

**ITEM NUMBER: 5f**

<b>21/02671/FUL</b>	<b>Rebuilding, to the same shape and form, a completely burned down single bedroom house, and constructing a single storey extension, to form a new two-bed house.</b>	
<b>Site Address:</b>	<b>18 Nash Green Hemel Hempstead Hertfordshire HP3 8AA</b>	
<b>Applicant/Agent:</b>	<b>Mr Kiril Natov</b>	<b>Mr Dimitar Solenkov</b>
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Nash Mills Parish Council</b>	<b>Nash Mills</b>
<b>Referral to Committee:</b>	<b>Contrary View to the Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed replacement dwelling would be of modest height and scale, and would be positioned in the same location as the original dwelling. Whilst comprising a unique octagon shaped structure, this structure would be similar in design terms to that comprised by the original dwelling, and would be constructed in materials to match the original property. Taking this into account, and noting that the surrounding area is characterised by properties of mixed architectural styles, sizes and designs, it is not considered that the replacement dwelling would appear visually prominent or harmful to the character and appearance of the streetscene when viewed within this context.

2.3 Given its modest height, scale and positioning, it is not considered that the proposed replacement dwelling and associated extension would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, no changes or alterations have been proposed to the existing site access. Whilst the proposal would increase the number of bedrooms on the site and would fail to provide any off-street car parking provision for future occupiers of the site, it is not considered that a refusal of the proposal on these grounds could be sustained, given that the submitted Parking Stress Survey indicates that on-street parking provision is available. Given everything considered above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The site originally comprised semi-detached dwelling 'Octagon House', situated off Mill Close; a residential cul-de-sac in Hemel Hempstead. The original dwellinghouse was of unique form/design; its character defined by an octagonal shaped structure, with a single storey flat roofed projection.

3.2 The original dwellinghouse was however burned down, and the site has since been cleared, with the remnants of the dwellinghouse removed and demolished to slab level. The surrounding area is characterised by a mixed pattern of development, comprising a mix of flats, terraced and semi-detached properties.

## **4. PROPOSAL**

4.1 Planning permission is sought to rebuild a dwelling on the site. Whilst the new dwelling would comprise a similar design/form to the original property, the new dwelling would also comprise a single-storey extension, providing an additional bedroom.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

4/01278/14/RPA - Change of use from retail (use A2) to residential (use C3) with minor external alterations to include replacement of double doors with single door and side panel and insertion of new window.

*PRQG (Prior Approval Required and Granted) – 11<sup>th</sup> August 2014*

Appeals (If Any): N/A

## **6. CONSTRAINTS**

CIL Zone: CIL3

Former Land Use (Risk Zone):

Highbarns Zone: Highbarns Outer Zone

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Nash Mills CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA19

Parking Standards: New Zone 3

Town: Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)

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

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

Relevant Policies:

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  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The site is situated within the residential area of Hemel Hempstead, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 In light of the above policies, the proposal for a replacement dwelling in Hemel Hempstead is acceptable in principle.

### Quality of Design / Impact on Visual Amenity

9.4 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.5 The site falls within the HCA19: Nash Mills Character Appraisal Area wherein small to medium sized dwellings of mixed design are acceptable, provided they respect the character of adjoining and nearby development.

9.6 The application proposes the construction of a replacement dwelling on the site, comprising a similar design/form to the original property, with an added single storey extension, (measuring approximately 3.5m deep and 4.6m wide), to provide an additional bedroom.

9.7 The Parish Council have raised objection to the scheme, raising concerns that the proposed replacement dwelling would fail to be in keeping with the design of neighbouring properties, therein appearing a harmful addition to the streetscene.

9.8 It is however noted that the proposed replacement dwelling would be similar in design terms to the original property, (comprising a similar style octagonal shaped structure), and positioned in the same location. Whilst the new extension would infill an existing off-street car parking space situated

adjacent to the highway, it is not considered that this addition would appear visually prominent, noting its modest scale/ height and that it would not project beyond the building line of the original dwelling.

9.9 Taking the above into account and noting that the surrounding area is characterised by properties of mixed architectural style, character and design, it is not considered that the replacement dwelling would appear visually harmful when viewed within this context, or that it would detract from the character and appearance of the streetscene.

9.10 With regards to materials, the application form notes that the replacement dwelling would be constructed in materials to match those of the original property, (i.e. including matching facing brickwork, roof shingles and white uPVC window finishes). Given that these materials would enable the property to comprise a similar appearance to the original dwelling and integrate with neighbouring properties, no concerns are raised in this regard.

9.11 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the HCA19: Nash Mills Character Appraisal Area and the NPPF (2021).

#### Impact on Residential Amenity

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

9.13 The site shares boundaries with neighbouring properties 18A/18B and 19 Nash Green, and is situated opposite the flats of 1-40 Gade Tower.

9.14 The proposed new dwelling would be of modest scale and height and positioned in the same location as that of the original property. Whilst the proposal would involve the construction of a new extension, this addition would be modest in terms of its height and scale, replacing an existing off-street car parking space.

9.15 Taking everything above into account, it is not considered that the proposed development would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light to neighbouring properties.

9.16 Whilst the new dwelling would comprise a number of openings, these would largely be positioned in the same location as openings on the original property and set a single storey level. Taking this into account and noting the positioning and orientation of the proposed new dwelling in relation to neighbouring properties, it is not considered that the new property could be used to facilitate any harmful overlooking of neighbouring properties.

9.17 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties, according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2021).

#### Impact on Highway Safety and Parking

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

9.19 The proposal would not involve any changes to the existing site access or adjacent public highway, and as such, it is not considered that the proposal would generate any highway or pedestrian safety concerns in this regard.

9.20 The Parking Standards Supplementary Planning Document (2020) outlines the Council's car parking standards, noting that a two bed dwelling in this location would be expected to provide 1.5 off-street car parking spaces.

9.21 The original property comprised an off-street car parking space for one car. Whilst the current application proposes that the original dwelling be rebuilt, it does seek permission to construct a new extension over this original off-street car parking space. Given that the proposal would therefore both increase the number of bedrooms within the property, (i.e. from one to two bedrooms), and remove any off-street car parking provision for future occupiers of the site, concerns were raised that the proposal would fail to secure sufficient parking provision for future occupiers of the site.

9.22 The Parish Council also shared the above concerns, raising objection to the scheme on the grounds that the proposal would increase parking pressures within an area known to be heavily congested, given the density/pattern of housing within the immediate area.

9.23 Whilst the Parking Standards Supplementary Planning Document (2020) sets out the level of parking provision that should be provided, Paragraph 6.10 of this document notes that deviations to the Council's parking standards can be made where '*on-street parking stress surveys, (undertaken in accordance with the specification provided in Appendix C), indicate sufficient spare capacity or there is a controlled parking zone for the area or one is proposed and secured (new residents will not normally be allocated permits unless surveys show ample spare on-street capacity).*'

9.24 The Agent has submitted a Parking Stress Survey, (as commissioned by CTS Traffic and Transportation), in support of the application. Whilst this document notes that the surrounding is heavily congested, (i.e. with parking stress levels noted to range between 75-88%), the report concludes that the proposed development would not lead to parking stress within the area becoming significantly worse, given the availability of parking spaces along the North and South of Mill Close and Nash Green.

9.25 The submitted survey accords with the specifications set out under Appendix C, (i.e. with the survey limited to a site area within a two minute radius of the site and the survey undertaken during dates/times within which the highest numbers of residents would most likely be home). Taking this into account, and noting that the submitted report concludes that maximum on-street car parking capacity has not been reached, it is considered that sufficient evidence has been provided in accordance with Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) to justify a change to the Council's parking standards, and evidence that there is sufficient on-street parking provision to serve occupiers of the new dwelling.

9.26 In light of everything considered above, it is not considered that a refusal of the scheme based on the proposed parking arrangements could be sustained or justified. The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

#### Other Material Planning Considerations

##### *Amenity Space*

9.27 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private

gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.28 The original dwelling did not benefit from any private residential amenity space. Whilst the proposed replacement dwelling would comprise an increased number of bedrooms, it would remain of modest scale, situated adjacent to an area of public open space. Taking this into account and noting the proximity of the site to a number of areas of public open space, (i.e. neighbouring memorial garden and Long Deans open space), it is not considered that a refusal of the scheme based on the level of private amenity space provided could be sustained.

9.29 The proposal is therefore acceptable on these grounds, according with Saved Appendix 3 of the Local Plan (2004).

### *Contamination*

9.30 The site falls within a Former Land Risk Zone for contamination. In light of this, the DBC Scientific Officer was consulted on the scheme and asked to assess whether the proposal would be likely to give rise to any concerns in relation to ground contamination.

9.31 The DBC Scientific Officer has raised no concerns or objections to the scheme in this regard, noting that the proposal would not involve a change of use of the land or involve any significant ground works. Given that the site was affected by fire damage, they have however recommended a number of informatives be attached to the formal planning consent.

### Response to Neighbour Comments

9.32 One neighbour has raised objection to the scheme, raising the following concerns:

- The proposed replacement dwelling is unacceptable in design terms, noting that it would be out of keeping with the character and appearance of the surrounding area
- The proposal fails to provide sufficient off-street car parking provision for future occupiers, therein generating increased parking pressures for an already heavily congested area
- The construction works required to build the replacement dwelling would generate noise and disturbance for local residents

9.33 The first two reasons for objections listed above, have been considered and assessed in more detail during earlier sections of the report. Given that the final reason for objection listed above fails to reflect a material planning consideration, it has not been further considered as part of the formal assessment of the current proposal.

### Community Infrastructure Levy (CIL)

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

## **10. CONCLUSION**

10.1 It is recommended that the application be approved.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed replacement dwelling would be of modest height and scale, and would be positioned in the same location as the original dwelling. Whilst comprising a unique octagon shaped structure, this structure would be similar in design terms to that comprised by the original dwelling, and would be constructed in materials to match the original property. Taking this into account, and noting that the surrounding area is characterised by properties of mixed architectural styles, sizes and designs, it is not considered that the replacement dwelling would appear visually prominent or harmful to the character and appearance of the streetscene when viewed within this context.

10.3 Given its modest height, scale and positioning, it is not considered that the proposed replacement dwelling and associated extension would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, no changes or alterations have been proposed to the existing site access. Whilst the proposal would increase the number of bedrooms on the site and would fail to provide any off-street car parking provision for future occupiers of the site, it is not considered that a refusal of the proposal on these grounds could be sustained, given that the submitted Parking Stress Survey indicates that on-street parking provision is available. Given everything considered above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**Condition(s) and Reason(s):**

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

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

- 2. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

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

**120**

**101**

**105**

**130**

**140**

**190**

**49159 - Eximius Intentio - Hemel Hempstead Parking Survey - Location Map**

**49159 - Eximius Intentio - Hemel Hempstead Parking Survey (by CTS Traffic and Transport)**

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

**Informatives:**

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

**CONTAMINATION INFORMATIVES:**

**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.

**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.

**APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Nash Mills Parish Council	<p>Nash Mills Parish Council (NMPC) object to this application and request that the application be 'called in' to the management development committee for determination.</p> <p>NMPC object on the basis of the following points.</p> <p>CS11 and CS12 of the adopted core strategy.</p> <ul style="list-style-type: none"><li>- inadequate parking provision</li><li>- street scene affected as proposal is not in keeping with location.</li><li>- proposal alters a locally historic façade</li></ul> <p>Dacorum Borough Council Parking Standards Supplementary Planning Document</p> <ul style="list-style-type: none"><li>- application does not comply with the above planning guide and does not even offer the minimum required provision.</li></ul> <p>NMPC cannot support an application in this location that not only removes existing parking provision but also increases habitable space thus placing more pressure on the already congested on street parking. This locality has numerous issues with parking due to the density of housing and subsequent demand and we do not feel that the loss of this</p>

	<p>valuable existing parking space can be supported.</p> <p>The application does not offer any viable solution in line with the DBC SPD.</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, on a site which was previously affected by fire damage 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>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

### Neighbour Responses

Address	Comments
19 Nash Green Hemel Hempstead Hertfordshire HP3 8AA	<p>The noise and disturbance that will inevitably result from this work will cause considerable inconvenience, mess and disruption to the occupants of the nearby properties.</p> <p>The design of the building is out of keeping with other local properties.</p>

A one bedroomed house is being replaced by a two bedroomed house. The current parking space is being removed to be replaced with on-street parking. This is a narrow cul-de-sac with a sharp bend at the entrance. It already does not have sufficient parking capacity. The problem is exacerbated by residents of Gate Tower parking in the cul-de-sac. The four bungalows on Nash Green are all occupied by elderly and, in some cases, disabled residents. This increased parking will cause problems if and when emergency vehicles are needed.

I am also concerned that there is to be no change in allowing a car parking space very close to the bedroom wall of the bungalow. As recent events prove, this is a major fire hazard.