the Flaunden Conservation Area and is within close proximity of a number of Grade II Listed Buildings, including Granary Cottage, 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden). With regards to designated heritage assets, the NPPF (2021), Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets.

9.14 The Conservation and Design Officer was consulted in relation to the proposal and raised no objection, considering the proposed development to be acceptable in terms of its impact on the Flaunden Conservation Area and neighbouring Grade II Listed properties.

9.15 With regards to the Flaunden Conservation Area, the Conservation and Design Officer has stated that the proposal would have a neutral impact, (thereby preserving the character of the area), by virtue of its sympathetic design, (i.e. noting that the scale, mass, design, detailing and proposed material finish of the new dwelling would harmonise with and reflect the character of the village). Furthermore, with regards to the proposals' impact on neighbouring Grade II Listed Buildings, it has been noted that the proposed new dwelling would not cause harm to the setting or significance of the properties by way of its design, detailing and positioning within the site, predominantly screened by surrounding trees and boundary hedges.

9.16 Taking the above into account, it is considered that the new dwelling is acceptable in design terms and in terms of its impact on designated heritage assets, (i.e. the Flaunden Conservation Area and neighbouring Grade II Listed Buildings), noting that the new dwelling has been sympathetically designed to harmonise with the character and appearance of the area in terms of its scale, bulk, mass, detailing and material finish. As such, no concerns are raised in this regard, and the proposal accords with Saved Appendix 7 of the Local Plan (2004), Policies CS11, CS12 and CS27 of the Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant sections of the NPPF (2021).

#### Impact on Residential Amenity

9.17 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

#### *Visual Intrusion*

9.18 Given its scale, bulk, mass and proposed positioning on the site, it is not considered that the new dwelling would appear a visually overbearing addition to the streetscene or neighbouring properties. The submitted streetscene plan also evidences that the new dwelling would be sympathetic in height in relation to neighbouring properties, noting that it would be set down from the ridge height of neighbouring properties 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden).

#### *Loss of Light*

9.19 By virtue of its scale and positioning, it is not considered that the proposal would adversely affect daylight or sunlight levels to neighbouring properties.

#### *Overlooking*

9.20 New ground and first floor windows have been proposed to both side elevations of the new dwelling. Given the separation distance retained between the new dwelling and neighbouring property the Old Chapel, it is not considered that the proposal would result in a significant loss of privacy to occupiers of this dwelling.

9.21 Given the scale and positioning of the windows on the side elevation of the annexe of Copse Cottage, (i.e. 96/97 Flaunden), the separation distance that would be retained between the new dwelling and this annexe, as well as noting that the boundary treatment currently separating the application site from this annexe would be retained, it is not considered that the proposed new dwelling could be used to facilitate any harmful overlooking of this property.

9.22 Concerns were raised at pre-application stage that windows proposed to the rear elevation of the new dwelling could be used to facilitate harmful overlooking of the strip of amenity land to the rear of the site, (currently within the ownership of neighbouring property Copse Cottage, (i.e. 96/97 Flaunden)). In light of these concerns, the design of the new dwelling has been amended, with a single window being proposed at ground floor level, and two rooflights being proposed within the new catslide roof.

9.23 The proposed ground floor window is modest in scale and would be screened from view by the existing boundary treatment. Taking this into account and noting the modest scale and positioning of the proposed new rooflights, it is not considered that these new openings could be used to facilitate harmful overlooking of the private amenity space owned by Copse Cottage, (i.e. 96/97 Flaunden).

9.24 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties, thereby acceding with the NPPF (2021), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Highway Safety and Parking

9.25 The NPPF (2021), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

#### *Highway Safety*

9.26 The proposed development would not involve any changes to the existing site access, and as such, it is not considered that the proposal would generate any highway or pedestrian safety concerns. The Highways Authority were consulted in this regard and have raised no objection on these grounds.

#### *Parking*

9.27 The Parking Standards Supplementary Planning Document (2020) notes that a two bed dwelling in this location should provide 1.5 off-street car parking spaces. Noting that the proposal would involve the retention of the existing garage, off-street car parking provision would be retained for one car. Whilst there is a small grass area to the front of the garage currently used to provide off-street for one car, this area falls short of the minimum standards for a car parking space and as such, is not factored into the proposed parking provision for the new dwelling.

9.28 Taking the above into account, it is noted that the proposal would generate a shortfall of 0.5 of a space. Whilst the Parking Standards Supplementary Planning Document (2020) clearly sets out the Council's parking standards, Paragraph 6.10 of this document allows for some flexibility to these standards, noting that changes to the standards may be appropriate wherein the nature, type and location of the development is likely to make a change to the parking standards acceptable.

9.29 Whilst concerns were initially raised that the shortfall in off-street car parking provision generated by the new dwelling could result in an increase in on-street parking, the Applicant has confirmed that there are sufficient parking spaces within the immediate area to accommodate occupiers of the new dwelling. In particular, reference has been made to the parking bays directly opposite the site, (i.e. fronting 1-6 Birch Lane), and the car park at the Flaunden Village Hall.

9.30 Properties 1-6 Birch Lane comprise large front driveways and associated rear garages, and as such, are not considered to generate an overspill of parking or generate the requirement for occupants of these properties to use the parking bays directly opposite these properties. With this in mind, it is not considered that a refusal of the proposal on parking grounds could be sustained, given that an additional off-street car parking space for occupants of the new dwelling could be accommodated within the parking bays directly opposite the site, (i.e. fronting 1-6 Birch Lane). Furthermore, in the event that these spaces could not be occupied, it is not unreasonable to assume that occupiers of the new dwelling could use the car park at Flaunden Village Hall, noting that is open day and night, publicly accessible and positioned within close proximity of the application site.

9.31 The Highways Authority were consulted in relation to the above parking arrangements, and raised no objection to the proposal on these grounds, considering the above parking arrangements to be sufficient to prevent on-street parking, and the highway safety concerns that would arise from occupiers of the new dwelling doing so.

#### *Parking for 94 Flaunden*

9.32 The application site currently comprises a detached garage, providing one off-street car parking space. Given that the site formerly served occupants of no. 94 Flaunden, (i.e. providing one off-street car parking space for occupants of this dwelling), objections have been raised that the proposal would result in the loss of parking for these residents, thereby increasing on-street car parking provision and adversely affecting the safety and operation of the highway.

9.33 The applicant has, however, submitted information in support of the application to evidence that the application site has been formerly severed from no. 94 Flaunden. In particular, it has been evidenced that the cottage has been let out to tenants over a nine year period with its associated courtyard area, and that the applicant has retained sole ownership over the application site, retaining the site for their own personal use.

9.34 Taking the above into account, it is not considered that the proposal would generate any additional loss of parking in this regard, noting that the current parking situation for occupants of 94 Flaunden would remain unchanged, (i.e. with occupants of this cottage continuing to utilise the parking bays opposite 1-6 Birch Lane and/or the Flaunden Village Hall car park). As such, it is not considered that a refusal of the scheme on these grounds could be sustained.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

9.35 The NPPF (2021), Policy CS12 of the Core Strategy (2013) and Saved Policy 99 of the Local Plan (2004) all seek to ensure that important trees and hedgerow are retained in urban and rural areas, whilst also encouraging the planting of new trees and shrubs.

9.36 The proposal would not involve the removal of any important trees, and would instead involve the planting of a new tree on the site, (i.e. a new Japanese Cherry tree to the rear of the dwelling).

9.37 A small area of existing hedgerow would however be removed to facilitate the creation of a new pedestrian access into the dwelling from Birch Lane. Given the scale and nature of these works, it is

not considered that these works would be harmful or detract from the rural character of the streetscene or village of Flaunden, and as such, no concerns are raised in this regard.

### *Waste Management*

9.38 Refuse storage bins for property 94 Flaunden are currently stored and collected from the side of the garage on the application site. The current application proposes to amend these arrangements, storing the refuse storage bins for the new dwelling in this location and repositioning the refuse storage bins in the rear courtyard at 94 Flaunden.

9.39 These arrangements are considered to be acceptable, given that the refuse storage bins for both properties would not need to be taken more than 25m to be collected. These arrangements comply with the standards set out under the Dacorum Refuse and Storage Guidance Note (2015). The Highway Authority have raised no objection to these arrangements.

### *Amenity Space*

9.40 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers. Whilst this policy notes that private gardens should normally be positioned to the rear of the dwelling with an average minimum depth of 11.5m, this policy allows a degree of flexibility, stating that reduced garden depths may be acceptable in accordance with the scale of the new dwelling, provided the space is of sufficient width, shape and size to be functional, there is open land, public open space or amenity land within close proximity of the site and that the new garden is compatible with the surrounding area.

9.41 The proposed site plan shows that the new dwelling would be served by a private area of amenity space and associated patio area. Whilst this private garden space would be positioned to the side of the new dwelling, it is considered that it would be of sufficient depth, (i.e. noting that it would measure 11.5m wide), and shape/size to provide a functional area of private amenity space for future occupiers of the new dwelling. As such, no concerns are raised in relation to these arrangements.

9.42 Given that the application site formerly served as a garden for no. 94 Flaunden, concerns have been raised that occupants of this dwelling would not have sufficient private amenity space should the proposed development be constructed.

9.43 Property 94 Flaunden is a modest two bed cottage that currently comprises a small private courtyard area. Whilst this courtyard falls short of the 11.5m minimum garden depth set out under Saved Appendix 3 of the Local Plan (2004), it is not considered that a refusal of the scheme on these grounds could be sustained, given that a number of instances whereby a reduced garden depth is accepted in accordance with this policy can be directly applied to this case.

9.44 For example, by reason of its width, shape, size and positioning, the existing courtyard provides a functional area of private amenity space for occupiers of this property. In addition to this, property 94 Flaunden is sited within close proximity of public open space, (i.e. the public open space and associated play area next to the Flaunden Village Hall), and it is noted that this area of private amenity space would be largely compatible with gardens serving properties in the immediate area, (i.e. properties 98, 99 and 100 Flaunden), in terms of its shape, size and scale.

9.45 Given the above assessment, it is considered that the proposed development would provide sufficient private amenity space for occupiers of the new dwelling and 94 Flaunden, and it is not considered that a refusal of the scheme on these grounds could be sustained. As such, the proposal accords with Saved Appendix 3 of the Local Plan (2004).



## Response to Neighbour Comments

9.46 A number of objections have been received from neighbours. The reasons for objecting to the application are summarised below:

- Principle – the proposal reflects inappropriate development in the Green Belt;
- Impact on Heritage Assets - the proposal would adversely affect the character and setting of the Flaunden Conservation Area and Grade II Listed Buildings;
- Impact on the Streetscene/Village – the proposal would be out of keeping with the character and appearance of the area;
- Parking – the proposal would result in loss of parking for no. 94 Flaunden;
- Highway/Pedestrian Safety – the proposal would result in an increase in on-street parking, thereby generating highway and pedestrian safety concerns;
- Impact on Residential Amenity – the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing and facilitating harmful overlooking;
- Impact on 94 Flaunden – the proposal would result in the loss of private amenity space for this property and adversely impact the property's existing refuse storage arrangements;
- Land Ownership – the submitted plans/application form incorrectly indicates existing land ownership; and
- Application Description – the description of the site is unclear and as such, fails to clearly indicate the location of the application site.

9.47 The majority of the concerns raised above have already been addressed during earlier sections of the report. However, the issues raised in relation to land ownership and the applications' description noted above have not been previously considered, and as such, have been addressed below.

### *Land Ownership*

9.48 With regards to land ownership, a neighbour has raised concerns that the submitted site plans are inaccurate, noting that a strip of land on the OS/Land Registry Plan has been incorrectly included as part of the applicants' ownership. These concerns were put to the applicant who has confirmed that the submitted site plans are correct, with the plans evidencing the correct boundaries as defined on the ground. They have also submitted a new Site Location Plan in support of the proposal to evidence this.

9.49 Given that land ownership is a civil matter and not a material planning consideration, this dispute has not been factored into the assessment of the proposal, and is not considered to reflect sufficient grounds for refusing the current proposal.

### *Application Description*

9.50 With regards to the site address, concerns raised by neighbours in this regard were considered, with the site address being updated and neighbours formally re-consulted on the proposal as part of the application.

## Community Infrastructure Levy (CIL)

9.51 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

## 10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposal is acceptable in principle, noting that the proposed development is considered to reflect limited infilling in the village of Flaunden, in accordance with the exception for appropriate development in the Green Belt, set out under Paragraph 149 of the NPPF (2021). The proposed new dwelling has been sympathetically designed to harmonise with and respect the character and appearance of the Flaunden Conservation Area and neighbouring Grade II Listed Buildings, (i.e. by reason of its scale, design, detailing, bulk, mass, height, positioning and material finish), and as such, it is considered that the proposed new dwelling would reflect an attractive addition to the streetscene and village of Flaunden.

10.3 By virtue of its scale, bulk, positioning and design, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, it is not considered that the proposed development would generate any highway or pedestrian safety concerns. Whilst it is noted that the proposal would generate a shortfall in off-street car parking provision, it is not considered that a refusal of the scheme on these grounds could be sustained, given the availability of off-street parking in the parking bays fronting 1-6 Birch Lane, and Flaunden Village Hall car park.

10.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS6, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and 99 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), Planning (Listed Buildings and Conservation Areas) Act 1990, Parking Standards Supplementary Planning Document (2020) and the Dacorum Refuse and Storage Guidance Note (2015).

## 11. RECOMMENDATION

11.1 That planning permission be **GRANTED** with conditions.

### Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

Reason: To preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

3. **(a) No development 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 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 Core Strategy (2013).

4. Any contamination, other than that reported by virtue of Condition 3 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 Core Strategy (2013).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the existing garage shown on Site Plan Rev B, shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

6. **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:**

**Schedule 2, Part 1, Classes AA, A, B and E; Part 2, Classes A, B and C**

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).

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

**7233-01 Rev A  
Environmental Report (dated 7th November 2011)  
Refuse Location Plan  
7233-02 Rev B  
Site Location Plan  
Site Plan Rev B  
Renewable and Sustainable Measures document  
Site Contamination Report  
Sustainability Checklist  
Streetscene Plan**

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

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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. **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:

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.

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 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.

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.

AN 4) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application, particularly the Site Contamination Assessment - Phase 1 Desk Study, I am able to confirm 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.</p> <p>Full conditions are recommended in line with the recommendation within the submitted report for environmental testing of soil samples.</p>

"At the start of the works it would be prudent for the site Investigation report to not only look at the soils for foundation design but carry out topsoil tests in the vicinity of the new cottage and centred to the site where this older structure once stood."

The Desk Study part of the Condition can be avoided by completion of an acceptable Land Contamination Self Certification Questionnaire if it is received and agreed before the planning decision is reached. Alternatively it can be submitted in order to discharge that part of the condition post planning decision.

In order to discharge the second part (intrusive Site Investigation) of the condition we would, subject to review of the self-certification questionnaire, be happy to accept an appropriate suite of contamination testing undertaken on appropriately targeted areas of the site as an addition to the geotechnical investigations, rather than needing a standalone Environmental Site Investigation.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted.

#### Contaminated Land Conditions

##### Condition 1:

(a) No development 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 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 Core Strategy (2013) Policy CS32.

#### Condition 2

Any contamination, other than that reported by virtue of Condition 1 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 Core Strategy (2013) Policy CS32.

#### Informative:

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](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

	Please let me know if you have any questions.
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>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  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> 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 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  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> 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  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300</p>



1234047.

AN 4) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Comments:

The proposals are for the construction of a new dwelling and associated parking on land adjacent to Birch Lane, Flauden. Birch Lane is an classified C local access road with a speed limit of 30 mph and is maintained at public expense.

There are currently no parking restrictions or weight limits associated with the proposed planning area. The dwelling in the application is not proposing a new access and will use the current access at the site. However, HCC would like to see detailed plans regarding vehicle visibly splays and VXO arrangements to fully gauge the impact on the highway.

Parking is a matter for the Local Planning Authority (LPA). However, HCC would comment that from the proposal drawings there will be no change to the number of vehicles that are available to park at the dwelling as the removal of the garage will still enable 2 parking spaces for the property. The construction of the planned dwelling should not affect surrounding dwellings or the highway network and therefore HCC is satisfied with this outcome.

Conclusion

HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the

application.

**ADDITIONAL COMMENTS:**

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. 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:

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-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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 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.

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.

Comments:

HCC Highways previously commented on this application on 28/7/2020. However, since then amended plans have been produced for which a great deal has changed from the previous proposal. The amended proposal now shows that the existing garage will be retained with the new dwelling being moved from its previous proposed location. The amended proposal illustrates that the pedestrian path will be moved further south to accommodate the new location of the dwelling. I would note that I have received a few comments from members of the public for this application which have been taken into account.

Vehicle Access & Parking

The proposals are for the construction of a new dwelling and associated parking on land adjacent to Birch Lane, Flaunden. Birch Lane is a classified C local access road with a speed limit of 30 mph and is maintained at public expense.

The dwelling in the application is not proposing a new access and will use the current access at the site for the garage. However, HCC would like to see detailed plans regarding vehicle visibility splays and VXO arrangements to fully gauge the impact on the highway. HCC Highways would like to see detailed parking plans to illustrate where vehicles will be parked in the new arrangement. This is because from observation it appears that the garage door would not accommodate a modern car. The parking plans would demonstrate that parked vehicles do not obstruct the highway network and are adequate for the dwelling size. Owing to the property being on a country road, HCC Highways would have to insist that no vehicles park in front of the property as this would impact highway safety.

A concern was raised that the property would increase on-street parking for the area which would impact highway safety. However, HCC would note that there are parking areas down the street which anyone can park and will offset the loss of parking that is currently enjoyed on the land in question.

Refuge / Waste Collection

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

	<p>Emergency Vehicle access</p> <p>The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.</p> <p>Conclusion</p> <p>HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application.</p>
Parish/Town Council	<p>Flauden Parish Council (FPC) wishes to draw your attention to the Planning Application address and description of the site.</p> <p>The description of the site should be "Garden and garage of 94 Birch Lane" and not simply "Land at Birch Lane. The application cannot be considered without considering the effect of this application on 94 Birch Lane.</p> <p>Planning and Regeneration document lodged with the application:</p> <p>Item 9. Vehicle Parking. The information provided states that there are 2 existing parking spaces and the total proposed including spaces retained is 2. These parking spaces are in fact for the property of 94 Birch Lane and to claim there will still be two spaces means that the parking, presently enjoyed by 94 will be transferred to the proposed new dwelling and there will be a net loss of two parking spaces. FPC also refers to Page 3. Paragraph 2 of this document. The applicant appears to agree that the amenity space for the proposed dwelling is under the guidelines of DLP but fails to mention that by building on the garden of 94 Birch Lane the amenity space of 94 will be reduced to a tiny piece of garden to the rear of the property well below the recommended guideline.</p> <p>94 Birch Lane fronts directly onto Birch Lane and there is not a back or side access to the rear of the property. The loss of the parking space means that there will be nowhere to keep the refuse bins.</p> <p>It would be against all recommendations to allow a new building without the provision for parking or amenity space and that is what will happen to 94 Birch Lane if the land in question is separated from its title. This is quite clearly illustrated on the Land Registry document HD 2436. People who have lived in the village for over 70 years confirm that the</p>

	<p>application site has always been the garden for 94 Birch Lane.</p> <p>Heritage, Design and Access Statement NPPF (2019)</p> <p>Paragraph 118 d. This is not underutilised land it is the garden and parking area of 94 Birch Lane an existing dwelling owned by the applicant.</p> <p>Paragraph 145. FPC considers the proposed development as harmful to the Green Belt, the Conservation area and the openness and character of the rural village. It will not enhance the village and infilling of this type reduces the openness of the village.</p> <p>It will have a negative impact on the character and appearance of the countryside. Ref: CS5</p> <p>Flaunden is classified in the Core Strategy Document as an Area of Development restraint. This is especially so as the proposed development is also within the Flaunden Conservation area with its many listed buildings.</p> <p>Policy CS1. The proposal does not provide a development that supports the vitality and viability of the local community.</p> <p>The applicant seeks to use the shortage of small/starter homes to support this proposed development. Studying the prices of even small homes in Flaunden with the other small properties in Birch Lane having estimated prices of over £600,000 this argument is certainly not relevant. This certainly would not provide affordable housing.</p> <p>Flaunden Parish Council recommend refusal of this application.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such</p>

	<p>we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Parish/Town Council	<p>Amended plans October 2020</p> <p>Flaunden Parish Council wishes to comment on the amendments for the above application.</p> <p>The vacant land is shown very clearly on the Land Registry Document HD243693 as the garden belonging to 94, Birch Lane. The area is not "Under-utilised land as defined in Paragraph 118(d), it is the amenity space, off road parking and bin storage area for 94.</p> <p>The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village</p> <p>The amended plan states that the distance from the nearest home is 23m. This is incorrect as to the south the distance is 7.8m</p> <p>The following statement concerning Policy 58 "levels of car parking exceed the minimum 1.5 car spaces required" is incorrect since the proposed development would result in two spaces to service both the proposed dwelling and 94 Birch Lane from which the spaces have been</p>

deprived.

94, Birch Lane is a listed building and sits at the end of a row of 6 listed cottages. It is at the southern end of the village which is a traditional settlement with a range of cottages dating from the sixteenth century onwards.

This development does not fall, within the type of limited infilling which might be permitted under clause CS5. Flaunden is classed as an area with the highest level of development restraint. The development is not needed to secure the economic prosperity of the village or to achieve social objectives since there have already been a significant number of new houses (10) for which planning has been granted in the village. The house proposed will not be "affordable" nor does it provide a development that supports the vitality and viability of the local community.

The addition to a hard-standing space to the proposed development does nothing to address the loss of bin space, amenity space or parking for 94 Birch Lane.

Due to lack of public transport it is necessary for residents of Flaunden to have a car. This development would therefore necessitate parking on the road outside these properties. The properties are close to the crossroads at the top of the village where the sight lines are difficult and there have been several accidents.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

#### ADDITIONAL COMMENTS

Flaunden Parish Council wish to comment on the amended plans and drawing for the above application.

The plan outlining the refuse location shows the position of the bins in the courtyard at the rear of the property 94 (Birch Lane) Flaunden. The FPC would like to point out that there is no access from the rear of 94 (Birch Lane) Flaunden to the road (as can be seen on the site plan) so any bins would need to be brought through the house at 94 Flaunden.

The Land Registry also indicates that 94 Flaunden do not own any land to give them access from the rear of 94 Flaunden to the main road.

The FPC would like to reiterate that the vacant land outlined in red in the above plan, is very clearly marked on the Land Registry Document HD243693 as the garden belonging to 94 Flaunden. This area is the amenity space, off road parking for two cars and the bin storage area for 94 Flaunden. Should this off-road parking pertaining to 94 Birch Lane be taken away there would not be sufficient space in the layby opposite to accommodate more cars.

On viewing the Map Title, it is apparent that this application overlaps with the ownership boundary of both No. 96/97 Flaunden, and that of Flaunden Construction Ltd (Honeysuckle Barn). The parcel of land (i.e. the garden of 94 Birch Lane) overlaps to the East of the plot along the whole length and to an estimated depth of more than 1m.

It would appear that the proposed plan includes this additional parcel of land, as it shows the depth of the plot to be 11.2m. Looking at the Land Registry map (attached) we estimate the depth of the plot to be 8.5 m at the southern end, widening to approx 10.5 m at the northern end. If this is the case, it would be impossible for the plan as proposed to be implemented on the existing garden due to the restrictive depth to the plot.

This proposal would deprive 94 Birch Lane of parking and a garden, the refuse bins would need to be stored in the small courtyard taking up valuable space, which goes against the policies in the development plan and the policies in the National Planning Policy Framework.

The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

ADDITIONAL COMMENTS



	<p>We would ask that the Conservation Officer re-examine the comments on this application in light of the amendments which have been recently added to the application. We are requesting this be reviewed as we believe it was not made clear in the original application, that the plot constitutes the garden and parking area of 94 Flaunden. The description of the site has changed 3 times during this application when they have tried to describe it as vacant land and not part of 94 Flaunden.</p> <p>The status of the land in question is clear when the Land Registry records are inspected. The two land parcels are contained within the same title (ref HD243693): and the Register is explicit that the title comprises "The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead (HP3 0PW)".</p> <p>The use of the application site today is parking, refuse bin storage and garden for 94 Flaunden. As the property does not have an attached garden or any other place to park the proposed development would remove all of these amenities from 94 Flaunden. (Attached photo shows the front of the property, which would be left with no off or on road parking facility). The proposal of putting the bins storage in the tiny courtyard of 94 Flaunden drastically reduces this limited space. The fact that the positioning of the bins now has to be shown confirms that this land should be acknowledged as the garden, parking area and bin storage of 94 Flaunden and the whole impact on 94 Flaunden should very much now be taken into consideration.</p> <p>The development of a two storey dwelling on the garden to 94 Flaunden, would result in the loss of parking, garden and refuse storage for 94, and would irreparably harm the setting and curtilage of the dwelling at 94. The proposal significantly adds to the density of the built environment causing harm to the character of the conservation area and setting of the listed building within the Flaunden Conservation Area.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>The site is currently a garden area and includes a garage. Negotiations have been going on for some time on the site.</p> <p>The proposed dwelling is of a relatively modest scale in flint and brick with a pitched tiled roof and catslide to the rear. The ridge line is lower than the cottages which face on the road to Belsize. It would be located behind the hedge and between the existing garage and the adjacent property. The design and detailing appears to reflect the character of the conservation area.</p> <p>Overall we believe that the proposal would have a neutral impact on the character of the area. The building would be in keeping with regards to</p>

	<p>the scale, mass, materials and detailing. It reflects and responds to the general character of the village. As such we believe that it would be in keeping with national government policy and guidance which recommends that the building should preserve the character of the area. We believe that this cottage would preserve this character and not cause harm to the conservation area. As such we believe that it would be considered acceptable.</p> <p>We do not believe that the proposed new dwelling would cause harm to the setting or the significance of the nearby listed dwellings. This is due to the design, detailing and positioning within the site.</p> <p>The detailing and materials would be key to ensure that the building preserves the character of the area. It would also be recommended that permitted development rights be removed to ensure that the cottage could not be altered or extended in an inappropriate manner which would detract from the character of the area.</p> <p>Recommendation we would not object to the proposals. External materials ( brick and brick bond, roof tiles, joinery details, rainwater goods, hard and soft landscaping subject to approval. The flintwork to the façade must be freehand flintwork a sample panel should be built on site for approval. An external meter box should not be added to the front of the property. Permitted development rights should be removed to protect the character of the area.</p>
<p>Environmental And Community Protection (DBC)</p>	<p><b>CONTAMINATED LAND</b></p> <p>Having reviewed the planning application, particularly the Site Contamination Assessment - Phase 1 Desk Study, I am able to confirm 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 fully considered and where it is present will be remediated.</p> <p>Full conditions are recommended in line with the recommendation within the submitted report for environmental testing of soil samples.</p> <p>"At the start of the works it would be prudent for the site Investigation report to not only look at the soils for foundation design but carry out topsoil tests in the vicinity of the new cottage and centred to the site where this older structure once stood."</p> <p>The Phase I part of the Condition (part a) can be addressed by completion of an acceptable Land Contamination Self Certification Questionnaire, which asks the applicant to focus on key potential sources of contamination.</p> <p>In order to discharge part b (intrusive Site Investigation) of the condition we would, subject to review of the self-certification questionnaire, be</p>

happy to accept an appropriate suite of contamination testing undertaken on appropriately targeted areas of the site as an addition to the geotechnical investigations, rather than needing a standalone Environmental Site Investigation.

Contaminated Land Conditions:

Condition 1:

(a) No development 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 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 Core Strategy (2013) Policy CS32.

Condition 2:

	<p>Any contamination, other than that reported by virtue of Condition 1 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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>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 <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Parish/Town Council	<p>Flaunden Parish Council wish to comment on the amended plans and drawing for the above application.</p> <p>The plan outlining the refuse location shows the position of the bins in the courtyard at the rear of the property 94 (Birch Lane) Flaunden. The FPC would like to point out that there is no access from the rear of 94 (Birch Lane) Flaunden to the road (as can be seen on the site plan) so any bins would need to be brought through the house at 94 Flaunden. The Land Registry also indicates that 94 Flaunden do not own any land to give them access from the rear of 94 Flaunden to the main road.</p> <p>The FPC would like to reiterate that the vacant land outlined in red in the above plan, is very clearly marked on the Land Registry Document HD243693 as the garden belonging to 94 Flaunden. This area is the amenity space, off road parking for two cars and the bin storage area for 94 Flaunden. Should this off-road parking pertaining to 94 Birch Lane be taken away there would not be sufficient space in the layby opposite to accommodate more cars.</p> <p>On viewing the Map Title, it is apparent that this application overlaps with the ownership boundary of both No. 96/97 Flaunden, and that of Flaunden Construction Ltd (Honeysuckle Barn). The parcel of land (i.e.</p>

the garden of 94 Birch Lane) overlaps to the East of the plot along the whole length and to an estimated depth of more than 1m.

It would appear that the proposed plan includes this additional parcel of land, as it shows the depth of the plot to be 11.2m. Looking at the Land Registry map (attached) we estimate the depth of the plot to be 8.5 m at the southern end, widening to approx 10.5 m at the northern end. If this is the case, it would be impossible for the plan as proposed to be implemented on the existing garden due to the restrictive depth to the plot.

This proposal would deprive 94 Birch Lane of parking and a garden, the refuse bins would need to be stored in the small courtyard taking up valuable space, which goes against the policies in the development plan and the policies in the National Planning Policy Framework.

The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

#### ADDITIONAL COMMENTS

We would ask that the Conservation Officer re-examine the comments on this application in light of the amendments which have been recently added to the application. We are requesting this be reviewed as we believe it was not made clear in the original application, that the plot constitutes the garden and parking area of 94 Flaunden. The description of the site has changed 3 times during this application when they have tried to describe it as vacant land and not part of 94 Flaunden.

The status of the land in question is clear when the Land Registry records are inspected. The two land parcels are contained within the same title (ref HD243693): and the Register is explicit that the title comprises "The Freehold land shown edged with red on the plan of the

	<p>above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead (HP3 0PW)".</p> <p>The use of the application site today is parking, refuse bin storage and garden for 94 Flaunden. As the property does not have an attached garden or any other place to park the proposed development would remove all of these amenities from 94 Flaunden. (Attached photo shows the front of the property, which would be left with no off or on road parking facility). The proposal of putting the bins storage in the tiny courtyard of 94 Flaunden drastically reduces this limited space. The fact that the positioning of the bins now has to be shown confirms that this land should be acknowledged as the garden, parking area and bin storage of 94 Flaunden and the whole impact on 94 Flaunden should very much now be taken into consideration.</p> <p>The development of a two storey dwelling on the garden to 94 Flaunden, would result in the loss of parking, garden and refuse storage for 94, and would irreparably harm the setting and curtilage of the dwelling at 94. The proposal significantly adds to the density of the built environment causing harm to the character of the conservation area and setting of the listed building within the Flaunden Conservation Area.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	27	0	26	0

### Neighbour Responses

Address	Comments
2 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT	We are objecting to this proposal of the new development. This is inappropriate within the conservation area of Flaunden and Green Belt Parking is going to be a big issue as there is already little parking space left for residents.
1 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT	<p>My husband and I are writing in reference to the proposed new dwelling on land at Birch Lane, Flaunden (20/01889/FUL). We are the owners of 1 Birch Lane, which is diagonally opposite the site.</p> <p>We wish to object to the application for the following reasons:</p> <p>The site is not vacant land it is the garden, parking spaces and garaging for No 94. Use of the plot for a new dwelling would mean that</p>

	<p>No 94 would no longer have a garden, its residents would have to park on the street as their existing parking spaces would be lost, they would lose their existing garage and they would lose their bin storage (Flaunden has three large bins and one food caddy per household). None of this is identified in the application.</p> <p>Harm caused to the Green Belt and Flaunden Conservation Area through inappropriate development.</p> <p>Negative impact of an additional dwelling on the openness and character of Flaunden village which consists of dwellings interspersed with open space.</p> <p>The proposed house, whilst fairly small, cannot be considered as a starter home as property prices in Flaunden are high.</p> <p>The revised application does not address any of the concerns raised in the objections to the original application, in particular the complete loss of garden, parking and bin storage for No 94 Flaunden. It is still inappropriate infill development and goes against the character of Flaunden. The position of the entrance path alters the hedge and is likely to lead to vehicles such as delivery drivers parking directly outside. This will reduce visibility and make the approach to the crossroads more dangerous, especially to those trying to exit from the roads adjoining Birch Lane. The location of the house at the narrow end of the plot also increases the impact and intrusion on neighbouring homes.</p> <p>The revised application does not address the issues previously raised.</p> <p>The issue of loss of parking for No 94 Flaunden is not addressed. On street parking is already extremely limited in Flaunden. The nearby parking spaces outside 1-6 Birch Lane are already heavily used by existing residents and delivery drivers. Any parking closer to the crossroads, even temporarily, is dangerous as visibility at the crossroads is already very limited.</p> <p>The bin store location shown for No 94 is impractical as there is no direct access to the street and wheelie bins would have to be brought through the house. In reality the bins would end up permanently on the street, detracting from the attractiveness of the crossroads conservation area and potentially causing an obstruction to the pavement.</p> <p>Additionally the loss of garden for No 94 is not addressed in the application.</p> <p>The application is still inappropriate development in a conservation area and will impact on the privacy of neighbours.</p>
<p>Granary Cottage 89 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP</p>	<p>Objection to planning application at 94 Birch Lane Flaunden; Garden parking/bin area NOT vacant land at Birch Lane 20/01889/FUL</p> <p>I object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>o The impact on the 94 Birch Lane facilities which would result.</li> </ul> <p>The existing site is used as the garden, garaging, parking and bin storage area for 94 Birch Lane, Flaunden. This development, should it</p>

	<p>be approved, would result in 94 Birch Lane having no parking, garaging or storage area for bins.</p> <p>o Whilst the new property would have 2 parking spaces, I am particularly concerned about the lack of parking spaces for 94 Birch Lane which may result in cars parking on the verge opposite my property, Granary Cottage, making it almost impossible to enter and exit safely.</p> <p>o The planning application states that the proposed development is not within the Conversation Area According to the latest map of the Conservation Area on the Dacorum Council website (<a href="http://www.dacorum.gov.uk/docs/default-source/strategic-planning/flaunden-(pdf-1-5-mb).pdf?sfvrsn=0">http://www.dacorum.gov.uk/docs/default-source/strategic-planning/flaunden-(pdf-1-5-mb).pdf?sfvrsn=0</a>) 94 Birch Lane, Flaunden and the garden and garage enjoyed by it fall wholly within the boundaries of the Conservation Area. Flaunden Village has been classified as an Area of Development Restraint within the Core Strategy Document. I consider that the development proposed is harmful to the Green Belt, the Conservation Area and will have a negative impact on the village. I fully support all the objections raised by my neighbours Mr &amp; Mrs Copp; in particular the revised relocation of the proposed property infringing on their privacy.</p> <p><b>ADDITIONAL COMMENTS</b></p> <p>Once again I object to the revised planning application for development of land @ 94 Flaunden. The Green belt area and Conservation status have not changed since the first application which was refused. My concerns also centre round the lack of ground available for off-street parking. As there would be minimal room for even one vehicle the likelihood of parking on the road would potentially, result in unsafe access for all villagers.</p> <p>The amended application does nothing to satisfy my concerns already expressed in the initial application. In particular regarding the parking and safe access to my own property.</p> <p>I also have concerns regarding the safety of pedestrian access to the proposed property, especially if cars are parked on the road (as they will need to be if the planning application is approved in its current state).</p> <p>Once again I object to the revised planning application for development of land @ 94 Flaunden. The Green belt area and Conservation status have not changed since the first application which was refused. My concerns also centre round the lack of ground available for off-street parking. As there would be minimal room for even one vehicle the likelihood of parking on the road would potentially, result in unsafe access for all villagers</p>
<p>Copse Cottage 96-97 Flaunden Flaunden Hemel Hempstead Hertfordshire</p>	<p>We would like to object to the planning application 20/01889/FUL on the following grounds:-</p> <p>o This application says that it is just 'land at Birch Lane'. This land is not</p>



HP3 0PP

just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness

of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

o Para 3 page 3 of the HD&A Statement. The preapp mentions to avoid street parking and the application says they are doing this by providing 2 spaces for the house proposed. However they are going to cause street parking by taking away the 2 spaces for number 94 Flaunden.

o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home and garden. Bedroom 1 has 2 windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not

underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

#### ADDITIONAL COMMENTS

Please take these comments as additional comments which we now wish to make following us receiving notification of the amended application 20/01889/FUL. They are not replacement comments to our objection with regards to planning application but further comments for our reasons to objecting to this planning application and comments that we hope will be considered for this application to be refused.

We are very concerned to see that the revised application is even worse than the first. The proposed house has now been moved right up to our garden fence and house end. It is totally intrusive and looking over our home and garden. There is not enough room for the property on the size of land they wish to build on. They are now planning to keep the garage building and not take it down. This garage is being used as an office/room and not as a garage that can be considered for parking but just gives a larger amount of building on the land. In the pre-app it was mentioned that it would be good for the garage building to be removed. In our time in the village it has been a normal garage for parking a car.

The revised layout of the site is a shambles and it gives us even more cause for concern as we feel there has been no regard for health and safety of the highways, as well as all the other issues in our original objection letter.

o They have again made no mention of this land being the garden, parking area and bin area for 94 Flaunden, and subsequently made no provision of car parking or bin area for 94 Flaunden going forward.

o The revised plan (and in fact the original plan, but in a different position) shows a new/additional- path/access (in what is now a hedge) being put in to the front door of the proposed new house. This would inevitably mean that people would park by the gate/path to the house

and also delivery drivers would park on the main road here. There is a bend on the road at this point and so it would be very dangerous as it is also very close to the main crossroads in the village and any cars parked in the road near the crossroads from 94 Flaunden or the new proposed house would greatly affect visibility.

o The parking area proposed and the new path access to the front door will mean that undoubtedly cars will end up parking on the road at the new proposed house and also 94 Flaunden will no longer have any designated parking area so inevitably people will park on the road who live there or visit there.

o The speed of traffic going through the village on the main road is already a great cause for concern. There is a SID traffic device on the main road outside the village hall because it is already noted the speed problems/concerns in the village. This planning application will undoubtedly cause cars to park on the main road where visibility will not be good and will end up causing accidents.

o Cars parked on the road here would also obstruct the views of other houses getting in and out of their parking areas.

In the Application for Planning Permission submitted by the applicant.

In section 8 Pedestrian and Vehicle Access, Roads and Rights of way.  
2

o For the question 'Is a new or altered pedestrian access proposed to or from a public highway' they have stated No. This is not correct as they have put in an additional path/access going to the front door of the proposed house in the original application and in the revised application. This position of this is also drawn incorrectly when you try to match up the proposed site plan with the proposed elevations plan. The path and position of the front door do not match in the revised application.

In section 9 Vehicle Parking

o They state the difference in spaces is 0. However this is untrue as it is taking away 2 parking spaces for 94 Flaunden and only allowing parking spaces for the proposed new house and so the real difference for the village is -2.

In section 10. Trees and Hedges

o Hedges/Hedging would be removed in either proposed application as there is a new pathway to the front door being added and therefore hedging taken away. So where on the photo on page 1 of the Heritage, Design and Access Statement there is a photo of the hedge where they say 'Extensive road hedge to be retained'. They are in fact planning to take some of this away as shown in the site view plan and the street scene.

In Section 14 Waste storage and collection

o They are taking away the waste storage area and the collection area for 94 Flaunden bins.

In Section 17 All types of development: Non- Residential Floorspace

o We would highlight here that on the revised plan they are proposing to keep the garage building (against the pre-app information), and I would question what this garage building is being intended to be used for?

In section 23 Pre-Application Advise

o This has not been completely filled in.

Referring now to the Heritage, Design and Access Statement

o On the map they show for the site they are making the plot out to be larger than it is. The site map they have highlighted show the garage centred in the land. However as you can see from the photos the 'front view from the highway' shows the garage set back into the garden, where as the 'side view in the garden' photo show the end of the garden very close to the fence/hedge and boundary. I would question any measurements. These site plans also do not show correct fences for the surrounding properties, therefore giving misleading information. No garden as far as I am aware are as small as this for a property to be on, which they state they are. The size of the land is under the required planning size and they are now putting the dwelling at the narrowest end of the site.

Under Planning Context: 3

o Where they state: The presence of local trees and established front and back hedgerows and maintaining them... They fail to state that they would be taking some areas away for the new path on to the highway that they proposed to the front door. They also fail to mention this under the Ecology and Landscape section where they mention keeping the perimeter hedges.

o Where they state 'The density of the locality in creating a new cottage of suitable size that does not impact materially on the neighbours homes'. This is totally untrue. It is right up against our borders and the side and the back of the new proposed dwelling. The porch on the side of the house is up to the fence bar possibly a few inches. There is very little space all around the side of the house and the back up to our fences/boundaries. And as mentioned before I do question any measurements. Further on where they discuss access they mention people with impaired movement/ mobility problems having access via the side door. This door is right up against our boundary and would not give much room for movability and access.

o This proposed new dwelling takes away the openness of this area of the village and is therefore harmful to the green belt. As mentioned on page 3 para 4 in the Heritage, Design and Access Statement where it mentions the summing up of the officer re the pre-app. He did state the proposed new dwelling would be larger in mass and a greater impact than the garage at present on the land. The applicant therefore says that they would therefore build it with high quality materials. What materials are used does not change the size of the proposed new

dwelling and does not change the greater impact of it.

o It completely impacts on our home and windows as the side of the new proposed dwelling overlooks habitable rooms. In the pre-app. Overlooking the back was taken into consideration but not over looking at the side. This should certainly be taken into consideration as the building they refer to as a garage to the south of the site is an annex with living space in it and is only 7-8metres from the boundary and the upstairs window on this side of the proposed new house would have direct line of vision into the windows.

So where they mention no dwelling within 23m of the new proposed house, this is completely untrue as our annex is only 7 -8 m away and their window would look into ours.

Other issues:-

o This is a Green belt area and conservation area and the land in the application is part of the curtilage of 94 Flaunden. This is a grade 2 listed building and is part of 5 listed building that are on this road and at the crossroads. 94 Flaunden, Copse Cottage, Christmas Cottage, Inglenook Cottage and Lavender Cottage.

Environmental Report

o It is interesting that the Environmental report submitted that was done for the applicant in 2011 does refer to it as 94 Flaunden for the land and the report was done on the basis of the land being part of 94 Flaunden and not a spare piece of land!

o

4

We are sad that when the applicant asked us to cut down some conifers on our land to give light to the land ( 94 garden) for planting vegetables etc. we were good neighbours and understood that this would be good for the land and did allow the conifers to come down for her. Now it appears that this was not for growing plants at all.... but because she wanted to build a house in a village where she does not live and already has a 2 bedroomed house that she lets out as she has a home about 15 minutes away in another area of Hertfordshire.

There is no consideration for neighbours, villagers, the village or conservation area and greenbelt and takes away the parking , bin area and lovely green space garden to 94 Flaunden. It would not make any positive impact to the area, but only negative impact as mentioned in our initial objections submitted and these additional objections based on the revision to the application.

There are no grounds for the application to be considered a 'very special circumstance' but only detrimental to the area.

On these further grounds and our previously grounds, we strongly object to this application and we would request that the application is refused.

INITIAL COMMENTS

We would like to object to the planning application 20/01889/FUL on the following grounds:-

o This application says that it is just 'land at Birch Lane'. This land is not

just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

o Para 3 page 3 of the HD&A Statement. The preapp mentions to avoid street parking and the application says they are doing this by providing 2 spaces for the house proposed. However they are going to cause street parking by taking away the 2 spaces for number 94 Flaunden.

o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home



and garden. Bedroom 1 has 2

windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any

additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

Please take these comments as additional comments which we now wish to make following us receiving notification of the amended application 20/01889/FUL. They are not replacement comments to our objection with regards to planning application but further comments for our reasons to objecting to this planning application and comments that we hope will be considered for this application to be refused.

We are very concerned to see that the revised application is even worse than the first. The proposed house has now been moved right up to our garden fence and house end. It is totally intrusive and looking over our home and garden. There is not enough room for the property on the size of land they wish to build on. They are now planning to keep the garage building and not take it down. This garage is being used as an office/room and not as a garage that can be considered for parking but just gives a larger amount of building on the land. In the pre-app it was mentioned that it would be good for the garage building to be removed. In our time in the village it has been a normal garage for parking a car.

The revised layout of the site is a shambles and it gives us even more cause for concern as we feel there has been no regard for health and safety of the highways, as well as all the other issues in our original objection letter.

They have again made no mention of this land being the garden, parking area and bin area for 94 Flaunden, and subsequently made no provision of car parking or bin area for 94 Flaunden going forward.

The revised plan (and in fact the original plan, but in a different position) shows a new/additional- path/access (in what is now a hedge) being put in to the front door of the proposed new house. This would inevitably mean that people would park by the gate/path to the house and also delivery drivers would park on the main road here. There is a bend on the road at this point and so it would be very dangerous as it is also very close to the main crossroads in the village and any cars parked in the road near the crossroads from 94 Flaunden or the new proposed house would greatly affect visibility.

The parking area proposed and the new path access to the front door will mean that undoubtedly cars will end up parking on the road at the new proposed house and also 94 Flaunden will no longer have any designated parking area so inevitably people will park on the road who live there or visit there.

The speed of traffic going through the village on the main road is

already a great cause for concern. There is a SID traffic device on the main road outside the village hall because it is already noted the speed problems/concerns in the village. This planning application will undoubtedly cause cars to park on the main road where visibility will not be good and will end up causing accidents.

Cars parked on the road here would also obstruct the views of other houses getting in and out of their parking areas.

In the Application for Planning Permission submitted by the applicant.

In section 8 Pedestrian and Vehicle Access, Roads and Rights of way.

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For the question 'Is a new or altered pedestrian access proposed to or from a public highway' they have stated No. This is not correct as they have put in an additional path/access going to the front door of the proposed house in the original application and in the revised application. This position of this is also drawn incorrectly when you try to match up the proposed site plan with the proposed elevations plan. The path and position of the front door do not match in the revised application.

In section 9 Vehicle Parking

They state the difference in spaces is 0. However this is untrue as it is taking away 2 parking spaces for 94 Flaunden and only allowing parking spaces for the proposed new house and so the real difference for the village is -2.

In section 10. Trees and Hedges

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Hedges/Hedging would be removed in either proposed application as there is a new pathway to the front door being added and therefore hedging taken away. So where on the photo on page 1 of the Heritage, Design and Access Statement there is a photo of the hedge where they say 'Extensive road hedge to be retained'. They are in fact planning to take some of this away as shown in the site view plan and the street scene.

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They are taking away the waste storage area and the collection area for 94 Flaunden bins.

In Section 17 All types of development: Non- Residential Floorspace.

We would highlight here that on the revised plan they are proposing to keep the garage building (against the pre-app information), and I would question what this garage building is being intended to be used for?

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This has not been completely filled in.

Referring now to the Heritage, Design and Access Statement

On the map they show for the site they are making the plot out to be larger than it is. The site map they have highlighted show the garage centred in the land. However as you can see from the photos the 'front view from the highway' shows the garage set back into the garden, where as the 'side view in the garden' photo show the end of the garden very close to the fence/hedge and boundary. I would question any measurements. These site plans also do not show correct fences for the surrounding properties, therefore giving misleading information. No garden as far as I am aware are as small as this for a property to be on, which they state they are. The size of the land is under the required planning size and they are now putting the dwelling at the narrowest end of the site.

Under Planning Context:

Where they state: The presence of local trees and established front and back hedgerows and maintaining them...

They fail to state that they would be taking some areas away for the new path on to the highway that they proposed to the front door. They also fail to mention this under the Ecology and Landscape section where they mention keeping the perimeter hedges.

Where they state 'The density of the locality in creating a new cottage of suitable size that does not impact materially on the neighbours homes'. This is totally untrue. It is right up against our borders and the side and the back of the new proposed dwelling. The porch on the side of the house is up to the fence bar possibly a few inches. There is very little space all around the side of the house and the back up to our fences/boundaries. And as mentioned before I do question any measurements.

Further on where they discuss access they mention people with impaired movement/ mobility problems having access via the side door. This door is right up against our boundary and would not give much room for movability and access.

This proposed new dwelling takes away the openness of this area of the village and is therefore harmful to the green belt. As mentioned on page 3 para 4 in the Heritage, Design and Access Statement where it mentions the summing up of the officer re the pre-app. He did state the proposed new dwelling would be larger in mass and a greater impact than the garage at present on the land. The applicant therefore says that they would therefore build it with high quality materials. What materials are used does not change the size of the proposed new dwelling and does not change the greater impact of it.

It completely impacts on our home and windows as the side of the new proposed dwelling overlooks habitable rooms. In the pre-app. Overlooking the back was taken into consideration but not over looking at the side. This should certainly be taken into consideration as the

building they refer to as a garage to the south of the site is an annex with living space in it and is only 7-8metres from the boundary and the upstairs window on this side of the proposed new house would have direct line of vision into the windows.

So where they mention no dwelling within 23m of the new proposed house, this is completely untrue as our annex is only 7 -8 m away and their window would look into ours.

Other issues:-

This is a Green belt area and conservation area and the land in the application is part of the curtilage of 94 Flaunden. This is a grade 2 listed building and is part of 5 listed building that are on this road and at the crossroads. 94 Flaunden, Copse Cottage, Christmas Cottage, Inglebrook Cottage and Lavender Cottage.

Environmental Report.

It is interesting that the Environmental report submitted that was done for the applicant in 2011 does refer to it as 94 Flaunden for the land and the report was done on the basis of the land being part of 94 Flaunden and not a spare piece of land!

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We are sad that when the applicant asked us to cut down some conifers on our land to give light to the land ( 94 garden) for planting vegetables etc. we were good neighbours and understood that this would be good for the land and did allow the conifers to come down for her. Now it appears that this was not for growing plants at all.... but because she wanted to build a house in a village where she does not live and already has a 2 bedroomed house that she lets out as she has a home about 15 minutes away in another area of Hertfordshire.

There is no consideration for neighbours, villagers, the village or conservation area and greenbelt and takes away the parking , bin area and lovely green space garden to 94 Flaunden. It would not make any positive impact to the area, but only negative impact as mentioned in our initial objections submitted and these additional objections based on the revision to the application.

There are no grounds for the application to be considered a 'very special circumstance' but only detrimental to the area.

On these further grounds and our previously grounds, we strongly object to this application and we would request that the application is refused.

We would like to object to the planning application 20/01889/FUL on the following grounds:-

o This application says that it is just 'land at Birch Lane'. This land is not just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house

and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

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o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home

and garden. Bedroom 1 has 2 windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

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Mr and Mrs Copp. Copse Cottage, 96/97 Flaunden, Hertfordshire.

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o An additional home in this area would bring about additional noise to this area of the the village.

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In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

This letter supplements the objections of my clients, Mr and Mrs Copp of Copse Cottage, 96/97

Flaunden, Hertfordshire dated 12th April 2021. Mr and Mrs Copp are the immediate neighbours to

the application site, with their annex occupying the land between the two parts of the applicant's

property, and their dwelling being attached to the applicant's dwelling at

94 Flaunden.

We trust that these objections will be given due weight in the consideration of this application.

The first comment to make is that our clients note, with dismay, that none of the matters raised in their objection letter of 12th April has been addressed. Whilst the description of the site location and the red line / blue line have been altered, they continue to completely obfuscate the real position regarding land ownership and the purpose of the land today.

For clarity we wish to make clear the following:

1. The red line includes my clients' land and that of Flaunden Construction Ltd yet the applicant has not served notice on either party (the application forms include a signed certificate A which means they own all of the land within their red line).

2. I enclose the relevant land registry entries for my clients' property and the one to the north (please note there is no land registry plan for the title HD496810 (land owned by Flaunden Construction Limited), just a title register (attached). I also enclose a MapSearch plan showing all of the titles that are registered so you can see who owns what.

3. Therefore the applicant needs to either serve notice on both my clients and Flaunden Construction Ltd or they need to change their red line plan so it doesn't include my clients' and the construction company's land. If the applicant insists on their red line plan incorporating my clients' land, then they will not be able to deliver the development without the consent of my clients.

4. The application address continues to fail to properly describe the site as "Garden to 94 Flaunden, Birch Lane, Flaunden". In failing to acknowledge that this is the garden for No 94, and that it provides the two parking spaces allocated for No 94, Members and casual observers might conclude that this was simply a piece of open land and that there would be no harm arising from the development. That is plainly incorrect. The effect of developing this site will be as follows:

Existing offroad  
parking  
Garden? Off-road Parking  
after Development  
Garden after  
Development?  
94 Flaunden  
2 spaces Yes 0 spaces No  
Proposed  
Dwelling  
- - 2 spaces Yes

	<p>It can be seen from the above table that there is no net benefit to 94 Flaunden at all. This application will remove its garden and its off-road parking. Only the proposed dwelling will benefit from this application, at the expense of the living conditions of 94 Flaunden. The purpose of the planning system is not to make the existing situation worse. Indeed the opposite applies - the agent of change principle (paragraph 182 of the NPPF) explains (in relation to commercial operations, but the principle is nevertheless transferrable) that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Other recent planning decisions including appeal decisions on or near Birch Lane indicate that the LPA is unwilling to allow development such as that proposed in similar circumstances (eg applications 20/03916/OUT, 4/01853/19/FUL, 20/03345/FUL, 21/00358/FUL and 21/00614/FUL). It is somewhat concerning therefore that the planning authority now appears to support the principle of the current application when the majority of the evidence points towards this being unacceptable for the same reasons the above applications were refused / dismissed. When the other concerns highlighted in our original objection letter of 12th April (heritage / amenity / loss of parking / loss of garden etc) are added to the already significant concerns, it seems that there is no good reason to grant permission for this development. It is not only contrary to policy but even if the LPA were to conclude it accorded with policy, there are significant material reasons that would outweigh any such conclusion (see Section 38(6) of the Planning &amp; Compulsory Purchase Act 2004). Notwithstanding the above, in our professional opinion the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore we are clear that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above.</p> <p>Yours sincerely, Jeremy Flawn</p>
Lavender Cottage	I object to this proposal as inappropriate development within the Green

<p>101-102 Flaunden  Flaunden Hemel Hempstead  Hertfordshire  HP3 0PW</p>	<p>Belt and within the Conservation Area of Flaunden.</p> <p>I do not believe that the proposed development would meet any of the exception criteria for new buildings in the Green Belt. Therefore, it would be inappropriate development in the Green Belt. It would conflict with paragraph 145 of the Framework and Policy CS5 of the Core Strategy.</p> <p>The building falls within the Conservation Area of Flaunden near to the crossroads at the Southern end of Birch Lane. This part of the village consists of a traditional settlement, with a range of cottages dating from the 16th Century onwards. I believe a new build within the Conservation Area is an inappropriate development.</p> <p>The area of the proposed development the garden, garage and off street parking of no. 94 Birch Lane (a factor which I cannot see has been mentioned in this application). As this is the only garden, garage and parking area for no. 94 Birch Lane, if this land were to be separated into a stand-alone residence it would remove the garaging and off-street parking (as well as the only garden) of no. 94.</p> <p>I am writing to give further comments following the submission of revised plans for this property.</p> <p>This application is still misleadingly titled 'Land at Birch Lane', whereas the land in question is within the curtilage of no. 94 Flaunden. No. 94 is a listed property well within the Flaunden Conservation area (not 'just inside' as the application suggests). The site plan should show clearly that this land forms the only garden; off-road parking and amenity space for no. 94 Flaunden, and is not, therefore vacant land. The 'garage' referred to in this application has not been used as such for many years but was converted into a music room by the previous owners.</p> <p>If permission were to be granted for this new build, it would remove any ability to park off-road for the owners of 94 Flaunden, together with removing the garden and amenity space for this property. There is no space to park on the road outside of no. 94, which is a narrow lane close to a crossroads with very limited visibility.</p> <p>The application states that there is a range of three listed buildings to the south of the crossroads, which is incorrect. No. 94 is at one end of a terrace of six properties, all of which are listed.</p> <p>There has been no 'infill' building within the Flaunden Conservation area in recent memory and any such build would do nothing to conserve or enhance the appearance and character of the area. I therefore believe this proposal is inappropriate and should be refused. The change of name of this application still does not accurately reflect the application site, which is the Garden of 94 Birch Lane. Surely an application must comply with the Title of the property as listed on Land Registry?</p> <p>How can it be acceptable to remove the only garden of 94 Birch Lane</p>
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	<p>and all of the associated off-street parking in order to create a new infill property in an extremely restricted space?</p> <p>This amendment does nothing to address the critical considerations of the proposal being unsuitable development both within the Green Belt and Flaunden Conservation Area. As outlined in previous objections by the Parish Council and many neighbours.</p> <p>Three recent applications for infill development on the same road have been turned down by Planning; 20/03916/OUT; 4/01853/19/FUL &amp; 20/03345/FUL. We believe all of the reasons for refusal of these can also be applied to this current application.</p>
<p>115 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP</p>	<p>I object to this proposed development.</p> <p>The reference to "Land" could be misleading - it is in fact the garden to an existing property.</p> <p>The development will impact on the availability of parking spaces, which is already tight.</p> <p>This potentially may result in on road parking, in an unlit area. Further it is in close vicinity of the crossroads which has seen a number of accidents in recent years</p>
<p>Tambarram Hogpits Bottom Flaunden Hempstead Hertfordshire HP3 0QB</p> <p style="text-align: right;">Hemel</p>	<p>We object to this planning application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Inappropriate development in the green belt/conservation area with no special circumstances that could be considered to outweigh the principal of development restraint within this area.</li> <li>2. Significant and harmful change to the appearance of the village through loss of openness.</li> <li>3. Building in a back garden (it is not just a spare piece of land) results in loss of amenity (garden and parking space) for occupants of 94 Flaunden.</li> <li>4. Loss of off-street parking spaces. Instead of the dwelling at 94 Flaunden having off-street parking, this development will result in the occupants of 94 and of the proposed new dwelling having to find on-street parking, which is already difficult and frequently extremely dangerous due to the narrowness of the roads and the height of the hedges impacting on visibility.</li> </ol>
<p>11 Nine Acres, Ipswich, Ip2 0DL</p>	<p>I was the owner/occupier of 94 Flaunden from 1992 till 2005. The outside space of the property consisted of a very small courtyard area to the rear and a separate garden to the north comprising a stretch of lawn, a raised bed planted with shrubs and a eucalyptus tree, a single garage, greenhouse and off-street parking for two cars.</p> <p>The courtyard area was useful when I wanted to entertain a single</p>

	<p>visitor outside. Otherwise I would use the garden when the family came to visit and the weather was fine. I mowed the lawn regularly and trimmed the hedges and grass verge. It was bordered by hedging and fencing meaning that the younger members of my family could kick a ball about in safety. A washing line stretched across the garden providing another useful amenity.</p> <p>For me, the garage and parking were essential features of the property; I would certainly not have considered purchasing if these were not available.</p>
<p>Ty Cerrig, Llysworney, Cowbridge, Vale Of Glamorgan, CF71 7NQ</p>	<p>I lived at 94 Birch Lane with my late husband and our young daughter between 1987 and 1991.</p> <p>We bought the property in 1987. We enjoyed gardening and spending time outside. We knew we wanted a family and felt strongly that a garden was essential to use. Without a garden we would not have purchased the property.</p> <p>During our time living at 94 Birch Lane we-</p> <ul style="list-style-type: none"> <li>- created a vegetable plot and grew our own fruit and vegetables including tomatoes and cucumber in the greenhouse</li> <li>- extended the parking area outside the garage from one space to three spaces. This enabled us to accomodate our own two cars and that of a guest without having to resort to parking on the road</li> <li>-used the garage to store tools and materials and as a workshop space</li> <li>- used the garage to store exercise and leisure equipment i.e. family bikes and camping equipment</li> <li>- used the garden as a space to dry washing (environmentally friendly)</li> <li>- used the garden as a safe space to play with our young daughter as well as friends and their children</li> <li>- used the garden to hold family barbecues</li> <li>- used the garden to hold parties</li> </ul> <p>In the planning application, the location is described as land to the side of annexe of 96/97 flaunden. In reality, the land is the garden of 94, Birch Lane - even if it is detached. I currently live in a small village in South Wales - I have a garage/workshop and parking area that is across the road from my home - detached. I have close friends who have a garden that is split by a lane - again detached. In the consideration of this application it is essential that this plot is considered for what it is - the garden of 94 Birch Lane.</p> <p>In the supporting documents a good deal of effort is made to convince us that there is sufficient area to allow the proposed new dwelling to have a garden and parking space. Effort has been made to outline the amenities that the new dwelling would boast BUT that would be to the detriment and loss of amenities to 94 Birch Lane.</p> <p>A dwelling built on the garden of 94 Birch Lane would deny 94 of a garden and any usable outside space. The importance of outside space and its relation to health and wellbeing has never been clearer nor more important. Surely this needs to be considered when viewing</p>

	<p>this planning application.</p> <p>A dwelling built on the garden of 94 Birch Lane would also deny 94 of any off-road parking spaces. Is this desirable?</p> <p>In consideration of this planning application all aspects of the application need to be fully considered including the impact that it would have on 94 Birch Lane and its viability.</p> <p>Thank you for taking the time to read my viewpoint.</p>
<p>96/97 Copse Cottage</p>	<p>This letter outlines a series of objections our clients of Copse Cottage, 96/97 Flaunden, Hertfordshire, wish to make to the above application. They are the immediate neighbours to the application site, with their annex occupying the land between the two parts of the applicant's property, and their dwelling being attached to the applicant's dwelling at 94 Flaunden.</p> <p>We trust that these objections will be given due weight in the consideration of this application. Matters of Concern</p> <p>My clients wish to draw the Local Planning Authority's (LPA's) attention to a number of concerns they have with the planning application for a new dwelling at the above property.</p> <p>These concerns are as follows:</p> <ul style="list-style-type: none"> <li>o Status of land</li> <li>o Impact on amenity of 96/97 Flaunden</li> <li>o Impact on use of 94 Flaunden (loss of garden, refuse store and parking)</li> <li>o Inappropriate Green Belt development</li> <li>o Impact upon designated heritage assets (94 Flaunden, other listed buildings and the Flaunden Conservation Area)</li> </ul> <p>Status of Land</p> <p>Although the application is described as "garden with garage" on the application forms in relation to the current use of the land (Q6) it is given an address of Land at Birch Lane, with the documentation accompanying the application failing to make clear that the site is actually the garden to No. 94 Flaunden to the south of the site.</p> <p>Planning history as recent as 2019 (19/02666/TCA - for the removal of several trees from the plot) not only recorded the address of the site then as 94 Flaunden, but the description of the works on the application forms stated (relevant text underlined):</p> <p>"Betula utilis (T1) - Fell Grown too large for small garden area with overlong heavy branches overhanging parking area and road. Pruned in 2013 resulting in decay fungi entering deep into pruning wounds - see warning application 2013 attached Sorbus (T2) - Fell In poor health with leaves dying in early summer growing close to road with overhanging branches. Prunus (T3) - Fell Poor specimen of Prunus with one sided growth preventing planting in garden area." It seems to be more than an oversight to fail to refer to this land as a garden for 94 Flaunden now, when it was referred to as such only two years ago. The status of the land in question is clear when the Land Registry records are inspected.</p> <p>The two land parcels are contained within the same title (ref HD243693) and the Register makes clear that the title comprises "The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead</p>

(HP3 0PW)", in other words both are part of 94 Flaunden.

Of concern, the planning application site location plan does not show 94 Flaunden outlined in blue to denote the relationship between the two properties. This means the application submission does not currently comply with the DMPO 2015 requirements and a revised site location plan should be requested.

The use of the application site today is therefore as a place for cars associated with 94 Flaunden to park, to store refuse bins and to provide a garden for 94 Flaunden (including growing plants in a greenhouse) which is absolutely essential given it does not have an attached garden itself, only a tiny paved seating area.

**Relevant Planning History**

The application site has been subject to two other applications in recent years, according to the LPA's online database. These are both tree applications (due to the site's location within a Conservation Area), and both raised no objection from the LPA. They are as follows:

- o 4/02232/12/TCA - Fell line of cypress conifers (this related to trees on adjacent land, overhanging the site, but nevertheless is recorded against the garden to 94 Flaunden). No objection 15 January 2013
- o 19/02666/TCA - Works to trees. No objection 4 December 2019

As noted above, the latter application, submitted only 18 months ago, made clear that the works were for the improvement of the garden to 94 Flaunden.

**Planning Policy**

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise according to Section 38(6) of The Planning and Compulsory Purchase Act 2004 ('PCPA 2004') as amended.

The National Planning Policy Framework (NPPF), most recently published in 2019, defines the Development Plan as comprising the combination of strategic and non-strategic policies which are in force at a particular time. For the purposes of this application, the relevant policies are contained within the Dacorum Borough Council Core Strategy (adopted 2013), The Site Allocations DPD (adopted 2017) and the saved policies contained within the Local Plan 1991-2011. The following policies from the Core Strategy are relevant to this application:

- o CS1: Distribution of Development
- o CS5: Green Belt
- o CS9: Management of Roads
- o CS12: Quality of Site Design
- o CS27: Quality of Historic Environment

The Site Allocations DPD contains the following material policies:

- o SA1: Identified Proposals and Sites

The following saved policies from the Local Plan are also relevant:

- o Policy 58: Private Parking Provision

Other material considerations include local guidance (including design guidance), government planning policy and guidance contained within the NPPF and the updated Planning Practice Guidance (PPG). It is considered that the proposal does not accord with many of the above local policies, in combination with a number of national policies, as will be outlined below.

Impact on amenity of 96/97 Flaunden

Policy SA1 of the Site Allocations DPD explains that "All identified proposals and sites, and other additional sites that come forward during the lifetime of the plan, must comply with relevant policies set out in the Core Strategy and with other relevant policies and guidance". This echoes the general principle in Section 38(6) of the PCPA 2004 outlined above.

The main impacts on 96/97 Flaunden can be summarised as the overlooking from bedroom no. 2 into the rear garden of 96/97 and direct overlooking into the windows of the annex to 96/97 (incorrectly referred to on p.5 of the applicant's statement as a modern garage).

The landing window will overlook the adjacent garden area of our clients' property at a distance of only 2.2m from the shared boundary. The elevation will mean that there will be direct views into the garden over the top of the hedge.

The proposed south window of bedroom 2 is also approximately 4.1m from the garden to 96/97 Flaunden; this means that the window will potentially directly overlook some of the most private areas of the garden and will look direct towards the patio area of the dwelling, at a very short distance and well below what is deemed acceptable.

The same bedroom 2 window centreline is only 2.7m from the boundary of the property to the south. It is a further 6.8m to the windows of the annex to 96/97 meaning that the separation distance between the two windows is 9.5m. This is significantly sub-standard according to generally accepted design guidance about privacy, which indicates that a minimum 21m separation should be provided. Whilst the 2020 draft Dacorum Strategic Design Guidance does not quote this figure, it does refer to the need to 'carefully consider privacy' in Section 6.2. Appendix 3 to the adopted Local Plan suggests that 23 metres should separate dwellings - this

relationship would clearly be well below this standard. It is noted that the applicant believes (p.3) that the 23m rule is not breached but as noted above the annex is well within that distance and contains habitable space.

The proposed development is therefore inevitably likely to lead to a degradation of the living conditions of the occupants of 96/97 Flaunden, and in particular the garden area and the annex immediately to the south. It is therefore contrary to policy CS12: Quality of Site Design which requires each development to "...avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties".

Furthermore the proposals are contrary to paragraph 127(c) of the NPPF which requires proposals to be "..sympathetic to local character and history, including the surrounding built environment" and 127(f) which requires development to have "..a high standard of amenity for existing and future users"

Impact on use of 94 Flaunden (loss of garden and parking)

Although the application documentation suggests that the application site is underused, this is more a function of the fact that some tenants are not allowed to use the site - however between tenancies the applicant uses the parking and garden area, as evidenced by the recent tree applications noted above.

The application proposals would lead to two main effects:

1. Removal of the parking / garage / refuse storage for 94 Flaunden
2. Removal of the main amenity space for 94 Flaunden

The Refuse Storage Guidance Note (2015) produced by Dacorum Borough Council makes clear that "...the distance for residents to carry waste to bins should be considered when designing the internal layouts of new housing. Ideally refuse storage will be situated close to kitchen doors."

This proposal will mean that 94 Flaunden will fail to comply with this requirement, indeed it will have no in-plot refuse storage space at all once the application site is developed.

Page 13 of the guidance goes on to state that dwellings should be provided with storage space for refuse of 114cm x 281cm = 3.2sq.m. Again there is no evidence to suggest this amount of space can be provided in an appropriate location within the curtilage of

94 Flaunden, which is a Grade II listed building.

The Dacorum Parking Standards SPD (2020) indicates (p.46) that for accessibility zone 3 locations such as this, each two bedroom dwelling should have 1.5 allocated parking spaces per dwelling. The application proposal provides 2 spaces. However the parking currently available on the application site presently serves 94 Flaunden and this will no longer be available to 94, removing any possibility of on-plot parking for that dwelling as a direct result of this application.

Residents of 94 will therefore be forced to park elsewhere on the road, contrary to Local Plan policy 58 and Core Strategy policy CS12. Furthermore the impact of displaced parking will be contrary to paragraphs 105 and 109 of the NPPF with the residual impacts on the local highway network likely to erode safety for other road users and therefore leading to a severe impact in paragraph 109 terms, exacerbating an already present problem, with at least one reported accident occurring in the last 10 years on this stretch of Birch Lane in the vicinity of the application site. In this latter respect the on-street parking generated by the proposal would also be contrary to the final part of policy CS9 which requires special regard to be had to the impact of development on the safety and environmental character of the country lanes.

The pre-app response is noted (in the applicant's supporting statement, p.3) as confirming that the officer was concerned to ensure on street parking was avoided. This will unfortunately be the inevitable effect of this application for the residents of 94 Flaunden.

Whilst it is noted that the applicants are arguing that the tenants of 94 Flaunden do not have access to the parking on the application site, that is a private civil matter associated with a shorthold tenancy agreement and is not relevant to planning; it is a temporary matter between the tenants and the applicant and cannot be used as evidence of a lack of demand for off-street parking for 94 Flaunden. Planning runs with the land and therefore when 94 Flaunden is next sold it will - if this scheme secures permission - be sold without any off-street parking where such parking is currently available for 94 Flaunden. This is a retrograde step that will increase the risk of harm to highway safety due to the need for additional on-street parking to accommodate such needs,

and it is therefore to be strongly resisted.

Turning to the loss of garden space, the draft Design Guide for Dacorum notes (section 6.2) that the design aim for new development should be "To enable residents of areas of higher and lower density alike to enjoy high quality private space and access to the outdoors at home, to promote personal space, contact with nature, and respite from busy lifestyles."

The Dacorum Urban Design Assessment (2006) goes further, explaining that for the assessed settlements "All residential development is required to provide private open space for use by residents. - Private gardens should have a minimum depth of 11.5 m and a range of garden sizes should be provided to cater for different family compositions. Generally all gardens should be of a width, size and shape to ensure the space is functional and compatible with the surrounding area." This is echoed in Appendix 3 to the adopted Local Plan.

The application design and access statement notes (p.3) that the pre-application officer felt that the amenity space for the proposed dwelling was below the standards in Appendix 3 to the Adopted Local Plan. There is no comment about the loss of virtually all of the amenity space for 94 Flaunden but it can be assumed that if both dwellings would be sub-standard then the proposals must, by definition, be unacceptable.

Not only would the loss of the garden land for 94 Flaunden be contrary to this guidance, but it would also be contrary to Core Strategy policies CS1 and CS12 and contrary to the spirit of the section 12 of the NPPF.

#### Inappropriate Development Within the Green Belt

The application site is located within the Green Belt, and as such, is protected by the local and national policies protecting and restricting certain development within the designated area. NPPF paragraph 143 makes clear that inappropriate development within the Green Belt should not be approved except in "very special circumstances", and paragraph 144 goes on to state that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt". It is also clear that any harm either through inappropriateness or any other form of harm, should be clearly outweighed by other considerations



for development to be considered acceptable.

Paragraph 145 then states that the construction of new buildings should be considered inappropriate, with a number of exceptions. The following being relevant to this application: "...e) limited infilling in villages".

Policy CS5 (Green Belt) within the Adopted Core Strategy states that small scale development within the Green Belt will be permitted, with the first example being "building for the uses defined as appropriate in national policy".

Limited infilling is therefore appropriate within Green Belt villages, as a matter of planning policy.

However, the pre-application officer's comments (recorded at page 2 of the applicant's supporting statement) that the site is closely bordered by other residential properties is not the correct assessment for infilling. The site is bordered to the north by a large paddock associated with the nearby equestrian facility and a recent application on that site for infilling dwellings (2 no.) was refused. It is not therefore infilling a gap in an otherwise built up frontage, which is the generally accepted approach to infilling. Regardless of the presence of the garage building which is now retained as part of the revised proposals, the premise for infilling is to infill between dwellings and not simply ancillary structures.

The fact there is a garage on the northern part of the site, and that the garage will be retained, is irrelevant for the purposes of infill policy because the principle of infilling in this case relates to whether there are dwellings to north and south and that is plainly not the case in this instance. Were it not for the garage, the open paddock to the north combines with the application site to form a large area of open land that is undeveloped in the Green Belt.

A recent appeal decision (ref. APP/A1910/W/20/3246014 (LPA ref 4/01853/19/FUL), for an application at Sharlowes Farmhouse, Flaunden dated 22nd June 2020) within close proximity of the current application site sheds some light on what is considered appropriate development in terms of infilling, and as such, it shares the same local and national policies as the current application.

Similarly, to the current proposal, the main issues were considered to be:

- o "Whether the proposal would be inappropriate development in the

Green Belt for the purposes of the [NPPF] and development plan policy;  
o The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and  
o If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal."

The appeal inspector found that the proposal would constitute inappropriate development, and would lead to significant harm to the openness of the Green Belt.

This conclusion was reached due to a number of factors, the first being that the parcels of undeveloped land such as that proposed contributed to the rural characteristic of Flaunden, "and its relationship with several properties and the historic core of the village, along with its street facing position, reinforces its affinity with the village" - the same description is true of the current application site.

At paragraph 7 of the Inspector's Report however, the Inspector explains what is required for a proposal to be considered 'limited infilling' in this Green Belt village. They state that: "whilst the Council are satisfied that the number of units proposed would accord with the term 'limited infill', the number of units is just one factor to consider. To my mind, regard should also be had to the size of the gap as it exists now, along with its prevailing characteristics, as well as the extent to which the proposed development would affect the gap, taking into account scale, appearance and context".

In other words, it is important to consider not only the number of dwellings being proposed, but how the development will impact the site as it exists, both in terms of physical alteration, and the alteration made to its character and context

The Inspector also points out that the: "inclusion of the word 'limited' immediately before 'infilling' implies that the amount of infilling should be curtailed or restricted in some way". The Inspector went on at paragraph 9 to emphasise the importance of the rural character of the site.

The current application site has an open nature which contributes to its

and the village's rural character. Consequently the construction of a two storey dwelling, which fails to reflect the scale of the single storey garage on site, and which would be located to the south of the site rather than on the footprint of the garage at the northern end of the site, would only serve to harm that character.

The above appeal Inspector acknowledged in the decision letter that the appeal scheme buildings would reflect the architectural style and built line of the existing dwellings, but concludes that: "the dwellings taken together would occupy a large proportion of the plot's width and have an appreciable overall scale and mass, being visible from the immediate surrounding countryside and the street." It was found that the plots "width would be significantly diminished by the proposal" and that as the gap was not 'limited' in size, the proposal which occupied its area could not be considered 'limited' either - for this reason it was concluded that the proposal would not constitute 'limited infilling'.

In terms of the impact on the openness of the Green Belt, the Inspector found that: "both dwellings together would be visible from the surroundings and would markedly diminish the appeal site's openness. The size of the footprint of the development means that it would also result in the encroachment of built form into an area of open countryside". Once more, it is considered that the similarities with the existing proposal must inevitably lead to the same conclusion with the current application; the proposed dwelling would also impact significantly on the openness of the Green Belt as a result of what is clearly inappropriate development, with the built form clearly also diminishing the application site's openness.

The Supreme Court has confirmed in a judgment dated 5th February 2020, that Green Belt openness relates to a number of factors, not just visual impacts, and is a matter for planning judgement:  
"25. [Quoting Sales LJ in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; [2017] 2 P & CR 1, at paragraph 14]: "The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes

to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents."

"25. ....[Openness] is a matter not of legal principle, but of planning judgement for the planning authority or the inspector."

"39. There was no error of law on the face of the report. Paragraph 90 [of the previous version of the NPPF - now NPPF146] does not expressly refer to visual impact as a necessary part of the analysis, nor in my view is it made so by implication. As explained in my discussion of the authorities, the matters relevant to openness in any particular case are a matter of planning judgement, not law."

As a consequence the proposals cannot be concluded to amount to infilling in the terms envisaged in the NPPF, and the scheme therefore fails to accord with the requirements of Core Strategy policy CS5 and must be regarded as inappropriate development. The proposals would also harm the openness of the Green Belt for the reasons set out above. And finally, there are no benefits arising from the proposal which would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, as required by NPPF paragraph 144.

#### Impact upon Designated Heritage Assets

The site lies within the Flaunden Conservation Area, and as such, the impact of the proposal on the significance of this heritage asset is also a material consideration. NPPF Paragraph 192c makes clear that LPA's should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". This impact is assessed in the context of Core Strategy Policy CS27 (Quality of the Historic Environment) which urges that: "all development will favour the conservation of heritage assets" and that "the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas".

Paragraph 17.6 of the Core Strategy, which supports this policy, states that: "infilling and

replacement with new characterless buildings and public realm should be avoided". It is therefore clear that local policy urges against the permitting of infilling developments that are inappropriate for the area in which they are proposed.

The open nature of the application site, with the only built development (a single storey garage and greenhouse) tucked up at the northern end of the site, is an intrinsic part of the character of this part of the Flaunden Conservation Area.

At this end of the Conservation Area, to the north of the crossroads where development is less dense and bleeds out into open countryside, the openness is important to that character and it very much forms a part of the Conservation Area's significance. Indeed the many undeveloped fields within and on the edge of the village of Flaunden contribute to its distinct openness, rural aspect and character.

The applicant's heritage assessment (p.5) fails to accord sufficient weight to the role that the undeveloped application site contributes in terms of significance, to the Conservation Area. The statement makes several baseless claims:  
"...the proposed cottage would be comparatively modest and the building would be seen within the context of the surrounding built development such that no harm would be caused to the setting of the Conservation Area , as long as the careful use of materials proposed is followed through."

"The fact that the proposed development would be modest in scale means that it would preserve the character and appearance of the Conservation Area."

Neither of these statements refers to the impact of the development on the setting of nearby listed buildings (including 94 Flaunden). Furthermore, the heritage assessment does not assess what the significance of the Conservation Area comprises, and without that assessment it is not possible to determine whether the development will harm the significance or not. The assessment of significance has not only not been completed initially, but it has also not been completed for the revised layout.

Modest scale buildings do not preserve the character or appearance of a conservation area simply because they are modest.

The suggestion (heritage assessment p.5) that the cottage has been

"..designed to be built as per the surrounding (older) cottages and listed buildings and would enhance the appearance of the building and better reveal the significance of the Conservation Area" appears to be a circular argument. To satisfy NPPF para 200 it is necessary to identify the significance of the Conservation Area first; and then to assess how a development will enhance or better reveal that significance. Since neither exercises has been undertaken, the applicant cannot draw the conclusions they do at p.5 of the heritage assessment.

Far from giving rise to no harm, the application proposals will give rise to the following harm (which will be 'less than substantial' (NPPF para 196):

- o The development of a two storey dwelling on an otherwise predominantly open parcel of land will detrimentally alter the appearance and form of this part of the Conservation Area thus harming its special interest and significance
- o The development of a two storey dwelling on an otherwise predominantly open parcel of land will detrimentally affect the setting of nearby listed buildings by urbanising the setting through the introduction of a modern addition to the streetscene
- o The development of a two storey dwelling on the garden to 94 Flaunden, and the resultant loss of parking, garden and refuse storage for 94, will irreparably harm the setting and curtilage of the dwelling at 94 due to the severing of part of its demise. This will be further harmed as a result of the severing of the historic association between the two plots of land.

In summary, the proposals are therefore considered to result in less than substantial harm to the significance of the Conservation Area, nearby listed buildings and in particular 94 Flaunden.

There are no 'public benefits' identified that would outweigh that harm.

Consequently the proposals are therefore considered to conflict with Policy CS27 of the Core Strategy and paragraphs 196 and 200 of the NPPF.

#### Conclusion

This application seeks to construct a detached dwelling on a parcel of garden land which is for the most part undeveloped and located towards the northern end of the village's conservation area. The proposals would lead to harm to the amenity of the occupants of 96/97 Flaunden due to overlooking of their accommodation and garden.

	<p>Furthermore the proposals would deprive 94 Flaunden of parking, refuse storage and a garden, all contrary to the policies in the development plan and associated guidance as well as the policies in the NPPF.</p> <p>From the analysis detailed above it is clear that the proposal would harm the Green Belt and its openness, and there are no demonstrable benefits arising from the proposal which would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, as required by NPPF paragraph 144.</p> <p>The proposals are considered to result in less than substantial harm to the significance of the Conservation Area and nearby listed buildings including 94 Flaunden. There are no 'public benefits' that would outweigh that harm.</p> <p>As a consequence the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore it is our client's firm opinion that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above</p>
96/97 Copse Cottage	<p><b>ADDITIONAL OBJECTION LETTER</b></p> <p>This letter supplements the objections of my clients of 96/97 Flaunden, Hertfordshire dated 12th April 2021. My clients are the immediate neighbours to the application site, with their annex occupying the land between the two parts of the applicant's property, and their dwelling being attached to the applicant's dwelling at 94 Flaunden.</p> <p>We trust that these objections will be given due weight in the consideration of this application.</p> <p>The first comment to make is that our clients note, with dismay, that none of the matters raised in their objection letter of 12th April has been addressed. Whilst the description of the site location and the red line / blue line have been altered, they continue to completely obfuscate the real position regarding land ownership and the purpose of the land today.</p>

For clarity we wish to make clear the following:

1. The red line includes my clients' land and that of Flaunden Construction Ltd yet the applicant has not served notice on either party (the application forms include a signed certificate A which means they own all of the land within their red line).

2. I enclose the relevant land registry entries for my clients' property and the one to the north (please note there is no land registry plan for the title HD496810 (land owned by Flaunden Construction Limited), just a title register (attached). I also enclose a MapSearch plan showing all of the titles that are registered so you can see who owns what.

3. Therefore the applicant needs to either serve notice on both my clients and Flaunden Construction Ltd or they need to change their red line plan so it doesn't include my clients' and the construction company's land. If the applicant insists on their red line plan incorporating my clients' land, then they will not be able to deliver the development without the consent of my clients.

4. The application address continues to fail to properly describe the site as "Garden to 94 Flaunden, Birch Lane, Flaunden". In failing to acknowledge that this is the garden for No 94, and that it provides the two parking spaces allocated for No 94, Members and casual observers might conclude that this was simply a piece of open land and that there would be no harm arising from the development. That is plainly incorrect. The effect of developing this site will be as follows:

Existing off road parking	
Garden? Off-road Parking	
after Development	
Garden after	
Development?	
94 Flaunden 2 spaces	Yes 0 spaces No
Proposed	
Dwelling	
- - 2 spaces	Yes

It can be seen from the above table that there is no net benefit to 94 Flaunden at all. This application will remove its garden and its off-road parking. Only the proposed dwelling will benefit from this application, at the expense of the living conditions of 94 Flaunden. The purpose of the planning system is not to make the existing situation



	<p>worse. Indeed the opposite applies - the agent of change principle (paragraph 182 of the NPPF) explains (in relation to commercial operations, but the principle is nevertheless transferrable) that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.</p> <p>Other recent planning decisions including appeal decisions on or near Birch Lane indicate that the LPA is unwilling to allow development such as that proposed in similar circumstances (eg applications 20/03916/OUT, 4/01853/19/FUL, 20/03345/FUL, 21/00358/FUL and 21/00614/FUL). It is somewhat concerning therefore that the planning authority now appears to support the principle of the current application when the majority of the evidence points towards this being unacceptable for the same reasons the above applications were refused / dismissed.</p> <p>When the other concerns highlighted in our original objection letter of 12th April (heritage / amenity / loss of parking / loss of garden etc) are added to the already significant concerns, it seems that there is no good reason to grant permission for this development. It is not only contrary to policy but even if the LPA were to conclude it accorded with policy, there are significant material reasons that would outweigh any such conclusion (see Section 38(6) of the Planning &amp; Compulsory Purchase Act 2004).</p> <p>Notwithstanding the above, in our professional opinion the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore we are clear that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above</p>
96/97 Copse Cottage	<p><b>FURTHER OBJECTION LETTER</b></p> <p>As you may be aware, my client has been provided with a copy of the pre-application advice concerning this matter by Business Support Lead Officer in Development Management (see letter attached).</p>

I have been asked to write to you in light of the advice that the pre-application letter dated 26th February 2020 provides to the site developer, because it conflicts with the position the LPA is now adopting in a number of areas.

#### Status of Site

Firstly, the pre-app letter clearly indicates that the case officer at the time was not aware that this was the garden and garaging for 94 Flaunden. He describes the site only as 'undeveloped land'.

This is important and it goes to the heart of the matters we have raised in this regard before with you. The applicant has sought, at every stage, to suggest this is not really a garden for No 94 Flaunden, when it evidentially is.

As you are now fully aware that the application site is the garden, garage and parking to 94 Flaunden, will the LPA now confirm they are treating the application site as the garden, garage and parking to 94?

This has also been confirmed by the Land Registry, old residents of 94 Flaunden (I understand you have copies of letters from them to this effect) and by all those in the neighbourhood that in living memory it has always been 94 Flaunden. The environmental report submitted by the applicant also refers to the land as 94 Flaunden.

In relation to land ownership and the red line plan, the DMPO (updated July 2021) makes clear at Part 3 section 7(1) that "...an application for planning permission must— be accompanied, whether electronically or otherwise, by— (i) a plan which identifies the land to which the application relates". As advised previously, the red line plan currently includes my clients' land and is therefore incorrect. I have previously provided you with the Land Registry mapping that confirms this.

Part 3 section 13 states: "13.— (1) Except where paragraph (2) applies, an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant— (a) by serving the notice on every such person whose name and address is known to the applicant"

Part 3 section 14 goes on to state: "(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Secretary of State or in a form substantially to

the same effect, that the relevant requirements of article 13 have been satisfied.

(2) If an applicant has cause to rely on article 13(6), the certificate must state the relevant circumstances."

As the applicant has not notified my clients or signed the correct certificate B, the application is incorrect and the applicant has failed to comply with the DMPO Part 3 sections 7, 13 and 14.

Please could you confirm that the applicant will be advised of this and that the LPA will seek

appropriate amendments to the scheme / forms / certificates etc to rectify the situation?

It is at present giving the appearance that the application site is larger than it is because the red

line plan includes part of my clients' garden yet they have not agreed to the inclusion of their land

within the red line.

#### Requirement for Amenity Space

The pre-app letter addresses the needs for amenity space for dwellings (and the stated standards

apply to the application dwelling and also to the dwelling at 94 Flaunden which will be left without

its garden):

"...private gardens should normally be positioned to the rear of the dwelling and have an average

minimum depth of 11.5 metres. However, where infill dwellings are being provided, garden depths

below 11.5m but of equal depth to adjoining properties can be considered acceptable. Generally,

all gardens should be of a width, shape and size to ensure the space is functional."

Since she changed the plans she has taken off a lot of measurements and the dwelling is now in

the narrower end of the garden and will not fit in with area around it, because the only option is to

provide a side garden. Based on the current site plan it appears that it would be almost impossible

to walk around the house outside without removing or severely cutting back the hedges to the

west and east and therefore this is symptomatic of over-development which indicates the site

cannot accommodate a dwelling.

The above garden standards must be applied to 94 Flaunden as well as to the application site.

The two parcels of land remain in the same ownership, and even had they been legally severed,

the LPA ought logically to still treat them as part of the same demise and not allow the garden of

94 Flaunden to be completely built over. Please can you confirm if the

LPA will be applying the same standard to 94 Flaunden?

Good Design

Turning to the application proposal itself, what is proposed is a side garden and not a rear garden.

The pre-app letter acknowledges that the applicant had tried to purchase land to make a larger garden but was not able to (N.B. my clients confirm they were never asked. However they were asked in the past for trees to be removed to give her more light for growing plants and vegetables which they agreed to as good neighbours). It is not the role of LPAs to accept poor design simply because an applicant has tried to make a scheme better but failed. The new NPPF (20th July 2021) pushes good design and beautiful developments high up the agenda. Paragraph 126 of the new NPPF states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The applicant has not provided a coherent justification for the development and unfortunately it now also falls foul of the new national policy approach, which requires new buildings and places to be high quality and beautiful.

There are no very special circumstances for granting permission for a dwelling on this site, and any dwelling would have a greater impact on the openness of the Green Belt than the existing garage which it is effectively replacing, thus leading to harm to the openness of the Green Belt.

The fact that the application now proposes to keep the garage and build a dwelling further exaggerates this point. It is not infilling in the Green Belt for the reasons already set out in my letter of 12th April 2021. I would reiterate from that letter that the appeal inspector in appeal reference APP/A1910/W/20/3246014 (LPA ref 4/01853/19/FUL) at Sharlowes Farmhouse, Flaunden explains (para 7):

".....whilst the Council are satisfied that the number of units proposed would accord with the term 'limited infill', the number of units is just one factor to consider. To my mind, regard should also be

had to the size of the gap as it exists now, along with its prevailing characteristics, as well as the extent to which the proposed development would affect the gap, taking into account scale, appearance and context".

#### Heritage Impacts

The letter goes on to note that "The proposal would essentially result in a hitherto largely undeveloped area of land being built on. In the view of the Conversation and Design Officer, notwithstanding design, this is likely to have a negative impact on the character and appearance of the conservation area. It is, however, acknowledged that the existing garage does not provide a positive contribution to the area; therefore, some weight could be given to the visual benefits arising from its demolition."

It goes on to state: "There would be some benefits arising from the demolition of the existing garage, which does not make a positive contribution to the conservation area; yet, the impact of a dwelling would, arguably, be considerably greater. A convincing argument would need to be made that the dwelling would not result in harm to the conservation area."

This is an important gap site in the Conservation Area, and filling it up with built development as is now proposed, and retaining the garage, can only mean that the proposal will have a harmful impact on the character and appearance of the Conservation Area, adopting the principle in the quotation above. Please can you explain why the LPA now considers the retention of the existing, visually poor garage, and construction of a dwelling on the remainder of the site is now considered to be appropriate and not harmful, when the pre-application advice letter makes clear that it would be harmful to the character and appearance of the Conservation Area?

#### Trees and Hedgerows

The pre-app letter goes on to deal with trees and vegetation. It states "The site is surrounded by a number of trees and a hedgerow runs along most of its length, all of which results in an attractive streetscape character. The construction of a dwelling would potentially erode this important soft edge..... Removal of the hedgerow would, in my view, be harmful to the conservation area and therefore should be retained. It may be appropriate to remove a small

section in order to provide a pedestrian access; a modest timber gate perhaps filling the gap. Any additional removal is unlikely to be looked at positively."

The roadside hedge is now proposed to be reduced in height, according to the streetscene drawing submitted by the applicant, and the gap of hedgerow to be removed appears to be at least three metres wide. This is not a 'small section' and therefore in accordance with the previous advice, this should not be looked upon positively by the LPA.

The land is not wide enough for the proposed dwelling with the hedges remaining front and back of the proposed dwelling and to the side. As noted above, there is considerable risk that hedging will be severely cut back to the point that it dies, otherwise the dwelling will not have enough space around it and enough light to it. Furthermore, my client is concerned about the impact a development so close to their border would have on trees on their property.

Paragraph 131 of the revised NPPF brings protection trees to the fore, stating:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

The proposals do not accord with this updated national policy. An arboricultural impact assessment was stated to be an 'important part of the application' in the pre-application advice letter but one does not appear to have been provided - will the LPA be seeking such a report now, given the elevated status trees now have in national planning policy?

#### Overlooking and Amenity

The letter advises "the use of roof lights would not be encouraged" and it then expands on this issue, stating: "It is understood that the strip of land immediately to the east of the site is in the ownership of no. 95/96 Flaunden and serves as an extended amenity space. Consideration should

therefore be given to any adverse impacts arising from the construction of a dwelling. Overlooking in particular would be a concern..... A design which omits habitable windows on the rear elevation without detrimentally impacting the internal living environment of the dwelling may be a reasonable solution."

Despite this clear instruction, is it the case that the LPA is now happy with the rooflights proposed on the rear (east) elevation which overlook my clients' garden and give rise to adverse amenity impacts as a result of overlooking of their garden? If so, please can you explain the rationale for this about-face, given that the issues remain as critical as they were at the pre-app stage? This significant loss of privacy (especially when combined with the bedroom window which overlooks to the south my clients' Annex and garden) and the overbearing nature of the development will lead to overlooking and overshadowing of my clients' garden, reducing both privacy and daylight for growth of plants, vegetables etc. The applicant had asked for trees to be cut down previously to allow light into her own garden which my clients agreed to, but this application would have a direct negative impact on their own garden now.

At no stage have any amendments been made to the plans to take in neighbours comments and views about how the development will impact on them. Each amendment has only made things worse in my clients' opinion, and this is extremely upsetting to them.

#### Ecology Report

The pre-app letter recommends submission of a preliminary ecological appraisal (for newts). Unless it is missing from the Council's website it appears the application was validated without this essential information. Is the LPA requesting submission of an ecology report?

#### Parking

Finally, and perhaps most tellingly, the pre-app letter advises that "Given the unsuitability of the road for on-street parking, it is of the utmost importance that sufficient parking be provided within the confines of site." This is an absolutely clear statement and the same approach must also be applied to 94 Flaunden since the effect of the application would be to remove the parking, garden and bin storage area for that property.

	<p>There is very limited parking in Flaunden already, and by removing the parking for 94 Flaunden this will only get worse.</p> <p>There are therefore a large number of issues with the pre-application advice and the way in which the LPA is now dealing with the same issues. These are matters of concern and we will be raising them with members of the Planning Committee should the application be taken to committee.</p> <p>Please could you come back to me on the various questions above?</p>
<p>103 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I wish to object to this application on the grounds that it will reduced car parking and increased local traffic on the roads in the immediate vicinity.</p>
<p>110 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I am writing with reference to application number 20/01889/FUL - a proposal for a new build in Flaunden.</p> <p>I would like to object on the same grounds as raised by Mr and Mrs....who are my neighbours opposite at 96/97 Flaunden.</p> <p>As a recent arrival in the village (by village standards! - we've been here 5 years) there has already been a good deal of building since we came here - and squeezing a property on to the small site proposed feels extremely out of touch with protecting the character of the village.</p> <p>I understand that off-street parking would be lost as a result - and on-street parking is already a substantial issue in Flaunden. What's more, the house will overlook private gardens - and privacy is one of the great benefits of living somewhere like here.</p> <p>One final aspect to which I object is a non-village resident making an application for a property in such a sensitive area - with an eye on maximisation of profit from a small parcel of land whilst paying scant attention to the impact on the village (beyond what is required by planning regulations).</p> <p>I hope that you will consider my objection.</p> <p>The updated application doesn't seem to address any of the concerns - and my wife and I both still strenuously object to it.</p> <p>Parking will be lost in a village which already has nowhere near enough parking.</p> <p>It's an inappropriate development for a greenbelt and conservation area and would set a dangerous precedent to allow new housing to be built in such a manner.</p> <p>There's another habitation very close - within 8 meters - of the proposed development, which would be overlooked.</p> <p>Seems that the application wording is at odds with the reality of what's being proposed.</p>



	<p>As with the previous application and my previous objection - parking will be lost, this sets a dangerous infilling precedent and increases the number of cars which will be parked on an already extremely congested village road - right by a crossroads.</p> <p>I object to this development - it would materially adversely affect a well protected greenbelt conservation area village.</p>
<p>Flaunden House Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I wish to object to the proposed new house. The 'land' is actually within the curtilage of 94 Flaunden, a listed building well within the conservation area of Flaunden. This land is the garden for 94 Flaunden; it is not vacant land, as implied in the application.</p> <p>If this house is allowed to be built, there will be no off-road parking for 94 Flaunden, nor anywhere for amenities, and very little garden for the existing house. There is no space to park on the road (Birch Lane) and it is near a crossroads with limited visibility already. This would only make it worse and more dangerous.</p> <p>A new house would be inappropriate for green belt and conservation area. Most of the houses in that area date back to the 16th century, and many are listed. A new building would be out of keeping, and would represent infill development.</p> <p>I urge you to decline permission for this application.</p>
<p>98 Flaunden Hemel Hempstead HP3 0PW</p>	<p>The plot is too small for the planned house. At present the site is a garage, parking and storage site of bins for 94 Flaunden and not vacant land. The proposed development will cause further parking issues in the locality, as there is currently insufficient parking. The site is on the main road of the village and hence parking and turning near a crossroads could be dangerous. The area is poorly lit and hence my wife, who suffers from severe osteoperosis and other elderly people living nearby will find it difficult to move between home and car if forced to park further away from their residence. The area is a quiet neighbourhood and the noise caused by the building work, increased vehicles and people will be a problem.</p>
<p>5 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>¿ Loss of two car parking spaces; forcing occupants of 94 and visitors to 94 and new property to park on Highway where parking is already stretched in the village. Currently cars are parked dangerously on the cross roads and the addition of an additional two cars in that area would make the cross roads more dangerous. There have been several accidents already on the junction in recent times</p> <p>¿ It's not vacant land. It is the garden and parking of 94 as shown on Land Registry . 94 will lose it's garden and parking. The planning title is incorrect and misleading</p> <p>¿ A new path to front door of proposed property is to be cut out of existing hedge and leads directly on to the highway. Dangerous for general access and the deliveries that we use now in 21st century</p>

	<p>¿ Two proposed developments on Birch Lane have been refused in the last few months. The reasons surely apply to this too.</p> <p>¿ Inappropriate development within the Green Belt. The application site is located within the Green Belt, and as such, is protected by the local and national policies protecting and restricting certain development within the designated area</p> <p>¿ Conservation Area... reducing open space. There are no special circumstances and this is in the centre of the conversation area</p> <p>¿ Parish Council has objected at every stage.</p> <p>¿ Impact on amenity of 96/97 Flaunden. The proposed development is therefore inevitably likely to lead to a degradation of the living conditions of the occupants of 96/97 Flaunden, and in particular the garden area and the annex immediately to the south</p> <p>¿ Impact on use of 94 Flaunden (loss of garden and parking)The application proposals would lead to two main effects:</p> <ol style="list-style-type: none"> <li>1. Removal of the parking / garage / refuse storage for 94 Flaunden</li> <li>2. Removal of the main amenity space for 94 Flaunden</li> </ol>
<p>Littlecroft 104 Flaunden Flaunden Hempstead Hertfordshire HP3 0PW</p>	<p>An equivalent application has already been correctly rejected and there is no reason to treat this application (which involves the development of an established garden) differently.</p>
<p>Inglenook Cottage 99 Flaunden Flaunden Hertfordshire HP3 0PW</p>	<p>On the planning application it lists the land as 'Land at Birch Lane' and goes on further in the application to call it 'vacant land'. This is totally misleading as the land is the parking area, garage, garden and bin area of 94 Flaunden. If this land was separated from 94 Flaunden then that property would lose it's off street parking, bin area and garden. This is quite clearly illustrated on the Land Registry document HD 2436. This would be against planning regulations with regards to parking provision etc and take away the garden of a house and bin storage area. Taking away the parking and bin storage area would have a detrimental impact on the village and 94 Flaunden, and taking away the garden for 94 Flaunden would have a detrimental impact on that property.</p> <p>It is an inappropriate development within the Green Belt and Conservation Area of Flaunden. I do not believe that the proposed development would meet any of the exception criteria for new buildings in the Green Belt and so therefore would be inappropriate development. It would conflict with paragraph 145 of the Framework and Policy CS5 of the core strategy.</p> <p>It would give a visual intrusion in the heart of a conservation are and reduce the openness of the village and would overlook and give loss of privacy to other properties and land.</p> <p>With regards to Paragraph 118 d. It is not underutilised land it is the</p>

garden, parking area and bin area of 94 Birch Lane an existing dwelling owned by the applicant.

The applicant seeks to use the shortage of small/starter homes to support this proposed development, however I would completely disagree with this argument due to the high cost of properties in Flaunden. The new proposed dwelling would not be within small/starter home budgets.

This application would only be detrimental to the character of the village and re Policy CS1, The proposal does not provide a development that supports the vitality and viability of the local community.

#### ADDITIONAL COMMENTS

Further to my objections posted on 3rd August 2020, I'm writing to register my OBJECTION to this application with the revised amendments posted 10th May 2021.

The minor changes do not change the basic facts.

The land is NOT vacant land in Birch Lane. It is the garden, garage, parking and bin area of 94 Flaunden as can be clearly seen on the land registry.

Furthermore, the address the land has been referred to as has changed three times:

Land and Garage Honeysuckle Barn Birch Lane

Land at Birch Lane

Land at Birch Lane to Side of Annex 96/97 Flaunden

This is misleading.

The application deprives no. 94 of two off road parking places which forces occupants to park their cars on the highway as there is very limited parking available in Flaunden.

The refuse bins of 94 are situated by the garage of 94

I echo the comments of other objectors that this proposal does not satisfy Conservation and Greenbelt criteria.

This would appear to be an application purely for commercial gain; the owner does not live in 94 but rents it out and wishes to build in the garden of 94 purely for financial gain. There is no regard for the village and community and no special circumstances for this development to be allowed.

This would leave no. 94 with a very small courtyard garden incompatible with a house of its size.

The applicant also claims that it is a starter home for first time buyers. However property prices in Flaunden would prevent this being considered as a starter home.

Dacorum have recently refused the following applications in Birch Lane and I fail to see why the reasons given do not apply to this application.

20/03916/OUT; 4/01853/19/FUL & 20/03345/FUL.

#### ADDITIONAL COMMENTS

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	<p>The land is NOT vacant land in Birch Lane. It is the garden, garage, parking and bin area of 94 Flaunden as can be clearly seen on the land registry.</p> <p>Furthermore, the address the land has been referred to as has changed three times:</p> <p>Land and Garage Honeysuckle Barn Birch Lane Land at Birch Lane Land at Birch Lane to Side of Annex 96/97 Flaunden</p> <p>This is misleading.</p> <p>The application deprives no. 94 of two off road parking places which forces occupants to park their cars on the highway as there is very limited parking available in Flaunden.</p> <p>The refuse bins of 94 are situated by the garage of 94.</p> <p>I echo the comments of other objectors that this proposal does not satisfy Conservation and Greenbelt criteria.</p> <p>This would appear to be an application purely for commercial gain; the owner does not live in 94 but rents it out and wishes to build in the garden of 94 for purely financial gain. There is no regard for the village and community and no special circumstances for this development to be allowed.</p> <p>This would leave 94 with a very small courtyard garden incompatible with a house of its size.</p> <p>The applicant also claims that it is a starter home for first time buyers. However property prices in Flaunden would prevent this being considered as a starter home.</p> <p>Dacorum have recently refused the following applications in Birch Lane and I fail to see why the reasons given do not apply to this application: 20/03916/OUT; 4/01853/19/FUL and 20/03345/FUL.</p>
<p>6 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>I wish to object to the new dwelling application as the land is the garden for 94 Flaunden. Therefore, it is not vacant land. In addition, a new dwelling would mean that there would be no off-road parking for 94 Flaunden, and there is currently no space to park on Birch Lane.</p> <p>A new dwelling would be also inappropriate because it would be infill development on the green belt. Many of the houses near the crossroads date back to the sixteenth and seventeenth centuries, and a number are listed buildings.</p>
<p>100 Flaunden Flaunden Hemel Hempstead Hertfordshire</p>	<p>Dear Mr Gardner, I am writing to object to the above planning application.</p> <p>The applicant states in the planning application that it is land at Birch</p>

<p>HP3 0PW</p>	<p>Lane, the land is actually the garden for number 94 Birch Lane and is also the parking area for 94 Birch Lane. If the applicant is allowed to build a house on their garden, it will not only leave 94 Birch Lane without a garden, but also without parking! Parking in the area is extremely limited and is already a contentious issue with many of the houses nearby not having private parking.</p> <p>Flaunden is a conservation area and I have lived here for 23 years and believe that consent should not be granted, it would be wrong to allow 94 Birch Lane to build on their garden and parking area and cause our local parking issues to worsen.</p> <p>The applicant is seeking to build on the garden of 94 Birch Lane. This is out of character for a conservation area.</p> <p>The proposed development will take away parking spaces which are needed. Flaunden village has narrow unlit roads and there is simply no space to park anymore cars. With the lack of parking provision so close to an unlit crossroads it would be dangerous and Planning Permission should be refused.</p>
<p>Great Moonshine Bragmans Lane Flaunden Hempstead Hertfordshire HP3 0PL</p> <p style="text-align: right;">Hemel</p>	<p>Flaunden falls within the category of "small settlements and the wider countryside" within the Local Plan and is an area in which there should be the highest level of development constraint.</p> <p>The proposed development would compromise the open nature of the green belt and is inappropriate in a conservation area.</p> <p>The development is proposed in the garden and amenity space of 94 Birch Lane and the site does not provide sufficient space for the existing house and proposed dwelling to have adequate parking, garden and bin storage space. The residential garden of 94 Birch Lane is not suitable for development.</p> <p>Flaunden has poor public transport and no local shop and residents need a car to live here. This development will result in parking on the road because of inadequate space for parking in the proposal and this will be dangerous and a hazard to all who use Birch Lane, whether driving or walking.</p> <p>There is a good mix of housing of all types in Flaunden and particularly in the light of the many dwellings for which permission has recently been granted, this house is not needed to secure the economic vitality or viability of the village.</p> <p>This development will have a negative impact on the open and rural character of the village and should not be permitted.</p>
<p>Birch Lane House Birch Lane Flaunden Hempstead Hertfordshire HP3 0PT</p> <p style="text-align: right;">Hemel</p>	<p>I object to this planning application which is an inappropriate development within both a Conservation area and the Green Belt.</p> <p>It is unclear from the application that this piece of land is currently the sole garden and garage parking space of No 94, part of a range of characterful period cottages that form the heart of Flaunden village. Whilst the application states that this development would have parking for two cars and an amenity space that meets the minimum requirements for a new dwelling, it does not state that it would leave No94, a much more important period building within the conservation area, with no garden amenity space and no off street parking. It should also be noted that street parking in Flaunden around the central crossroads is already very limited and congested, resulting in cars</p>

	<p>being parked in potentially dangerous areas.</p> <p>Allowing this New Build infill development would be inappropriate due to its proximity to and detrimental effect on the immediate streetscape of the existing neighbouring period cottages as well as detracting from the open aspect of Birch Lane. If approved this will also set a precedent for future infill development applications, both on Birch Lane and other locations within Flaunden village which will significantly change the character of the village.</p> <p>Based on the above I believe this application should be refused. Based on the new proposal submitted I would like to add the following comments to those I have already submitted earlier, which remain valid to this amended proposal.</p> <p>This amended proposal specifically makes reference to the fact that in pre planning the officers commented on the need to avoid on-street parking. Whilst this new proposal appears to achieve this for the new building, by retaining the garage and existing driveway, it does not mention that these are both currently part of an existing listed property ie No 94. By solving the problem for this new build it however removes existing parking for two cars from No 94 thereby still creating an on street parking problem.</p> <p>Additionally, this proposal requires a significant amount of the existing hedgerow to be removed to create a new entrance to the front door. As well as going against the need to retain hedges in a conservation area and adversely affecting the character and streetscape in the village, it will also create a parking issue and hazard with delivery vans, an increasing part of today's life, stopping outside of the front door, and in doing so creating a visibility hazard for vehicles approaching the crossroads from Birch Lane.</p> <p>The new proposed property is also now less than 10 metres from an existing habitable accommodation. It also no longer encompasses the existing garage, being a complete new build, rather than a conversion. As well as being out of character with its listed neighbouring cottages, this will create a very detrimental precedent for the village.</p> <p>As such, I recommend that this proposal be rejected.</p>
<p>The Old Chapel          Birch Lane          Flaunden          Hemel Hempstead          Hertfordshire          HP3 0PT</p>	<p>We are writing in reference to the proposed new dwelling on land at Birch Lane, Flaunden (20/01889/FUL). We are the owners of The Old Chapel, Birch Lane.</p> <p>We wish to object to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>- Flaunden's infrastructure (e.g. roads, parking) is not set up to allow for more residents and more cars especially the streets going towards London and the M25 already suffer from serious congestions in the mornings and late afternoons.</li> <li>- The residents of No 94 would have to park on Birch Lane, so parking spaces would be lost.</li> </ul>

	<ul style="list-style-type: none"> <li>- It would have a negative impact on one of the most beautiful historical spots in Hertfordshire, especially the part of the village where that new dwelling will be.</li> <li>- Harm caused to the Green Belt and Flaunden Conservation Area through inappropriate development.</li> <li>- Negative impact of an additional dwelling on the openness and character of Flaunden village which consists of dwellings interspersed with open space.</li> </ul>
<p>September Cottage Hogmpits Bottom Flaunden Herts HP3 0QB</p>	<p>We wish to lodge an objection to the above planning application, which would, if granted, be detrimental to the character and living standards in Flaunden.</p> <p>Here are our reasons: This is an application to develop an existing garden - it removes parking from No 94 Flunden and forces parked vehicles onto the narrow road in a conservation area - thus simultaneously destroying the landscape and creating congestion.</p> <p>The access to the property will be dangerous on a narrow fast road.</p> <p>There are no special reasons to overturn Dacorum's special requirements of planning in a conservation area and in the green belt.</p> <p>The development will be detrimental to the character and look of street scene, which is of variously placed properties of character.</p>