

DEVELOPMENT MANAGEMENT COMMITTEE

2nd December 2021

Item 5a

21/03707/FUL Demolition of existing garages and provision of 8no modular homes (Use Class C3) and associated works, including landscaping works, and car and cycle parking.

Garage Site Aragon Close, Hemel Hempstead, Hertfordshire

Following the publishing of the report, the applicants have sought to amend the wording of Condition 4 to allow for demolition to take place. Through consultation with the Council's Environment and Community Protection team, it has been confirmed that Condition 4 can be amended to allow for demolition to take place, prior to the other investigative works being carried out.

Condition 4 amended as follows (changes underlined):

(a) No development (excluding demolition) 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 and to comply with paragraphs 174 (e) and (f), 183 and 184 of the National Planning Policy Framework.

All other planning conditions remain as per the officer report.

Recommendation

As per the published report, subject to the above amendment.

Item 5b

21/02639/FUL Construction of 2no. detached dwellings

Land To Rear Of Chertford, 126 Cross Oak Road, Berkhamsted, Hertfordshire, HP4 3NA

Further comments have been received from Berkhamsted Town Council, although the stance remains the same:

Objection

The Committee's view of the application had not changed from its objection on 2nd August 2021. The Committee noted the number of public objections to the application on the portal and objected to the proposal, which is an overdevelopment of the site. The Committee noted comments made by Highways regarding sight lines from the properties. It was concerned about the potential safety issues which could be caused by this and the lack of footway on Cross Oak Road.

CS11, CS12, CS29

The Committee also noted that this application will be discussed at the Development Management Committee on 2nd December 2021.

Comments were received on behalf of the neighbours at Chertford (126 Cross Oak Road) were received on 27th July 2021 however these did not correctly pull through to the report. It is understood that this PDF document has already been circulated to Members but is repeated here (without the images):

Dear Sir

**PLANNING APPLICATION FOR CONSTRUCTION OF TWO DETACHED DWELLINGS
– LAND TO REAR OF CHERTFORD, 126 CROSS OAK ROAD, BERKHAMSTED, HP4
3NA (APPLICATION 21/02639/FUL)**

I refer to the planning application and your consultation letter in respect of the above matter. On behalf of Chertford, 126 Cross Oak Road, Berkhamsted, I confirm our OBJECTION to the proposal.

The main concerns with the proposed development relate to:

- 1. Its cramped layout and over-development of the site;*
- 2. The impact on Cross Oak Road street scene;*
- 3. The poor standard of environment for future occupiers;*
- 4. The overbearing and oppressive impact it would have on neighbours;*
- 5. Highway safety and land ownership; and*
- 6. Flood risk.*

These concerns are set out in turn below.

Site and Surroundings

The application site consists of an irregular shaped plot of land to the rear of Chertford and Dunclutha, Cross Oak Road, Berkhamsted.



Application site outlined in red

The surrounding area is residential in character and consists predominantly of detached properties of varying size and design. Generally, properties are sited on good sized plots and spacing between buildings is generous. The environment is therefore open and attractive. Mature trees and landscaping also give the area a verdant and leafy character.

Access to the site would be provided via a driveway from Cross Oak Road; located between the existing properties Chertford and Dunclutha.

I understand the proposed driveway and vehicle access point were previously part of the residential curtilage of Chertford. As shown on the photograph below, a vehicle access point has already been created and the proposed driveway has been fenced off.



Driveway and gates at the application site

Likewise, as shown on the Council's online GIS map below, the back garden of Chertford previously ran all the way to the footpath at the rear. I understand that when this property was recently sold, the depth of the rear garden was reduced (and the proposed driveway and access fenced off).



Extract from the Council's online GIS Map



Current plot at Chertford, excluding the proposed vehicle access, driveway, and land to the rear (outlined in red approximately)

It is noted that ground levels rise from south east to north west on this part of Cross Oak Road.

The Proposal

Permission is sought for the construction of two detached properties. The dwelling on Plot 1 would be sited to the rear of Dunclutha, and the dwelling on Plot 2 to the rear of Chertford.



Proposed block plan

The front elevation of the building on Plot 1 would be orientated north east and the rear elevation south west. Three off street parking spaces would be provided on the north west side of the building and a garden is proposed to the rear and both sides of the property.

The front elevation of the building on Plot 2 would be orientated south west and the rear elevation north east. This property would also have three parking spaces, and the garden would wrap around both sides and the rear of the building.

Both dwellings would be two storeys in height, measuring a maximum of 8.79 metres to the ridge. They would have a similar design and appearance with a fully pitched gable roof and rendered walls. Each would have three bedrooms (my clients are concerned the roof space could be converted at a later date to provide additional bedrooms, potentially up to five).



Front elevation of the proposed dwelling on Plot 2

Vehicle access to the site is proposed from Cross Oak Road via a driveway between the existing properties Chertford and Dunclutha.

The plans show the access road would measure a maximum of 5.1 metres in width, although part of it would reduce to 3.7 metres. The first 10 metres of the driveway would be hard surfaced (tarmac), and the rest would be gravel.

The application states the vehicle access point is existing. However, it is not known whether permission from the County Council has been approved for it, and therefore whether it is currently lawful. If planning permission for this application is refused, this matter needs to be investigated by the District and County Council's.

1. Overdevelopment of the site

Density and layout

In my opinion, the proposal represents a significant overdevelopment of the site. The scale of the proposed dwellings and restricted shape and size of the plot would represent a cramped and contrived form of development and would be incongruous to the spacious character and layout of development in the area.

The planning application references the existing tandem development in the surrounding area, providing a 'site context plan' with the submission (drawing number 20/073-074/201 rev A).



Extract from 'site context plan' provided with the application (surrounding tandem developments shaded in blue)

Compared to the surrounding tandem developments, the proposed plots to the rear of Chertford and Dunclutha are notably smaller and more constrained.

The application forms with the current application confirm the site area is 1468 square metres. Divided in half this equates to 734 square metres per dwelling (approximately).

The tandem development to the north east of the application site; Brambleway House (to the rear of Ardraccan, Meadow Way and 118 Cross Oak Way) has a site area measuring approximately 1740 square metres (including the access road). This greatly exceeds the proposed plots behind Chertford and Dunclutha.

Similarly, the tandem developments opposite at Cherry Hill (behind Lastallion, Cross Oak Way) and Homestead (behind Hollydene and Rushwood, Shooters Way) have plots measuring approximately 1430 square metres and 1340 square metres, respectively. Both are occupied by a single dwelling.

Likewise, the recently approved development for a single dwelling to the rear of Fullers, Cross Oak Road (opposite the application site), has a considerably larger site area than the proposed plots at the application site.

It is important to note that the Area Character Appraisal for BCA12 Shootersway, where the application site is located, states the density of new development 'should be compatible with the character within the existing density range not normally exceeding 8 dwellings/ha'.

The proposed development has a density of 13.8 dwellings per hectare and therefore exceeds this requirement.

The table below provides comparable details of the other tandem developments shown on the 'site context plan' submitted with the planning application (excluding the recently approved dwelling to rear of Fullers, Cross Oak Road, as this development has not been implemented and therefore measurements could not be taken from the Council GIS map).

Property: Site Area (approx.): Dwellings per hectare:

Homestead, Shootersway 1340m² 7

Cherry Hill, Cross Oak Road 1430m² 7

Dellswood, Cross Oak Road 1985m² 5

Lavender House, Cross Oak Road 1412m² 7

Gillams, Cross Oak Road 1184m² 8

Brambleway House, Cross Oak Road 1740m² 5

It is noted that the Officer's Report for the approved dwelling to rear of Fullers, Cross Oak Road, states the proposed density is between 8 to 10 dwellings per hectare. As such, it is less than that proposed in the current application.

Appendix 3 (Layout and Design of Residential Areas) of the Dacorum Local Plan states:

'Proposals should be guided by the existing topographical features of the site and its immediate surroundings. They should respect the character of the surrounding area, and in particular there must be adequate space for the proposed development without creating a cramped appearance.

(Author's emphasis)

Furthermore, Policy CS11(a) of the Core Strategy states 'within settlements and neighbourhoods, development should respect the typical density intended in the area...'

Contrary to the above, the proposed density of the development would be excessive and out-of-keeping with the character of the area. In conflict with Appendix 3 and Policy CS11(a) there is inadequate space on site for the scale and number of dwellings proposed, resulting in a cramped and overcrowded form of development. As such, the proposal constitutes an overdevelopment of the site.

Garden depths and arrangement

Appendix 3 (ii) of the Local Plan states all residential development is required to provide open space for use by residents whether the development be houses or flats.

'Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. Larger family or executive style homes will be expected to provide a garden of greater depth. For infill developments garden depths which are below 11.5m but of equal depth to

adjoining properties will be acceptable. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.'

Furthermore, Policy CS12 (g) of the Core Strategy states new development should respect adjoining properties in terms of 'landscaping and amenity space'.

The proposed rear garden on Plot 2 would measure just 5.5 metres in depth (from the rear elevation of the house to the opposing boundary). As such, it would be less than half the minimum depth set out in Appendix 3. The rear garden of Plot 1 would measure 9.6 metres in depth and would also not comply.

While the houses would also have garden areas to the sides, at Plot 1 these are small and physically constrained and would be overshadowed by surrounding trees and the proposed building. Similarly, at Plot 2 the garden area on the south east side of the building would be overlooked at close range by the first floor bedroom opening of the proposed dwelling on Plot 1, while the area on the north west side of the building, would be overshadowed by trees.

The proposed dwellings would be family houses, each comprising three bedrooms (potentially up to five if the roof space is converted at a later date). As set out above, local guidance states larger homes should exceed minimum requirements. While the development is a form of infill, compared to adjoining properties, the proposed garden depth is much smaller, and the general arrangement more restricted.

In view of the above, the proposed depth and layout of the gardens is considered a further indicator that the scheme is an overdevelopment of the site, contrary to Appendix 3 of the Local Plan, and Policy CS12 (g) of the Core Strategy.

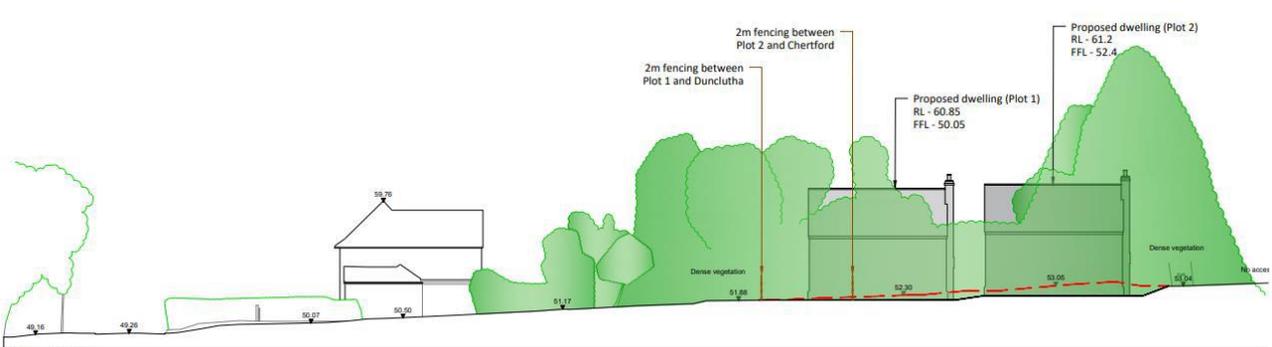
2. Impact on Cross Oak Road street scene

The existing tandem developments in the area are not easily discernible from the street, set back behind the buildings which front the road. As such, they do not impact on the street scene.

While the proposed buildings would also be set back from the street, given the elevated position of the site, the proposed height of the dwellings (8.97 metres), and the large gap between Dunclutha and Chertford, I believe they would be visible from the street.

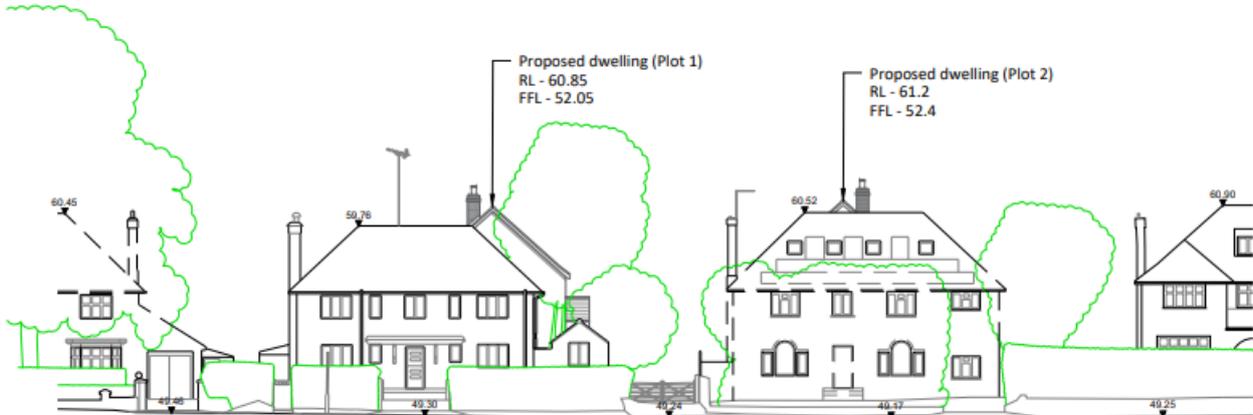


Gap between Dunclutha and Chertford



Datum 48.00m

Proposed site section drawing showing the elevated position of the application site



Datum 48.00m

Proposed street scene plan showing the height of the new properties behind Chertford and Dunclutha

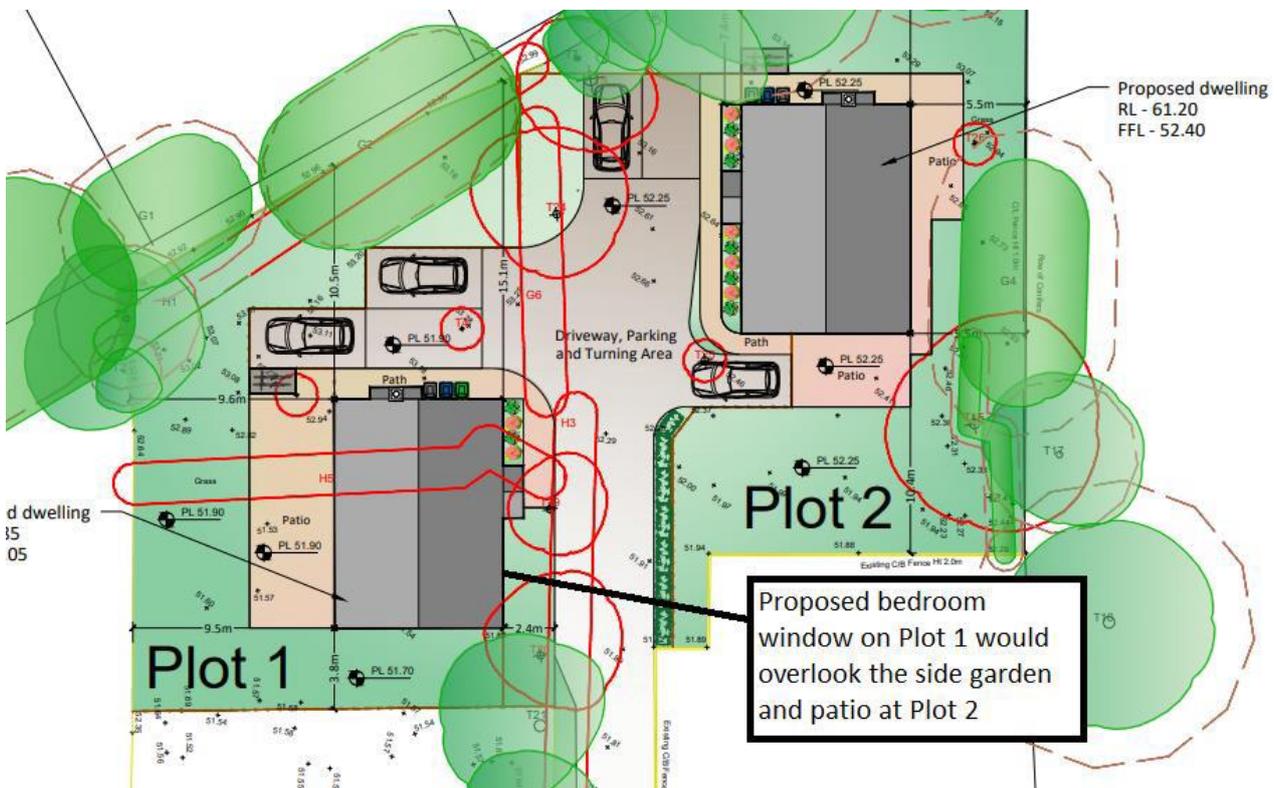
Therefore, unlike the surrounding tandem developments, which are visually discreet, the proposed dwellings would upset the existing pattern and rhythm of development on the street. Furthermore, they could set a harmful precedent for future development of a similar nature in the area.

The proposed development would therefore be contrary to Local Policy CS11(b) which seeks to preserve attractive streetscapes.

3. Poor standard of environment for future occupiers

In my view, the proposed development would fail to provide future occupiers of the houses with an acceptable standard of environment.

The proposed first floor front facing opening at Plot 1, serving bedroom 3, would be located very close to the opposing side garden at Plot 2 (approximately 7 metres). As such, this part of the proposed garden would be harmfully overlooked, severely impacting on the privacy and usability of this space.



Proposed bedroom window at Plot 1 would overlook the side garden and patio at Plot 2

Furthermore, as noted earlier, the proposed gardens would be physically constrained and dominated by the proposed buildings. As such, they would not provide future occupiers with a good standard of amenity.

The proposal would therefore fail to provide a satisfactory standard of environment for future residential occupiers of the dwellings contrary to local and national planning policy in this respect.

4. Impact on Neighbouring Amenity

A core planning principle, as set out in the NPPF, is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is echoed in Local Policy CS12 (c) which states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Chertford and Dunclutha

As noted above, grounds level rise from south east to north west on this part of Cross Oak Road. As a result, the rear patio and ground floor openings at the back of Chertford and Dunclutha are set down from the main garden and land at the application site (as shown on the photograph below).



View towards the application site from the rear patio of Chertford

The proposed dwellings would therefore be constructed on higher ground, exacerbating their height and dominance when viewed from the rear of Chertford and Dunclutha.

In view of the above, the proposed development would have a significant detrimental impact on the residential amenity of Chertford and Dunclutha.

The two storey flank elevations of the houses, which would measure 8.79 metres in height, would have an adverse overbearing impact on the adjacent properties and gardens. The proposed dwelling on Plot 1 would be sited just 3.8 metres from the new rear boundary of Dunclutha, and the first floor opening serving bedroom 3 on Plot 1, would overlook the rear garden of Chertford at very close range (7 metres approximately).



The development would have a dominant and oppressive impact on the back gardens of Chertford and Dunclatha

As such, the proposed development would have a visually oppressive and overwhelming impact on the adjacent properties and gardens, and, in respect of Chertford, would have an unacceptable impact on privacy.

In addition, noise and disturbance generated by the proposed dwellings would compromise the amenity of surrounding residents. In particular, my clients are very concerned about the proximity of the access road to their property and garden, and the noise and disturbance vehicles using this would produce (comings and goings, deliveries etc). The proposed gravel surface would exacerbate this significantly.

The first floor windows at the back of Chertford, next to the proposed driveway, serve bedrooms. The noise generated by the driveway and development in general would therefore have a significant adverse impact on these habitable rooms.

Arnside

In my view, the proposed development would also have a detrimental impact on the residential amenity of the occupiers at Arnside. The proposed dwelling on Plot 2 would be sited just 5.5 metres from the side boundary and garden of this property. As such, it would have a dominant and overbearing impact.

Furthermore, the proposed first floor rear facing window serving bedroom 2 would be sited just 5.5 metres from the adjacent rear garden and therefore would have an unacceptable impact on privacy.

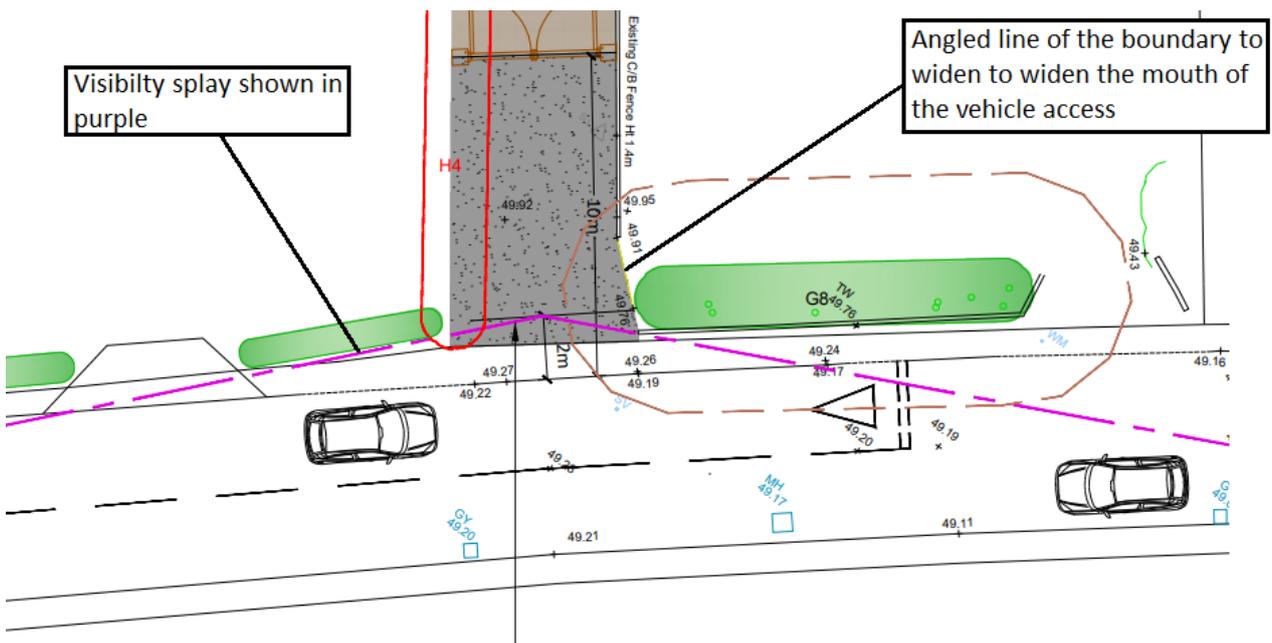
5. Highway Safety and Land Ownership

The application states the vehicle access which would serve the development from Cross Oak Road is existing. As shown in the photograph below, a vehicle access has been created, however, it is not known whether permission from the County Council has been granted for this. If planning permission for the current application is refused this matter needs to be investigated by the District and County Council's.



Proposed vehicle access

The proposed block plan shows a visibility splay either side of the vehicle access measuring 2 metres x 23 metres. To achieve this the boundary line adjacent to Chertford is angled slightly to make the mouth of the access wider. This angled boundary line has been implemented on site and is visible in the photograph above. My clients believe the position of this boundary could be incorrect, intruding upon land in their ownership.



Extract from proposed block plan showing the angled position of the boundary line next to Chertford

Below is a copy of the land registry plan for Chertford, provided by my clients. This shows the boundary line between the proposed access and Chertford running straight to the front of the site, not at angle.



Land registry plan for Chertford, Cross Oak Road showing position of the boundary

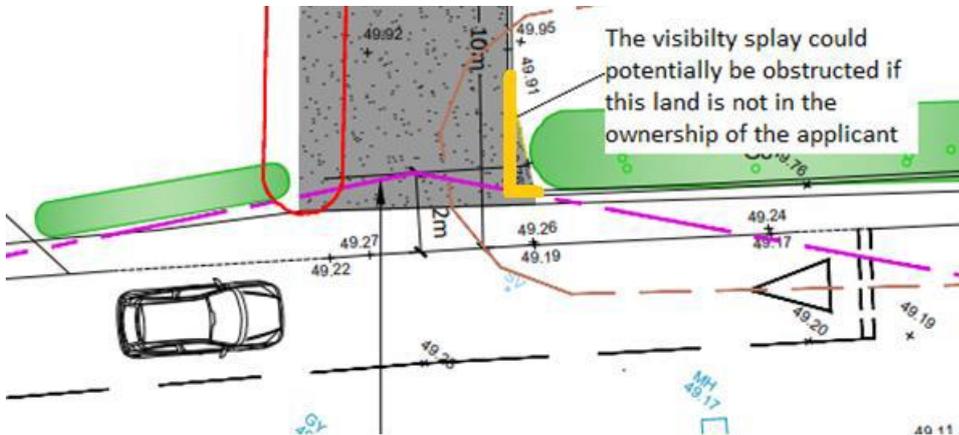
Also of note is the block plan submitted with the previous withdrawn application (4/01800/18/FUL) for a development at the rear of Chertford and Arnside for the construction of two houses in 2018.

As shown below, the same access arrangements from Cross Oak Road were proposed, however, the boundary line adjacent to Chertford was straight with no angle.



Proposed block plan; planning application 4/01800/18/FUL

If the boundary line is straightened on the proposed block plan, shown indicatively on the plan below, the required visibility splay could potentially be obstructed by a fence or soft landscaping along the boundary of Chertford. This could result in unsafe conditions for future occupiers of the development and the free and safe flow of traffic along this part of Cross Oak Road.



Extract from the proposed block plan showing the boundary line straight to the road (approximately)

In view of the above, the ownership of this land needs to be carefully investigated by the Council. Otherwise, approval of the development could have a detrimental impact on highway safety.

It is noted that the Highway Authority have provided comments on the proposed application. In these they state:

'The visibility splays presented of 2m x 23 metres are only achievable so as long as the hedges to the south-west of the access, which has been illustrated within the plans, is removed or relocated.'

In my opinion, the comments above could also apply to a hedge or fence along the boundary with Chertford if the current angled position of the boundary is incorrect.

My clients also inform me that Cross Oak Road is a very busy highway and that vehicles regularly exceed the 30mph speed limit. Furthermore, there is no footpath along the application side of the road. Cross Oak Road is commonly used as cut through to avoid the town centre and is also a key route to four local schools (Greenway Primary & Nursery School, St Thomas More Catholic Primary School, Ashlyns School, and Berkhamsted Girls School). As such, it sees a high volume of traffic and vehicles often queue along the highway (given the traffic islands in place). My clients are aware of two recent incidents, one involving a pedestrian and a car, and the other a vehicle and a dog. These factors only compound the need for a fit and proper access to the site.

In other respects, it is not shown on the plans how emergency, refuse and delivery vehicles would access the site. In my view, there would be insufficient space on site for large vehicles to turn, meaning these would potentially have to reverse out onto Cross Oak Road causing further unsafe conditions.

Local Policy 54 states new development proposals will be expected to meet current national and local standards for highway design, access and servicing arrangements and circulation space. In view of the comments above, these matters need to be investigated and reviewed very carefully.

6. Flood Risk

I am informed by my clients that surface water flooding is a significant problem on this part of Cross Oak Road.



Photograph of surface water flooding on Cross Oak Road

My clients are very concerned the development would compound this issue, particularly as the first 10 metres of the proposed driveway would be tarmac (therefore potentially non-permeable).

Site Visit

In light of the matters set out above, it is requested that the case officer visits Chertford to allow for a full and complete assessment of the proposal.

Conclusion

In conclusion, for the reasons given above, we request that the planning application is refused.

Since the report was written, a further objection has been received on 30.11.21 via email from Pentire, Cross Oak Road, Berkhamsted, Herts HP4 3NA This is repeated here:

Dear Mr Terry (and planning committee),

I attach the objections I submitted in the afternoon of 26 July 2021, delivered personally, in hard copy, to the offices of DBC in Hemel, re this application 21/02639/FUL.

1. I note you say you yourself did not receive these, so were unable to consider my points in your report. Please will you quiz your colleagues and find my original objections pack, because it also contained enclosures I wanted you and the planning committee to see. i.e.

i). a very recent (shortly before July 26th 2021) photo graph of the flooded road (Cross Oak Road) by the traffic island (adjacent to the access to the proposed new dwellings) and

ii) a diagram of a 5 bed house, in exactly the same footprint & height as the 3 bed houses for which the applicant is seeking planning permission. (Potten Homes, upon whose house plans the application is based, appear to offer this design as a way of a developer achieving a 5 bed dwelling, with **extra** bathroom, in the boarded "attic" space, whilst an applicant need only apply for planning for a 3 bed dwelling & the parking needed for 3 beds!)

It is **very material** that the Planning Committee have the opportunity to see the diagram and consider this point. Not least because your report's comments on parking, emphasises that each "**3** bedded" property need have only 2 parking spaces, yet the application offered 3 per property, thus giving an on site "visitor" parking space on site. Whereas in reality, parking for 4 bed plus dwellings requires 3 parking spaces and "visitors" parking to two 5 bed dwellings would spill over onto Cross Oak Road, by the traffic island narrowing point and create a traffic hazard!

2. As my 26th July objections did not reach your hands, you had no opportunity to consider in your report:

2.1. my proposal (5.1.1. in my 26th July submission) that "Permitted Development Rights are with drawn from the 2 houses, to **include a prohibition on the conversion of the loft into habitable rooms.**"

Thus, **please increase the scope of your recommended withdrawal of Permitted Development rights in class A, to include a prohibition on veluxes, dormers or any other type of in roof fenestration which would enable the creation of a 2nd storey - 3 floors.** I gather these are covered by **class B** and **class C** of Part 1, schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) etc., but will be guided by you as to the appropriate sections which cover this.

2.1.2. i note the wording in the conditions & reasons section of your report is "No development falling within the the following classes of the order [Class A PDR withdrawal] shall be carried out without prior written approval of the local planning authority". I hear from many sources that such permission can be granted by any busy and work overloaded planning authority with only cursory, if any, further consultation with neighbouring properties. **Thus, I would like the planning committee to reject this application;** because if the roof space volume shown in this application is allowed, the windows will no doubt be allowed in due course.

2.2. **My objections in section 1 of my 26 July 2021 submission.** These are material; both Herts CC & Thames water gave you comments based on:

2.2.1. the application being for 3 bedded houses;

and

2.2.2. Herts CC **assumed that planning permission had already been given for this new driveway. If this is the case, please furnish the planning committee and the other objectors with the documentation granting permission for this.**

If PP for this driveway has **not** already been granted, it is imperative that Herts CC reconsider their submission in the light of this, because the precedent for "sleight of hand" creation of new driveways in Cross Oak Road and elsewhere will have been set.

Thus I recommend the DBC planning committee reject this application unless and until Herts CC have further considered the matter, in the light of the true facts.

3. The mass of the proposed dwellings is too great for the street, with the **ridge height** being far higher than needed for 3 bedded properties.

3.1. The roofs **will** be obtrusively visible from Cross Oak Road (I question the applicant's elevation picture for **base line reasons** - see 3.2. below) and **will loom** over the properties in front of them. This is **not** the case with any existing infill properties in this immediate area, which are:

i) single or one and a half storeys (eg The Homestead, Shootersway); or

ii) double storey, but built at a much lower level, which thus avoids overlooking and oppressive mass (e.g. Lastallion, vis a vis Cherry Hill); or

iii) double storey, but not overlooking other dwellings' primary private gardens, and are compatible with the street scene (eg Mariners, a replacement dwelling)

3.2. There is the issue as to what is the **base line level for construction** of the 2 properties, with the land sloping and a thus a different "ground level" for each; this must be rigorously investigated & clarified before any planning permission is granted. The application is vague on base line / sloping land point.

3.3. The submitted plans **will** result in significant overlooking into the **primary** private garden spaces of the immediately adjacent properties (even more so were Class B & C Permitted Development rights not withdrawn!).

For example, the rear of the garden of Winsford, adjacent to the proposed development, is the primary garden space; it is not the part adjacent to the house, because the rear is the only part of the garden receiving significant sun. Note, there is a Tree Preservation Order (TPO) on the tulip tree in the middle of Winsford's back garden; this shades sun from the part of the garden nearest the house.

4. There is **delphic** wording / plan representation (which some may call deliberately misleading) in other parts of the application documents, such as on the plan view showing tandem/ infill development locally: some of the houses highlighted were the **original** ones, others were **later** tandem developments. One would expect **consistency** in this highlighting, i.e. highlight either the later infill tandem development properties or highlight the original properties; don't highlight a mixture of both because this gives the impression of attempting to bamboozle a reader less familiar with the locality, Note, not all the later tandem developments were on backland: Cherry Hill was the original house; Lastallion was built **later**, in its front garden.

In summary, I ask:

a) DBC Planning Committee to refuse this application for planning permission, for the several reasons outlined.

If the planning committee were minded to approve the application, subject to conditions, I ask:

b) Mr Terry to reconsider some of his recommendations in the light of the above points and to extend the PDR withdrawal condition to include the prohibition of dormer windows, veluxes and any other type of roof fenestration (which I think are Class B & C of the Town and Country Planning Act 2015, as amended etc.).

*b) that Herts CC Highways are given the opportunity to comment, **before** any planning permission is granted, on whether or not they would give/ would **want** DBC to give, permission for the proposed development's **new** driveway access onto Cross Oak Road at this point. so near the traffic island road narrowing.*

*The developer has created this driveway so it does **exist**, but **it has not been granted planning permission**. Herts CC Highways' submission gives the impression they think it **already** has planning. Herts CC also commented based on an application for **3 bed** dwellings, not on 5 bed dwellings.*

To let this matter "slip through" would create an undesirable precedent that any property in the locality can "game the system" and create an extra access onto Cross Oak Road without seeking planning permission.

If the driveway access has already been granted planning permission; please would Mr Terry furnish the neighbours with full details of this.

c) a condition is imposed that all surface water drainage must be on site and not via the main foul sewer.

Word document attachment to e-mail above from the neighbour at Pentire as follows:

OBJECTIONS TO PLANNING APPLICATION 21/02639/FUL

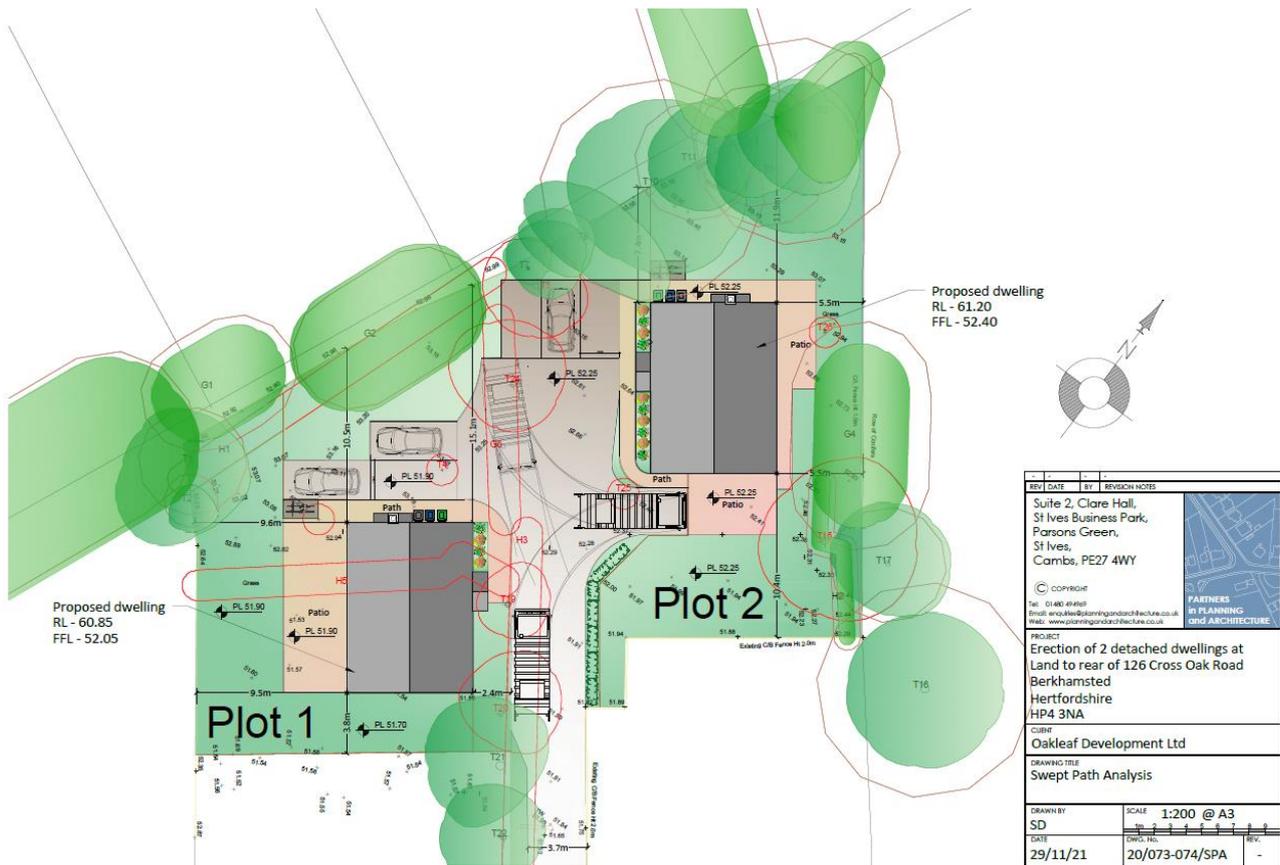
- 1. Herts CC, the highway authority, comments re this application, that the driveway access onto Cross Oak Road existed before 2019. They wrote this under the impression that permission for such a driveway had already been given. However, this driveway access has never been given planning permission. **Permission for this new driveway access onto Cross Oak Road must therefore be considered by Herts CC and Dacorum Borough Council (DBC) and Thames Water (responsible for surface drainage of Cross Oak Rd) in the context of this new planning application. This fact needs to be flagged to Herts CC and Thames Water, as well as DBC.***

- 1.1. The driveway access was created after August 2018, following refusal of a previous planning application and the withdrawal of a subsequent planning application. Thus, there is no planning permission for the creation of a new driveway access to Cross Oak Road.*

- 1.2. *I wrote at the time to the Town Council protesting that a developer could create a new driveway access onto Cross Oak Road without any planning permission being given. BTC passed this on to DBC and acknowledgement was received. Doubtless it would not have been a DBC priority to take this matter further because there was no planning permission being sought at that time, so the “gated driveway access” was merely for the developer’s occasional access to the wild amenity backland he had retained when he sold his house, Chertford.*
- 1.3. *Were HCC &/or Thames Water not to be minded to reconsider their comments on driveway access in the light of the above facts and the points below, it will set a precedent for the creation of a plethora of additional driveway accesses being created, without planning consent, in the locality.*
2. *The proposed driveway is immediately before a road narrowing piece of concrete (a “traffic island”) built out into the highway so that only one vehicle at a time can get past that pinchpoint. It is **dangerous to site an additional driveway here**, particularly in the light of:
 - a) **the road flooding at the pinchpoint whenever there is heavy rain,**
 - b) **plus the traffic back up to the mini roundabout at rush hour and**
 - c) **an inadequate visibility splay shown on the site plans.***
- 2.1. *Thames Water’s comments on the planning application acknowledge that surface water drainage in the area is a challenge, but they don’t seem to realise:
 - 2.1.1. *That the proposed new driveway will act as a “river course” to direct additional surface waters onto Cross Oak Road at an existing flood point;*
 - 2.1.2. *how badly the road already floods at that point; the surface water drainage ditches overflow!*
 - 2.1.3. *flood waters have flooded the house Lastallion’s site; part of the front garden of Pentire and most of the front garden of Charnwood, making it impossible for its residents to get out of or into their house;*
 - 2.1.4. **the existing Thames Water drainage ditch arrangements are inadequate** to prevent flooding now, let alone when a new drive directs floodwaters down the gradient to Cross Oak Road;
 - 2.1.5. *the curb in front of the driveways to Lastallion/ Cherry Hill and Pentire has already been raised to try to prevent floodwater ingress, so there is no scope for further curb alterations there.**
- 2.2. *Were planning permission to be granted without really adequate surface water drainage to stop flooding, the owners of the affected houses would no doubt be seeking legal redress when their houses and gardens are flooded as they would consider the planning permission granted negligently.*
3. *The **mass of the proposed development is too great for the street scene** and would loom over both Charayana (Dunclutha on some of the plans) and Chertford and over dominate the street scene.*

4. *The planning permission being sought is for, effectively, a **5 bedroom house**, not a 3 bedroom house as the developer states. The developer is trying to get two 5 bed houses onto the site **without adequate parking for 5 bed houses**. Where would the overflow parking go? Obviously onto the floodable part of Cross Oak Road, by the traffic island pinchpoint, impeding safe access to/ from the existing adjacent driveways.*
- 4.1. *There is more than adequate space for an additional 2 rooms and a extra bathroom on the boarded "attic" floor of both proposed houses. If planning permission is given for houses of this height and mass, the developer or subsequent purchasers can add in windows and convert the existing boarded lofts without requiring further planning permission or needing more parking spaces.*
- 4.2. *Were the developer truly wanting to build 3 bedroomed houses, he could achieve this with 1 and a half storey houses with a lower ridge height, e.g. 7.7 metres.*
5. *In the light of the above, we request that, were DBC nonetheless minded to grant planning permission (for houses of the height and mass as specified by the developer),*
 - 5.1.1. ***Permitted development rights are withdrawn from the 2 houses, to include a prohibition on the conversion of the loft into habitable rooms;***
 - 5.1.2. ***A double yellow line to prevent parking is drawn on both sides of the road, for 100 feet either side of the traffic island;***
 - 5.1.3. ***Thames Water/ Herts County Council come up with effective surface water drainage expedients to prevent flooding of both the road and properties opposite the driveway***
 - 5.1.4. ***An adequate visibility splay is a condition of the development. The developer does not, I think, own land at the end of the drive which would enable this to be provided. If he does, this is not shown on the plans.***
6. ***I am supportive of backlands development where appropriate; in this case it would be of single storey or 1 and a half storey 3 bedroomed houses with permitted development rights withdrawn, but with suitable parking and surface water drainage conditions imposed. This current application should be refused.***
7. *Yours sincerely, Pentire, Cross Oak Road, HP4 3NA Delivered by hand Monday 26th July 2021. Enclosures: 1. Flooded road by traffic island. 2. Diagram of 5 bed in same mass as 3 bed.*

A swept path analysis drawing has been received to demonstrate that waste collection vehicles and emergency vehicles could turn on site and leave in a forward gear.



The Highway Authority have been consulted on this plan and comment as follows:

“Having looked at the plan provided within your email, I do not see a problem with the parking space being turned into a turning head as long as it is not used as a parking space in the future. One question would be what size vehicle are they using in the plan, this is important as it would need to meet standards stipulated in the fire and rescue document. I have just checked and the original application stated that a sprinkler system would be implemented but I assume as stated in your email that access to the site by a fire appliance is now required. The width of the internal drive is 5.1 metres so this is considered acceptable to fit the maximum fire appliance width.

In principle if the original parking space is used as a turning head and a fire appliance or refuse vehicle can fit, then I do not see a reason as to why this is not acceptable.”

The length of the vehicle shown on the plan is stated as being 7.1m long. To address the above and ensure that sufficient parking can be retained whilst providing space for delivery vehicles etc. it is considered necessary to add a new condition (please see below).

Amendment to Condition

Condition 10 being amended (to include the word ‘collection’ and a new condition being added in relation to parking provision as follows:

Condition 10:

“Prior to occupation of either dwelling details of the provisions for the collection,

storage and recycling of refuse shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s) unless further written approval for an alternative scheme is gained from the Local Planning Authority in liaison with Dacorum's Waste Management Team.

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).”

New Condition

Condition 15:

Prior to occupation of either dwelling, details of the parking arrangements on site shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2021).

Recommendation

As per the published report.

Item 5c

21/01712/FUL Construction of one 5 bedroom detached town house

Land Adjacent To 10 Glendale, Hemel Hempstead, Hertfordshire, HP1 1TG

No updates required.

Recommendation

As per the published report.

Item 5d

21/03633/FUL Installation of and change of use of land to training and exercise strip for training of horses

Gammel Farm, 5 Goldsworth Road, Tring, Hertfordshire HP23 5FY

No updates required.

Recommendation

As per the published report.

Item 5e

21/02089/FUL Construction of stables and machine store.

Chequers Hill Nurseries, Delmer End Lane, Flamstead, AL3 8ER

No updates required.

Recommendation

As per the published report.

Item 5f

21/03743/FUL Energy Conservation improvements to external fabric including external wall insulation, external window and door replacement, roof coverings replacements with increased internal roof insulation with internal communal lighting upgrade to LED fittings

Blocks Of Flats On Squires Ride X3, Hemel Hempstead, Hertfordshire, HP2 6LE

No updates required.

Recommendation

As per the published report.

Item 5g

21/03726/FHA Garage demolition and rebuild, with first floor side extension and porch

16 The Horseshoe, Hemel Hempstead, Hertfordshire, HP3 8QW

No updates required.

Recommendation

As per the published report.

Item 5h

21/03658/FHA Proposed part single part two storey side / rear extensions, demolition of existing garage, and all associated works

2 Nettlecroft, Hemel Hempstead, Hertfordshire, HP1 1PQ

No updates required.

Recommendation

As per the published report.

Item 5i

21/01970/UPA Upward extension to accommodate four bedrooms at a height of 7.1m . Materials and roof form to match existing.

17 Abbots Rise, Kings Langley, Hertfordshire, WD4 8AR

No updates required.

Recommendation

As per the published report.
