

ITEM NUMBER: 5f

21/02796/FHA	Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension.	
Site Address:	1 The Orchard Kings Langley Hertfordshire WD4 8JR	
Applicant/Agent:	Ben Sterling	
Case Officer:	James Gardner	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary views of Kings Langley Parish Council	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The application site is located within the large village of Kings Langley wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, the principle of appropriate residential development (which includes the extension of existing dwellings) is acceptable.

2.2 The limited scale and the relatively innocuous design of the extension is such that there would be no adverse impacts on the streetscape character or heritage assets (i.e. Church House and the Kings Langley Conservation Area), thereby complying with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy, and Policies 119 and 120 of the Dacorum Local Plan.

2.3 Having given consideration to the relationship between the proposed development, it is not considered that it would have a significant impact on the residential amenity of surrounding dwellings, complying with Policy CS12 of the Dacorum Core Strategy.

3. SITE DESCRIPTION

3.1 The application site is occupied by a bungalow believed to date from the 1960s. It is constructed of brick with a pitched roof clad in concrete tiles. Generous gardens are located to the front and rear of the dwelling. An area parking, which includes a concrete garage and hardstanding, is located within the rear garden.

3.2 The surrounding area is characterised by two-storey semi-detached dwellings from the same period. The rear boundary of the application site is adjacent to, and contiguous with a Grade II listed building (Church House) and the Kings Langley Conservation Area.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the existing garage, a reduction in land levels within the rear garden by a maximum of 1.4 metres, the construction of an 8 metre single-storey rear extension with a pitched roof, and the formation of a new access and hardstanding.

5. PLANNING HISTORY

Planning Applications (If Any):

21/02317/LDP - Rear extension 4m deep - 7.5m wide - 2.5m eaves height and 4m total height.
GRA - 8th July 2021

21/02319/HPA - Single storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.5m.

PNR - 8th July 2021

21/02320/UPA - Additional storey to match existing building. 4 windows to front, 2 to rear. Full height with additional storey will be 7.8m

PAG - 9th August 2021

4/02037/19/FUL - Demolition of existing dwelling and outbuildings and construction of two 4-bedroom semi-detached dwellings.

GRA - 27th January 2020

4/01847/18/OUT - Demolition of exiting bungalow and garage and replace with four (or three) 2-bed dwellings

REF - 13th December 2018

4/00436/18/OUT - Demolition of existing bungalow and garage. Replace with four two-bed Dwellings.

REF - 2nd July 2018

4/03283/17/HPA - Single-storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.4m

PNR - 1st February 2018

4/03282/17/HPA - Single-storey rear extension measuring 5m deep with a maximum height of 4m and a maximum eaves height of 2.4m

PNR - 1st February 2018

Appeals (If Any):

4/01847/18/OUT - Development Appeal
- 14th August 2019

4/00436/18/OUT - Development Appeal
- 15th April 2019

6. CONSTRAINTS

Area of Archaeological Significance: 42 (adjacent)

CIL Zone: CIL2

Kings Langley Conservation Area (adjacent)

Former Land Use (Risk Zone):

Large Village: Kings Langley

Listed Building, Grade: II, (adjacent)

Parish: Kings Langley CP

Residential Area (Town/Village): Residential Area in Town Village (King Langley)

Parking Standards: New Zone 3

EA Source Protection Zone: 2

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 Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy

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

Dacorum Local Plan

Policy 119 – Development affecting Listed Buildings
Policy 120 – Development in Conservation Areas

Supplementary Planning Guidance/Documents

Accessibility Zones for the Application of Car Parking Standards (2020)

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 heritage assets;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within the large village of Kings Langley, wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, appropriate residential development is acceptable in principle/

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should preserve attractive streetscapes, avoid large areas dominated by car parking, integrate with the streetscape character and respect adjoining properties in terms of, amongst other things, layout, site coverage, scale, height, bulk and materials.

9.4 Saved Appendix 7 of the Dacorum Local Plan provides design guidance on house extensions. In particular, it states that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design, and external finishes.

Design / Impact on Street Scene

9.5 The application proposes the construction of an 8 metre rear extension and reductions in the adjacent land level so as to facilitate the provision of a lower ground floor. The ridge height of the extension would be in the region of 5.4 metres when measured from the new land level; however, its maximum height vis-à-vis the original land level would be approximately 4 metres. It would also be lower than that of the main roof of the bungalow.

9.6 Whilst the extension is large, there are two points to consider:

- The application site benefits from an extant permission (21/02319/HPA) for development with an almost identical visual impact.
- The application site benefits from an extant permission (4/02037/19/FUL) for the demolition of the existing bungalow and the construction of two semi-detached dwellings, the scale of which far exceeds that being proposed as part of this application.

9.7 The application before Members differs from 21/02319/HPA in that it is seeking consent to reduce the land levels in the garden in order to construct a lower ground floor; demolish the existing garage and the construction of a new vehicular access on the frontage with an associated hardstanding.

9.8 It is submitted that the impact of the extension on the street scene will not be materially different to the scheme approved under 21/02319/HPA, the changes in levels being largely imperceptible from street level outside the confines of the application site.

9.9 It is understood that from the application form that the extension is to be constructed from matching materials. Nonetheless, should Members be minded to grant planning permission, it is recommended that a condition requiring the use of matching materials be included with the decision notice.

9.10 The provision of the hardstanding on the frontage will result in the removal of some soft landscaping; that is to say, two flowerbeds and a section of lawn. There would also be a requirement to remove a small section of the low wall which currently encloses the front garden. A sufficient area of soft landscaping is, however, shown as being retained, ensuring a satisfactory visual appearance.

Amenity Space

9.11 The construction of the extension will result in the loss of private amenity space to the rear of the dwelling. Limited guidance is provided within Appendix 7 of the Dacorum Local Plan:

'A reasonable private garden/amenity space should remain following the construction of the extension...'

9.12 The total area of private amenity space retained to the side and rear of the dwelling following construction of the extension would equate to approximately 150m².

9.13 The only area of questionable utility is located immediately to the rear of the extension; however, this is limited in extent and, on balance, it is not considered that this would prejudice the overall functionality of the amenity space.

9.14 Further, it should be noted that, as already outlined above, the applicant has permission to implement a scheme, which would have an identical impact on the existing amenity space.

Impact on Heritage Assets

9.15 The application site is located outside but adjacent to the Kings Langley Conservation area, the rear boundary being contiguous with it, and the Grade II listed Church House – a former brewery maltings.

9.16 The statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to listed buildings and their settings. Furthermore, Section 72 of the same act requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. These are matters of considerable importance and weight, having the force of statute behind them.

9.17 Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

9.18 Policy CS27 of the Dacorum Core Strategy is an overarching heritage policy which seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and, if appropriate, enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. This is supported by saved Policies 119 and 120 of the Dacorum Local Plan, which relate specifically to development affecting listed building and conservation areas. Specifically, Policy 119 states that:

'Every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.'

9.19 Policy 120 states that development proposals outside a conservation area which will affect its character should be carried out in a manner which preserves or enhances the established character of appearance of the area.

9.20 It is clear that, given the close relationship between the application site and Church House, any development in the rear garden is likely to affect its setting. At present, there is an existing utilitarian garage in the garden of the application site - located directly next to the listed building. The garage is proposed to be removed and therefore this is considered to represent a modest planning gain. The extension itself would be of such a scale and make use of such materials that it is not considered that it would adversely affect the character or appearance of the listed building. A gap in excess of 5 metres would be retained between the extension and the listed building, thereby avoiding any adverse effects – e.g. enclosure etc - to its character or appearance. The Council's Conservation and Design Officer has had sight of the plans and commented that '*The proposed alterations would have a nominal impact on the setting of the listed building and conservation area. As such we would not object.*'

9.21 As already alluded to above, the existing garage does not positively contribute to the area. Owing to its limited scale it is acknowledged that the garage is not prominent within the conservation area. This notwithstanding, unlike an impact on the street scene, it is not, strictly speaking, necessary for unsympathetic development to be visible from public vantage points in order for it to be considered harmful (although greater weight may be given to harmful development which is more prominent). In this case, the use of corrugated metal sheeting for the roof of the garage and what appears to be concrete panels for its walls is not considered appropriate to the context. Therefore, in isolation, it is submitted that its removal can be considered an enhancement. The effect of the proposed extension does, however, need to be considered in conjunction with the removal of the garage. The extension would increase built form across the site and would undoubtedly be visible from within the conservation area. The extension would be constructed from similar materials to that of the existing bungalow and, indeed, similar materials to the other dwellings located within the close. It would also be seen within the context of a residential area in village, where built development, including extensions to residential dwellings, is not an uncommon occurrence. The Conservation and Design Team have commented that they would like to see further information to ensure that the lowering of the garden level would not impact on the structural stability of the gable of the adjacent listed building. The applicant has subsequently updated the site plan to indicate that the garden levels will be reduced to the same level as the garage. Furthermore, it is no longer proposed to reduce ground levels of the undeveloped area of land immediately adjacent to the gable.

9.22 Accordingly, taking into account the limited scale of the garage, which is not constructed from materials sympathetic to its context, and the greater scale of the extension constructed from more appropriate materials, it is considered that proposal would have a neutral effect on the conservation area.

Conclusion

9.23 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Area and the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, pursuant to Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which, it is accepted, is a higher duty. It is concluded that no harm would be caused to character and appearance of the Conservation Area, the overall effect being neutral. Furthermore, it is not considered that there would be harm to the setting of the listed building, as a sufficient gap has been retained between the extension and

9.24 The design and appearance of the proposal is considered acceptable in heritage terms. No harm would be inflicted upon heritage assets and therefore the proposal is considered to accord with Policy CS27 of the Core Strategy (2013) and Policies 119 and 120 of the Dacorum Local Plan (2004).

Impact on Residential Amenity

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

9.26 The proposed extension includes windows on the eastern and western elevations, serving two bedrooms and one bathroom in the roof space.

9.27 The windows on the eastern elevation would face the front elevations of Flint Cottage and no. 2 The Orchard. There would be a separation distance of between 23 and 24 metres between the flank elevation of the extension and the front elevation of the aforementioned properties. Neither the Core Strategy nor the saved policies of the Local Plan specify a minimum separation distance for where the flank elevation of one dwelling faces the front elevation of another. Guidance in back-to-back or front-to-back separation distances is provided in Appendix 3:

The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.

9.28 Given that front and rear elevations will generally contain more habitable windows than side elevations, it is not unreasonable to conclude that a reduced separation distance could be considered acceptable in other scenarios. A lack of a specified separation distance means that whether a particular development is acceptable hinges on compliance with the general provisions set out in Policy CS12; that is to say, that development avoid loss of privacy. The term 'loss of privacy' is not itself defined and is thus open to interpretation. Furthermore, the opening sentence of Policy CS12 does not state that development must avoid loss of privacy. Instead, it uses the less onerous word 'should', tacitly acknowledging that there may be times when a loss of privacy, however it is defined, may be acceptable. In this instance, the separation distance between windows meets or exceeds that required for a back-to-back or front-to-back spatial relationship. On this basis, notwithstanding the application site occupying a higher land level, it is considered that there would be no significant loss of privacy and, accordingly, the development would comply with Policy CS12 of the Dacorum Core Strategy.

9.29 Consideration has also been given to the impact of the extension on no. 3 The Orchard. The positioning of the bedroom window on the western elevation for the larger of the two bedrooms at Raised Ground Floor level is such that it could afford unacceptable levels of overlooking to the windows on the rear elevation of no. 3. Accordingly, should planning permission be granted, it is recommended that a condition requiring this window to be permanently fitted with obscure glazing and fixed shut below 1.7 metres from finished floor level be included. It is not considered that the positioning of the window serving the smaller of the two bedroom would, owing to the oblique angle, result in any significant harm in terms of loss of privacy. Accordingly, no condition need be applied to restrict this window.

9.30 In terms of loss of daylight and sunlight, there are a couple of factors which militate against this:

- The application site occupies a lower ground level.
- The extension is of single-storey construction with a roof that slopes away from the boundary.
- The extension is set in from the boundary.

9.31 It is also a material consideration that the applicant has consent (see 21/02319/HPA) to construct an extension of an identical depth and height (from natural ground level) to that proposed as part of this application. The changes to land levels in order to create a lower ground floor would not adversely affect the occupiers of the adjacent dwelling.

9.32 The applicant has subsequently provided additional plans to demonstrate that the proposed development would not result in a breach of the 45-degree in respect of the nearest ground floor window of no. 3 The Orchard. Therefore, it is not considered that there would be any appreciable loss of sunlight and daylight.

9.33 The development is therefore considered to comply with Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

9.34 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

9.35 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

Highway Safety / Capacity

9.36 The application includes the formation of a new access to the highway, the details of which have been reviewed by the Highway Authority, who have raised no objections subject to the inclusion of conditions and informatives.

9.37 Given the relatively modest increase in size, it is unlikely that there would be any tangible impact on the local highway capacity.

9.38 Accordingly, the development is considered to comply with Policy CS12 of the Dacorum Core Strategy and Policy 51 of the Dacorum Local Plan as far as highway safety and capacity are concerned.

Parking

9.39 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.40 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.41 For dwellings with four bedrooms, the Parking Standards SPD requires the provision of 2.4 spaces (3 where these are allocated). Drawing no. *PP1 – Proposed Parking* shows that a total of three policy compliant car parking spaces are to be provided. It is recommended that a planning condition requiring the provision of these parking spaces prior to first occupation of the extension be included with any grant of planning permission.

9.42 As a result, the development provides sufficient parking in accordance with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.43 There would be no implications.

Ecology

9.44 Policy CS29 of the Core Strategy states that development should minimise impacts on biodiversity and incorporate positive measures to support wildlife.

9.45 The proposals are not accompanied by a Bat Survey; however, based on the drawings submitted, it does not appear as though any works to the main roof of the dwelling are proposed.

9.46 There is a small pond within the front garden of the application site. Hertfordshire Ecology have been contacted for comment as there is the possibility that Great Crested Newts could be present. In response, they have stated that:

'We've got no records of amphibians in the vicinity. That doesn't mean they are not present, of course. The garden is well maintained and the pond itself will remain. I do not consider a survey is necessary or justifiable in this instance. An informative should suffice:

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.'

9.47 Accordingly, should Members be minded to approved the application, it is recommended that the informative above be included with the decision notice.

9.48 Given the relatively limited extent of amenity space to the front and rear of the site, both of which appear to be relatively well maintained, and the site's location within an urban area, it is not considered that the site is sensitive from an ecological point of view.

9.49 The development is therefore considered to accord with Policy CS29 of the Dacorum Core Strategy.

Community Infrastructure Levy (CIL)

9.50 Policy CS35 of the Core Strategy 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 1 July 2015.

10. CONCLUSION

10.1 The principle of residential development is acceptable in this location.

10.2 Regard has been had to the impact of the proposed development on the setting of the Grade II listed Church House and the Kings Langley Conservation Area. In summary, the proposal is not considered to cause harm to these heritage assets. As such, there is no need for any public benefits to be demonstrated.

10.3 The design of the extension would not result in harm to the streetscape character.

10.4 Consideration has also been given to the potential impact of the development on the residential amenity of neighbouring dwellings. In the case of Flint Cottage and no. 2 The Orchard, their distance from the application site (in excess of 23 metres) is such that there would be no significant adverse impacts in terms of visual intrusion, overlooking or a loss of sunlight and daylight. With regard to no. 3 The Orchard, subject to the inclusion of a condition requiring the bedroom window within the roof space of the extension to be obscure glazed and non-opening below 1.7 metres from finished floor level, it is not considered that there would be any significant loss of privacy. Further, the limited scale of the extension is such that daylight and sunlight would not be significantly affected.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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

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

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

PP1 - Proposed Parking (received on 21/09/21)

PP1 - Proposed Parking (received on 09/09/21)

Proposed Elevations (received on 16/07/21)

Proposed Floorplans (received on 16/07/21)

Location Plan 45 Degree Rule (received on 07/10/21)

Proposed Rear Elevation 45 Degree Rule (received on 07/10/21)

Street Scenes Front (received on 07/10/21)

Street Scenes Side (received on 07/09/21)

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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

4. **The window serving the smaller of the two bedrooms at Raised Ground Floor level, as shown on the Proposed Floor Plan (received on 16/07/21), in the western elevation of the extension hereby permitted shall be non-opening below 1.7 metres from finished floor level and permanently fitted with obscured glass (minimum of Level 3 on the Pilkington Scale) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of no. 3 The Orchard in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

5. **Prior to the first use of the extension hereby permitted the vehicular access and parking areas shall be completed and thereafter retained as shown on drawing number PP1 (received on 21/09/21). Arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway concurrently with the access being brought into use.**

Reason: To ensure satisfactory access into the site, a satisfactory level of parking and to avoid extraneous material or surface water from impacting the highway, in accordance with Policies CS12 and CS31 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

Informatives:

1. 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.
2. 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.
3. 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.

4. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
5. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
7. 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
Conservation & Design (DBC)	<p>The site is a bungalow. It is of lesser interest. There have been a number of applications on the site. The site is located adjacent to the conservation area and a listed building.</p> <p>The proposed alterations would have a nominal impact on the setting of the listed building and conservation area. As such we would not object. External materials, hard and soft landscaping subject to approval.</p> <p>It would be recommended that either additional information be provided to ensure that the lowering of the garden would not impact on the structural stability of the gable of the adjacent listed building as part of the works to lower the garden level or a condition should be imposed. This could form a test pit to check the depth of foundations and ensure</p>

	<p>that this would not be a concern.</p> <p>Recommendation No objection. External materials hard and soft landscaping subject to approval. The foundation issue should be addressed ideally prior to determination.</p>
Environmental And Community Protection (DBC)	<p>The proposed development is not for a change in land use and will not involve significant ground works. It is, however, close to land with a potentially contaminative land use history and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: 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>
Parish/Town Council (04/08/21)	The Council objects to this application as it contains no provision for car parking
Conservation & Design (DBC)	Following the submission of additional information we would have no further comment to add and no objections to the scheme.
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 subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number PP1 to a maximum of 5.4 metres in accordance to HCC Highways, Dropped Kerbs: Terms and Conditions. The new dropped</p>

kerb must be divided from the neighbouring existing dropped kerb by one full raised kerb (2 risers must not meet.. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> 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 County Council website at: <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 highway: 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 County Council website at: <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) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension at 1 The Orchard, Kings Langley. The Orchard is a 30 mph unclassified local access route that is highway maintainable at public expense. This response is following amendments made by the applicant in relation to prior additional requested by HCC Highways.

The proposal includes a new dropped kerb and off street parking space for one dwelling. The dropped kerb must not be built greater than 5.4 metres (4 dropped kerbs and 2 risers) and must be constructed by a contractor chosen by HCC Highways - see condition 1 and informative 1 above. The new hardstanding is only big enough for one vehicle and must be deemed appropriate by the local planning authority whom are in charge of parking.

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 be

	<p>collected and disposed of on site.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Interim</p> <p>The proposal is for the removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension at 1 The Orchard, Kings Langley. The applicant has now included plans which illustrate a new parking area fronting the dwelling. This is not enough information to make a formal recommendation for the site. The applicant will need to provide HCC Highways with the size of the parking area and the width and location of the dropped kerb on detailed plans (different from that previously presented). The dropped kerb will need to be illustrated on plans for the new parking area and must not be greater than 5.4 metres in width (4 dropped kerbs and 2 risers) as per HCC Highways dropped kerbs: Terms and conditions. Once these plans have been provided, then HCC Highways can make an informed recommendation on the site.</p>
Parish/Town Council (22/09/21 – Reconsultation)	<p>The Council OBJECTS to this whole application on the grounds that by virtue of its size / bulk it would result in a serious over-cramping of the site, be out-of-keeping with neighbouring properties and will exacerbate problems with parking and access.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	3	0	3	0

Neighbour Responses

Address	Comments
<p>10 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>I would object to this proposal as due to the different roof levels of the proposal it appears obvious that this is yet another attempt on the part of the applicant to overdevelop the site, and that instead of one dwelling there will be an application to make the rear extension a separate dwelling.</p> <p>Which is probably why there is no provision for parking at the front of the existing bungalow which would have to become the only garden for that part of the site.</p> <p>In view of the lack of parking and obvious reason for the new rear extension bearing in mind the myriad previous applications which show a desire to cram as much development on a small site as possible to maximise profit for the applicant I would urge rejection of this application as it would be out of keeping with the existing dwellings in the road.</p> <p>Either of the last 2 applications granted are in keeping</p>
<p>4 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>Dear Sir</p> <p>We have considered the latest alternative design and application for Number 1 The Orchard WD4 8JR.</p> <p>From the proposal and drawing myself Neighbours and friends view this is a two dwelling application looking at an ugly and unsightly roof line.</p> <p>We are still of the opinion that the previous application for a pair of Semi-Detached built in brick was in keeping with all the other dwellings in the Orchard should be pursued.</p> <p>There is no mention of the out line plans of Parking and Landscaping which is also very important to us.</p>
<p>3 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>Dear Sir,</p> <p>As you are aware Mr Stirling is continually putting in plans for this site. At present you have a planning notice fixed to the fence of this property for the removal of the roof and an additional story added.</p> <p>His new proposal is not in keeping with the existing houses. He also proposes to excavate the rear garden to a probably depth of 1.4 metres at the boundary fence with my property number 3 The Orchard. There is no mention of how he plans to support the hillside when he has removed this ground. Heavy rain could cause this land to slip if not properly supported.</p> <p>It would be useful if you could visit the site to see the problem this proposed excavation will cause.</p>