

4/03915/15/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DWELLINGS.

24 TANNSFIELD DRIVE, HEMEL HEMPSTEAD, HP2 5LG.

APPLICANT: MR ALAN AND LEE PRETTY.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for refusal. The application for two semi-detached dwellings is an amendment following refusal of a similar scheme in 2015. Despite the change in design, and the slight reduction in depth of the building, these amendments do not address the principle concerns that the proposal for two dwellings is overdevelopment of the site, out of context with the surrounding character of detached dwellings and in its height, form and design would appear as an obtrusive and cramped form of development, out of keeping with the surrounding context and harmful to the street scene.

Site Description

No. 24 is a detached bungalow located on the southern side of Tannsfield Drive within an otherwise built up frontage of detached two storey dwellings. It is understood to have originally been built in the back garden of 29 Ellingham Road with access therefrom before the surrounding residential area was built up. The bungalow is set substantially behind the general building line established by the existing dwellings of Tannsfield Drive / Tannsfield Close. The bungalow is set back some 22 m from the frontage behind a gravelled forecourt with a hedge to one side and access from Tannsfield Drive. The property is situated in the Adeyfield North area of Hemel Hempstead comprising an area of extensive variety in design, layout and age of development. However, the immediate area is of relatively uniform residential development from the late C20.

Proposal

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Graham Adshead.

Planning History

4/00051/15/FU DEMOLITION OF EXISTING BUNGALOW AND REPLACEMENT
L WITH 2 DWELLINGS
Refused
04/03/2015

4/01026/13/PR DEMOLITION OF EXISTING BUNGALOW AND REPLACEMENT
E WITH 2 DWELLINGS
Unknown
02/08/2013

4/01324/08/PR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION
E OF TWO SEMI-DETACHED DWELLINGS
Unknown
01/07/2008

4/02114/05/FU DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION
L OF FOUR BEDROOM HOUSE
Granted
03/02/2006

4/01453/05/FU DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF
L TWO STOREY BUILDING COMPRISING FOUR FLATS WITH
ASSOCIATED PARKING
Withdrawn
11/08/2005

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS16 - Shops and Commerce
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 63, 100, 111, 122 and 124
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area HCA23: Adeyfield North
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Affordable Housing (originally adopted January 2013)
Planning Obligations

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Hertfordshire Highways (in summary)

Raises no objections subject to conditions covering upgrading / widening of existing access to 4.8 m and completion of the parking area prior to first occupation and its ongoing retention.

The applicant proposes to alter the existing crossover. However, the width of the proposed crossover is unclear from the plan provided (drawing: 1536/02). The applicant will need to submit further information detailing the width of the proposed crossover.

The applicant proposes 2 car spaces per dwelling. This exceeds the DBC parking standards. However, the LPA will determine whether the level of parking is appropriate.

HCC previously provided advice to the applicant on 4/03915/15/FUL requesting the applicant provide a revised site layout to aid on site manoeuvrability of vehicles when parking in the two sets of parallel parking spaces.

The applicant has since provided revised plans. However, the parking layout appears to be unaltered from the original plan. In order to ensure that the car parking arrangement is feasible the applicant will need to provide a swept path analysis to ensure that vehicles can park, turn around and re-enter the highway in a forward gear.

The applicant has not provided any details of cycle parking for the proposed development. Cycle parking needs to be provided in accordance with the LPA guidance.

The impact of this development on the local highway network has been assessed and would not have an unreasonable impact on the safety and operation on the highway network, subject to suitable conditions.

Thames Water

Advises that with regard to sewerage infrastructure capacity, Thames Water would not have any objection to the above planning application. Informative recommended.

Trees and Woodlands

Any comments received will be reported at the meeting.

Building Control

Any comments received will be reported at the meeting.

Scientific Officer

Any comments received will be reported at the meeting.

HCC Planning Obligations Officer

Any comments received will be reported at the meeting.

Three Valleys Water

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

9, 17, 20, 22, 28 Tannsfield Drive - Object:

20, 22, 24, 28 Tannsmore Close - Object:

General

- This application not fundamentally different to the last which was refused
- Fails to deal with many shortcomings of the previous proposal
- Does not show property boundaries or management thereof
- Site plan relies on use of neighbour's land and should be revised
- No 20 Tannsmore Close incorrectly notated as 26 Tannsfield Drive on plan
- Reduction of roof height and slight narrowing of footprint has increased internal cramping of accommodation and lost the ability for loft storage
- Duplication of bins stores, cycle sheds and side alleys wasteful and narrows footprint giving cramped accommodation
- Rooms too small
- Would further exacerbate local drainage issues and waterlogging / flooding
- No reference to soakaways
- Sewage disposal problems through to 29 Ellingham Road will be exacerbated with an additional dwelling
- The Planning, Design and Access Statement distracts for many pages with photos on the facilities and desirability of the area which have never been in question
- Bin space inadequate
- Fails to meet sustainability checklist Appendix 1
- Would be more than happy with the previous approval for a detached property with garage

Highway, access and parking

- Inadequate space for manoeuvring cars
- Additional on-street / pavement parking to detriment of highway and pedestrian

safety

- Due to tandem parking, likely that only two cars would park off-street and remainder on-street
- Could be converted to three bedrooms relatively easily impacting on car parking
- Inadequate provision of car parking for three bed dwellings
- Contravention of buildings regulations with regards to disabled access
- The proposal may not comply with many Buildings Regulations vis a vis access
- Potential breaches of access design such that cannot be built as planned
- Each property should have fully independent access to parking
- Does not comply with Lifetime Homes standard for disabled parking
- Gravel access surfacing would not comply with Lifetime Homes standard for approach to dwelling from parking
- Insufficient wheelchair access alongside alleys
- Side alleys a security risk and challenging for access

Character of area

- Size of plot unsuitable for two dwellings
- three storey development out of character
- Semi-detached out of keeping
- Design would appear unsightly
- Cramped and overdeveloped, more so than previous refusal
- Reduction of roof height results in incongruous appearance with flat roof to rear to achieve 3 storeys
- Provides only half the area for each dwelling compared with other dwellings in the locality, including semi-detached
- Rear amenity space not adequate
- The comparison used with Ebberns Road is not valid as that is a completely different character
- Lack of active frontage due to no front doors out of keeping
- Lack of garages out of character with street
- Unclear why only No. 24 in the area should be permitted not to provide garages, when all others have garages
- Materials and finishes alien to street scene
- Alien design

Amenities

- Loss of light to properties opposite
- Overbearing to immediately adjoining properties
- Loss of privacy to adjoining properties
- Loss of privacy to No. 20 Tannsmore Close from a distance of less than 2 m
- Loss of light to lounge / dining room of No. 20 Tannsmore Close
- Loss of privacy from loft bedroom windows to all adjoining properties
- Loss of part of established hedge contrary to policy and would result in loss of privacy

Considerations

Background

Permission was granted in 2005 for a replacement detached dwelling following withdrawal earlier that year of a scheme for 4 flats. That permission has not been implemented.

Pre-application advice on two subsequent occasions in 2008 and 2013 was unsupportive in relation to schemes involving two dwellings on the site. The principle concerns related to design, scale, height not being appropriate and appearing cramped, impact on amenity of neighbours, inadequate car parking, dominance of parking, lack of opportunity for soft planting, over-development of the site. It was advised that a single detached dwelling of traditional pitched roof design would be likely to be more favourably considered.

An application for two semi-detached dwellings in early 2015 was refused on the grounds of overdevelopment, loss of privacy and light to No. 22 Tannsmore Close, and failure to demonstrate a sustainable form of development.

The current application is a revised scheme. However, there has been no pre-application discussion.

The principal changes relate to a reduction in depth by 0.85 metres and a change in design of the roof from a gable fronted form to a gable sided form to the front third, with the remaining rear two thirds contained under a high crown roof design. The accommodation remains 2 x 2-bed dwellings on three storeys. The size of rear private amenity areas is as before with the addition of cycle storage / sheds. At the frontage there is 0.85 metres more parking depth which allows for a footpath at the rear but the parking layout remains largely as before as two sets of tandem spaces with a shared access.

Policy and Principle

The site lies within the urban area of Hemel Hempstead wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle. The Character Appraisal states that opportunities are limited but redevelopment is acceptable and should be assessed according to the development principles.

The main issues in this case concern the effect of the proposal on the street scene, on the character of the area, residential amenity and highway safety.

Design, layout and impact on street scene

The application site relates to an existing bungalow within an otherwise built up frontage of detached 2 storey dwellings within the Adeyfield North area of Hemel Hempstead. It is accepted that it is of no particular architectural merit and itself appears incongruous to the surroundings, being both set back and the only bungalow in the area.

In accordance with the Character Area Appraisal HCA23, redevelopment is acceptable according to the Development Principles. The Development Principles state:

Design: No special requirements.

Type: Overall, no special requirements, but should pay respect to the type, style and mass of nearby and adjoining development.

Height: Should not normally exceed two storeys.

Size: Should respect the type, size and mass of nearby and adjoining development.

Layout: New development should follow the building line where this is clearly present. Spacing should respect that of nearby and adjacent development, and should normally be provided in the medium range (2m - 5 m).

Density: Should normally be provided in the medium range (30 to 35 dph (net)).

The proposal would comprise two semi-detached dwellings on a plot which is otherwise commensurate in size and width with plots in the immediate area on which single detached dwellings are contained.

This arrangement would not only be nearly double the intended density of the area but, as before, is considered to give rise to a cramped and over-developed form of development that would be out of keeping with the established character of detached dwellings.

Despite the additional 0.85 metres depth, the narrow plots and elongated layout to accommodate two dwellings would compromise the treatment of the frontage, resulting in almost no landscaping, and a dominance of hard surfacing and car parking on the frontage. Although, as before, the proposals do include a strip of low level planting along the frontage, either side of a shared access, this provision is considered insignificant and would fail to mitigate or break up the impact of the hard surfacing and parking within the street scene and would need to be kept below 600 mm height to enable suitable visibility to be maintained. The proposal is in this respect contrary to Policies CS12 (e and g) and CS13 (f).

Furthermore, given the intensification in use of the site, there is likely to be greater pressure to remove the frontage planting to enable easier access / manoeuvrability and use of the parking spaces by the occupants of each dwelling. Indeed, the highway authority has requested the need to provide a 4.8 m wide vehicle crossover which is likely to compromise the landscaping at the front. The planting is therefore likely to be short lived and of little overall benefit to the street scene. Whilst it is noted that many nearby and adjoining dwellings have chosen to hard surface their complete frontages under permitted development, this is generally against urban design best practice on new development. However, with the introduction of two dwellings on the site, this is inevitably going to invite this scenario to the detriment of the street scene and good planning.

The proposal is considered to be an over-development of the site and contrary to Policy CS11 (f) and saved Appendix 5 of the Borough Plan where it states that the achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking or excessive hard surfacing at building frontages are undesirable. All parking must be adequately screened and landscaped. The proposal is not considered to be adequately screened or landscaped.

Whilst the frontage is currently of poor quality, the opportunity should be taken to improve its appearance, its contribution to the setting of the development and the way it functions. In this respect it should be noted that NPPF states at Para 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

A number of objections have been raised by residents to the design being out of keeping with the area. The design has been amended from the previous three storey gable fronted design to a more conventional roof in order to give the impression of a two storey design, ostensibly more commensurate with that on adjoining properties. The applicant states that the development would be comparable in width, height and depth to existing development in the area and would appear as a two storey dwelling within the street scene. The applicant appears to rely on the building only ever being viewed directly from the front (as illustrated in the proposed street scene view included in the Planning, Design and Access Statement). However, in reality, 99% of views are in fact oblique views with the true front-on view only ever being seen briefly in serial views along a road.

Although there are no special design requirements under HCA23, the design is considered contrived in that the two storey element relates only to the front third of the building, with the design of the remaining two thirds reverting to a clear three storey building under a shallow crown roof form. Not only would the latter appear obtrusive in its design, with the roof comprising a disproportionately small element of the overall height, but the conjunction of forms is considered inharmonious and, given that it would be visible in oblique views in the street scene, would clearly be seen to be harmful to the established character and appearance of the area of two storey dwellings under conventional pitched roofs. Moreover, in private views from the rear, including from Ellingham Road properties, the proposal would also appear visually incongruous with the design of adjoining dwellings, and overly assertive and harmful to the outlook of adjoining occupiers.

Furthermore, whilst noting the design changes from the previous scheme, including the slight increase in spacing of 0.1 metres to each side, it is considered that the 3-storey height and elongated form of the building, with no breaking up of its mass, together with the accentuated overhang of the roof verges would not only fail to harmonise with the prevailing 2-storey character of the area but would also serve to emphasise the cramped nature of the development and its over-developed appearance in the street scene. In the above respects, the proposal is considered contrary to Policy CS12, saved Policy 111 and the character assessment which seeks to ensure that new development respects the type, style, size and mass of nearby and adjoining development and should not normally exceed two storeys.

The applicant states that the development would have the appearance of a single dwelling. However, this is belied by the layout of the proposed dwellings which is considered to be poor in that the design involving side facing entrances results in a lack of active frontage to the further detriment of the street scene. The proposed dwellings should more positively address the street through the introduction of front doors in order to relate better to the character of the surrounding area. The poor design appears to be a result of the general lack of space for two dwellings on the site, and is further indicative of overdevelopment. The proposal is contrary to Policy CS13 in this respect.

Although concerns have been expressed that the private amenity space is too small at the rear of the proposed development and is not deep enough in accordance with design guides, the depth of space, although admittedly narrow, is nevertheless considered commensurate with many nearby and adjoining dwellings and, at 13.7 metres, would be more than the minimum 11.5 metre guideline in Appendix 3. Sufficient amenity space is therefore considered to be available.

However, on balance, the proposal fails to pay due respect to the height, type, style, size or mass of nearby and adjoining development and would be harmful to the appearance of the street scene and the character of the area. The proposal is therefore contrary to Policies CS11, 12 and 13 and guidance in HCA23.

Impact on highway safety, access and parking

The Highway Authority has raised no objections subject to conditions. Whilst it has intimated that revised plans have not been submitted as requested on the previous application to overcome previous concerns on manoeuvrability, these plans were in fact received although it is accepted that the Highway Authority was not reconsulted on that application. The concerns regarding the need for a swept path diagram are noted and additional details have been requested. In addition, clarification is sought over the width of the crossover as also requested and an update will be provided at the meeting.

Parking provision should accord with parking standards as assessed against Policy 58 and Appendix 5 of the Borough Plan. Cycle parking within the sheds is acceptable and accords with Appendix 5 requirement. As 2-bedroom dwellings, 1.5 parking spaces per dwelling should be provided and therefore the proposal technically meets with the standard in Appendix 5 with the provision of two spaces per dwelling.

However, it is noted that the second floor plan includes a shower room, cupboard and corridor which, given the main bathroom on the first floor, could easily be converted to a third bedroom with a little reorganisation. On this basis, the dwellings could be marketed as 3 bedroom properties wherein 2.25 spaces per dwelling should be provided, which would round up to 5 spaces for the development altogether. The proposal would potentially give rise to overspill parking to the further detriment of the appearance of the street scene and the character of the area (parking on verges / additional congestion). This can only add to the concerns expressed about over-development of the site.

It is noted that many residents have expressed concerns about overspill parking.

Impact on Neighbours

A number of general and specific objections have been received from residents.

Privacy - The immediately adjoining neighbour (No. 20 Tannsmore Close (No. 26 on the plan)) has raised concerns about loss of privacy. Concerns are raised at loss of privacy to the dining area and lounge via the high level window in the objector's property from the side entrance door and side lights within the development. Although the previous application was refused on these grounds, the plans have since been amended to omit the full height glazing within the development that would have offered

unrestricted views from the stairs and landing into the objector's property. In addition, all first and second floor side facing windows in the development are shown to be obscure glazed. In addition, given the 2 metre high fencing on the boundary and levels, it is not considered that there would be any material overlooking from the side door or side lights, even when opened, or even if someone was standing on the stairs. In the circumstances, subject to an obscure glazing condition and a requirement that the windows be fixed shut, the proposals in this respect are considered acceptable.

General concerns are also expressed at overlooking from rear and side windows into adjoining gardens. However, given obscure glazing and the distance to the rear of properties in Ellingham Road, considerably more than the minimum 23 m back to back distance set out in Appendix 3, the relationship is considered acceptable.

With regards to potential overlooking as a result of the potential loss of hedge at the rear, the plans have been amended to exclude the hedge from the site, which is understood to be within No. 22 Tannsfield Drive's demise.

Light - No 20 Tannsmore Close has raised objections on loss of light grounds to the dining room window. There would clearly be a loss of sunlight, and some loss of daylight, as a result of the new development, which would be accentuated by the three storey height of the development. This would be harmful to the established residential amenities of No. 20 but it is considered that a single detached dwelling could be appropriately designed to ensure any loss of light is minimised through siting, roof height and design. The applicant states that this relationship was previously considered acceptable on grounds that the window is high level, is not an original window and that the rear extension is served by patio doors that help to maximise luminance. However, the current proposal is for a three storey height building, and the window concerned is the main window serving the dining area which is a separate room from the room served by patio doors. The fact that it was not an original window is immaterial - it is existing and must be considered regardless.

No. 17 Tannsfield Drive opposite the site has raised objections on grounds of loss of light. However, given the distance, any loss will be insignificant and a refusal on this ground would be difficult to defend.

Outlook - a loss of outlook would also be experienced by No. 20 Tannsmore Close from the side window serving the dining room. However, given the window is high level, its main purpose is to provide light to the dining area. Therefore, a refusal on this ground would be difficult to substantiate.

The proposal is considered contrary to Policy CS12(c).

Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A number of residents have raised issues regarding localised flooding. A Policy CS29 checklist has been submitted which is considered acceptable and addresses the criteria of the Policy. In particular it is stated that surface water may be retained for grey water usage via cisterns or retaining butts. No details are provided and it is recommended that further details of SUDS should be secured by condition.

Policy CS29 and Para 18.22 also expect developers to complete a Sustainability Statement which, in accordance with the Sustainable Development Advice Note (March 2011), should be completed online through the carbon compliance toolkit, C-Plan. The applicant has promised the completion of a C-Plan statement and an update will be provided at the meeting.

Other matters

Concerns have been raised by a large number of residents in regards to compliance with accessibility requirements of the Building Regulations. The Building Control Officer has advised previously that the proposal would fail to provide adequate manoeuvrability for wheel chair users in that a 1.2 metre landing at the entrances will be required. The BCO also advised that the position from where a disabled person would alight from a car is gravelled surface and not "firm and even" as required. In addition, it was advised that the building did not comply in respect of the amount of unprotected openings which was limited to 1 sq metre on each elevation. Confirmatory advice of the BCO has been requested and an update will be provided at the meeting.

Reference is made to the development not complying with Lifetime Homes standards in respect of disabled parking, and provision of appropriate hard surfacing for wheelchair users. However, whilst saved Policy 18 refers to the need to design dwellings as life-time homes, this is only applicable on sites of 25 dwellings or more and then only a requirement for 10% of the dwellings to be adaptable. Therefore, the proposal is compliant with Policy in this respect.

In respect of land contamination issues, the Scientific Officer has previously recommended the standard contamination condition should permission be granted. As there has been no material change in circumstances since the previous application it is not expected that this recommendation will change. However, an update will be provided at the meeting.

S106 Planning Obligation

There is no requirement for contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document as a result of the following two material changes:

1. The written Ministerial Statement of 28 November 2014 (House of Commons Written Statement - reference HCWS50) which set out proposed changes to national policy with regard to Section 106 planning obligations affecting small developments. This is reflected in an amendment to the National Planning Practice Guidance (NPPG). Paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes onto state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG was however quashed recently by the High Court following a judicial challenge by Berkshire CC and Reading BC.

2. The above notwithstanding, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

Conclusions

Whilst the principle of residential redevelopment is acceptable here in accordance with policy and HCA23, it is considered that the development of the site for two semi-detached dwellings in this case would appear cramped and result in an overdevelopment of the site which would be harmful to the surrounding context of detached dwellings by reason of pressure for on-street parking, dominance of cars and hard surfacing on the frontage, and unsatisfactory soft landscaping and enclosure to the site. Furthermore, the proposed height, size, design and appearance of the development would appear incongruous in its overall design, out of keeping with the surrounding two storey character and would result in harm to the established amenities of surrounding residential properties.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 **The existing site is too restricted in its size and width to accommodate the development of two dwellings as proposed which, by reason of its height, size, design, layout and appearance, would appear unduly cramped on the site, obtrusive and out of keeping in its design, would fail to provide adequate soft landscaping, would result in intrusive car parking accommodation and hard surfacing on the frontage, would potentially result in overspill parking in the surrounding street, and would not be in keeping with the established detached character or form of surrounding residential development. The proposal would be an over-development of the site and harmful to the appearance of the street scene. The proposal is therefore contrary to Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013, saved Policies 100 and 111 of the Dacorum Borough Local Plan 1991-2011 and advice and guidance in Appendices 3 and 5 of the Local Plan and in the Character Area development principles in HCA23.**

- 3 **The proposed development, by reason of the height and positioning of the development, would result in a loss of light to the window serving the dining area of No. 20 Tannsmore Close. The proposal would therefore be contrary to Policy CS12(c) of the Dacorum Borough Core Strategy September 2013.**

Article 31 Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early

engagement with the applicant at the pre-application stage of the previous application. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.