

ITEM NUMBER: 5b

21/01209/FUL	Construction of a 4 bed dwelling	
Site Address:	Land to the rear of 58 Lockers Park Lane, Hemel Hempstead	
Applicant/Agent:	Mr Sutton/Mr Johnson	
Case Officer:	Robert Freeman	
Parish/Ward:		Boxmoor
Referral to Committee:	The application is referred to committee at the request of Councillor Allen. Councillor Allen has raised concerns that there is a Land Tribunal ruling prohibiting the development of the site and that the proposals would be detrimental to the light and privacy of neighbouring units in view of changes in topography	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposed development would provide an acceptable use of urban land in accordance with Policies CS1, CS2 and CS4 of the Core Strategy. The proposed development would be acceptable in design and would have an acceptable impact on amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.
- 2.2 Satisfactory access arrangements can be made to serve the development in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 The site comprises part of the long rear garden to 58 Lockers Park Lane. It lies within a modern suburban housing estate of mixed two and three-storey properties sitting generally in generous plots. The host property forms part of a group of five detached houses fronting Lockers Park Lane with detached garages at the foot of the garden accessed from Park Hill Road to the rear. The garages along the Park Hill Road frontage have been progressively replaced by new infill housing developments.

4. PROPOSAL

- 4.1 The proposals involve the construction of a single four bedroom, two storey dwelling in an area of garden to the rear of 58 Lockers Park Lane. A parking area for some 2 vehicles would be created to the front of the dwelling.

5 PLANNING HISTORY

- 5.1 The application site has an extensive site history going back to the original grant of planning permission for a house on this site in 1976.
- 5.2 Planning permission has more recently been established for the construction of a detached dwelling and garage on this site under application number 4/0716/94. This permission was renewed in 1999 (4/01218/99/ROC) but has subsequently lapsed.

- 5.3 A number of other planning approvals for development within the rear gardens of Nos 50-56 Lockers Park Lane are relevant and material planning considerations. These include planning permission 4/02235/18/FUL (for the construction of a pair of semi-detached dwellings within the curtilage of No.50 Lockers Park Lane), 4/00280/15/FUL (Construction of 4 x 3 bed dwellings at the rear of 52-54 Lockers Park Lane) 4/02520/18/FUL (for the construction of 2 x 3 bed dwellings at land to the rear of 54 Locker Park Lane) and permission 20/00296/FUL (for the construction of two dwellings within the garden of 56 Lockers Park Lane)

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (February 2019) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Energy Efficiency and Conservation
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)
Water Conservation

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within a residential area of Hemel Hempstead and in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy there would be no objection to the principle to the construction of a dwelling on this site. The provision of new dwellings to the rear of properties in Lockers Park Lane and fronting onto Parkhill Road has been accepted through the approval and construction of a number of semi-detached properties in this location.
- 8.2 The construction of a new dwelling would make a small contribution towards the overall supply of new housing within the Borough in accordance with Policy CS17 of the Core Strategy.

Layout and Design

- 8.3 The design of the proposed dwelling has been amended during the processing of this application in accordance with the comments of the case officer. The revised scheme has resulted in the removal of a third floor and balcony. This revised scheme is considered to be appropriate in terms of its design, bulk, layout, site coverage and scale and would provide an appropriate addition to the street in accordance with Policies CS11 and CS12.
- 8.4 A reasonable level of residential amenity would be provided for future occupants with a private rear garden of between 9.4m and 11.5m in depth provided. This would be functional in size and shape for a dwelling of this size in accordance with Saved Appendix 3 of the Local Plan 1991-2011
- 8.5 I do not consider that a rendered finish to the property would be appropriate in accordance with Policy CS12 of the Core Strategy and accordingly am recommending that further details of materials are secured via a planning condition. A similar brick to that used on adjacent residential units and the potential cladding of the first floor would be a more suitable design response.

Impact on Residential Amenity

- 8.6 The proposed dwelling would have no significant impact upon the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The properties are to be located a significant distance from the rear elevations of properties in Lockers Park Lane and in excess of the recommended back to back distance of 23m in Saved Appendix 3 of the Local Plan. It would also be located at a lower level than 58 Lockers Park Lane and there would be a substantial outbuilding located immediately adjacent to the rear boundary fence. At this distance the impact upon privacy, daylight and sunlight is negligible and would not justify the refusal of planning permission.
- 8.7 The proposed dwelling would also be located a sufficient distance from the frontage of existing dwellings in Parkhill Road and this would ensure that there is no significant harm to the amenities of these properties by reason of a loss of privacy, daylight or sunlight.

Access, Parking and Safety

- 8.8. A new access and crossover would be provided onto Parkhill Road and an area of hard standing would be created in brick pavers to the front of the dwelling. The parking area is indicated to accommodate three vehicles but it only appears to be capable of accommodating two spaces in accordance with the Car Parking Standards SPD (2020)
- 8.9 A total of three off-street parking spaces should be provided in accordance with the Car Parking Standards SPD (2020) for a dwelling of this size. There is sufficient space to extend the parking area to the required width and the full extent of hard standing should be clarified through the submission of additional details.
- 8.10 The proposed development is considered to be accessible in accordance with Policies CS8 and CS12 of the Core Strategy. This is reflected in the comments of the County Council as highway authority.

Impact on Trees

- 8.11 The proposed development will result in the removal of a number of trees upon the site including 3 x Ash trees, a Silver Birch tree and two conifer trees. Two trees would be retained within the rear garden of the property.
- 8.12 The trees to be removed do not have a high amenity value nor appear worthy of a Tree Preservation Order (either individually or for their group value) as set out in the response by the Trees and Woodlands section. Accordingly their removal would not justify the refusal of planning permission in accordance with Policies CS12 and CS26 of the Core Strategy.

Other Material Planning Considerations

Ecology

- 8.13 During the determination of the planning application for the adjacent plot (20/00296/FUL) the County Ecologist made it clear that there were no records of protected species within the vicinity of the application site and as such it would appear that the likelihood of bats being present and affected was too low for the LPA to require a formal survey. It would appear otiose to require a survey in these circumstances.

Sustainable Construction

- 8.14 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues.
- 8.15 The application is not accompanied by any details in relation to sustainable construction and as such further information should be required by condition and in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Response to Neighbour Comments

- 8.16 In addition to those matters addressed above a number of neighbouring parties have stated that there are restrictive covenants on the property which would be breached as a result of this development. They have also referred to a judgement of the Land Tribunal in relation to this matter dating from the early eighties and upholding these restrictions. Whilst this may be the case, such matters relating to land ownership and private restrictions are not material to the consideration of the planning application which shall be determined on its planning merits.

Impact on Infrastructure

- 8.17 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council adopted its CIL schedule in February 2015 and this proposal would be liable for the payment of CIL.

9 RECOMMENDATION

- 9.1 That planning permission be **GRANTED** subject to the following planning conditions

Conditions

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 of the superstructure hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

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

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

The planting must be carried out within one planting season of completing the development.

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013). The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

5. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number Wren naj 20d 2021 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers)

Reason: To ensure satisfactory access into the site in accordance with Policies CS8 and CS12 of the Core Strategy and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.

Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 23 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

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

Location Plan

Wren naj 020 c 2021 Revision B

Wren naj 20d 2021 Revision S

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

INFORMATIVE

1) 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.asp> or by telephoning 0300 1234047.

2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

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

3) 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.

4) 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.

5) In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

6) Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire County Council - Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number wren naj20 2021 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Dropped Kerbs: Terms and Conditions.</p> <p>Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway Carriageway</p> <p>Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3) Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 23metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p><u>Highway Informatives</u></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:

AN 1) 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.asp>
or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

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

construction works commence. Further information is available via the website

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

or by telephoning 0300 1234047.

AN 4) 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

The proposal is for the construction of a 4 bed dwelling on land to the rear Of 58 Lockers Park Lane, Hemel Hempstead. The dwelling will access the highway network via Parkhill Road. Parkhill Road is a 30 mph unclassified local access route that is highway maintainable at public expense.

Vehicle access and parking

The site where the proposed dwelling will be, forms the rear garden of 58 Lockers Park Lane. The new dwelling will have a new dropped kerb onto Parkhill Road. Although shown in drawing wren naj20 2021 as a 7.2 metre dropped kerb, HCC Highways thinks that it would be more appropriate as a 5.4 metre (4 dropped kerbs and 2 risers) in accordance with our implementation teams Dropped kerbs: Terms and Conditions document found here;

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

HCC Highway would note that the applicant has stated that a 7.2 metre dropped kerb is in accordance with HCC Design guide 3rd edition. This 7.2 metre dropped kerb is for a double dropped kerb

which is normally applied to a shared access for two dwellings. By the end of this year, HCC Highway will implement a new design guide which may change the specifications of a dropped kerb to align with that of our dropped kerb guidance. As such a 5.4 metre dropped kerb is what our dropped kerb implementation team expects for a single dwelling which is why I have included a 5.4 metre measurement in condition 1 above which I believe is achievable for this site. The small dropped kerb would cause less disruption to the pedestrian environment which is in line with HCC Local Transport Plan (adopted 2018) policies. Please see informative 1 above relating to the implementation of the dropped kerbs.

Parking is a matter for the Local Planning Authority (LPA). However, HCC Highway would comment that the applicant has stated that there will be 3 off road vehicle parking spaces. However, within drawing wren naj 020 a 2021 this is not seen as achievable.

Drainage

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.

Sustainability

The new dwelling will be 520 metres from the nearest bus stop and 1.5 km from Hemel Hempstead Station. Both these locations are within achievable walking and or cycling distance from the dwelling and therefore are in line with policies within HCC Local Transport Plan (adopted 2018).

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle access

The proposed dwelling 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 – Dwellings'.

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above

	highway informatives and conditions.
Environmental Health	<p>The proposed development is on a site that does not appear to have a potentially contaminative land use history and the application is for a development that will not result in an increase in vulnerability of the end use to the presence of ground contamination, as such there is no objection to the application and no requirement for land contamination planning conditions.</p> <p>However, the development will involve significant ground works, so if permission is granted it is recommended that the following informatives are included in the decision notice.</p> <p><u>Contaminated Land Informative 1:</u></p> <p>In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p><u>Contaminated Land Informative 2:</u></p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Trees and Woodlands	The attached photos show a number of trees located within the potential development site. Although they appear healthy their overall form is not particular 'good' and therefore I would not consider them worthy of Tree Preservation Order protection.

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
1 Parkhill Road	<p>ORIGINAL PLANS</p> <p>Concern over 3 storey height with lowest point of roof at the same height as our eaves, which may reduce light/ sun to the rear of our property.</p>

	<p>Unsure from the plan how the raised area on the right of the new property will be retained, is the garden area raised with stairs?</p>
<p>26 Parkhill Road</p>	<p>ORIGINAL PLANS</p> <p>We object to the proposed build on the land at the rear of 58 Lockers Park for the following reasons:</p> <ul style="list-style-type: none"> - The land is subject to a covenant and therefore cannot be built on. Other houses in 'Windsor Terrace' breach this covenant - The building is not in keeping with the local area. There are no other properties with split level appearance. The façade of the building is not in keeping with the road and all other properties around it - Properties in the HP1 1TW postcode are not 3 level buildings - those on Parkhill Road that are fall under a different postcode (HP1 1TP); Windsor Terrace properties do not count when making this point because, as highlighted above, they are built in breach of a covenant - The planned property contains a balcony on the front; there are no views possible from this building apart from into the properties of others and, therefore, this balcony and all other windows on the front of this building invade privacy of the surrounding properties - No other buildings in Parkhill Road have a balcony on the front of the property - The proposed building will cause loss of light to the surrounding properties - The building will have a negative visual impact on the street; it is overbearing - Parkhill Road is a narrow road and this property will restrict access to driveways - The property will cause an increase in noise for surrounding properties - The property will contribute to pollution in the street - including noise, light and air pollution
<p>28 Parkhill Road</p>	<p>We object to this proposed development.</p> <p>The land to the rear of 58 Lockers Park Lane, is subject to a Lands Tribunal (LT) ruling (now Lands Chamber) by (V.G.Wellings Esq., QC) under section 84 of the Law of Property Act 1925. It is not within the remit or role of DBC, HCC or indeed the Planning Inspectorate to set aside a legally set ruling by the LT. Indeed it is the responsibility of the applicant in this case to apply to the courts (Lands Chamber) to have this decision reversed. The link to the following website may offer some insight</p>

	<p>https://www.propertylawuk.net/property-law-library/restrictive-covenants/modification-and-discharge.html</p> <p>The ruling came about, due to the enforcement of a restrictive covenant on the land (which DBC may wish to vary), however our property still retains an enforceable restrictive covenant. Even if DBC were prepared to waive the restriction on this land, we are not prepared to relinquish our rights to these restrictions, and require them to be enforced.</p> <p>The ruling deals with many aspects including loss of privacy, parking, width of Parkhill Road and aspects which it seems the local planning authority are not prepared to deal with. We are in possession of a full copy of the LT ruling. Copies can be supplied to local DBC councillors & HCC Councillors.</p> <p>Whilst planning authority has been granted, wrongly in our opinion on adjacent land, this land was not covered by a very specific ruling by the LT.</p>
58 Lockers Park Lane	<p>ORIGINAL PLANS</p> <p>The proposed development backs onto our property (58 Lockers Park Lane). We have major concerns about the 3 storey proposal that will overlook our garden and straight onto our home (from the proposed properties first and second floor) particularly our teenage daughters bedrooms which is causing some anxiety for one of our girls. This may also have a negative impact on the light we currently get in our garden.</p> <p>There are a number of trees in the plot currently which appear to be being removed to make way for the property. Not only would some of these trees offer us a screen from said development there are some reservations around the impact removal of the trees might have on the bats and birds that reside here.</p> <p>In addition to the above there is a covenant on the land as per the comment from the owners of 28 Park Hill Road.</p> <p>AMENDED PLANS</p> <p>It appears our concerns have been taken into account in the new plans, thank you. Can you confirm how you will ensure the trees in your proposal will remain on the land once the development has been completed? Will tree preservation orders be requested/granted?</p>