

ITEM NUMBER: 5a

22/02805/FUL	Replacement dwelling	
Site Address:	The Woodlands Wayside Chipperfield Kings Langley Hertfordshire WD4 9JJ	
Applicant/Agent:	Mrs J Whittles	Mr Paul Newton
Case Officer:	Sally Robbins	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Contrary view of Chipperfield Parish Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The principle of a replacement dwelling within the Green Belt is acceptable in this instance, and the proposed development would make effective use of land. The proposal comprises the demolition of the existing chalet style bungalow and the construction of a two-storey detached dwelling with attached garage. The proposed design would sit comfortably within the surrounding area, noting the varied architectural style within the streetscene. The amenity space and parking provision are considered to be acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located close to the end of Wayside, which is a private residential cul-de-sac on the eastern edge of Chipperfield. Wayside is an unmade road characterised by a variety of detached dwellings set within substantial plots. The site is situated within the Green Belt.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing bungalow and garage and the erection of a two-storey replacement dwelling, with attached garage and associated parking and landscaping.

5. PLANNING HISTORY

Planning Applications:

4/01228/97/FHA - Single storey extension
GRANTED - 3rd September 1997

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Parish: Chipperfield CP
Parking Standards: New Zone 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum 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
CS5 - The Green Belt
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)
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:

- Principle of Development
- Quality of Design / Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The application site is located in the Green Belt, wherein paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate. Paragraph 149 does go on to list a number of exceptions including 149(d): 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.' Regard is also given to Policy CS5 of the Core Strategy, which lists the types of small-scale development that may be permitted in the Green Belt, including the replacement of

existing buildings for the same use, provided that it has no significant impact on the character and appearance of the countryside.

9.3 The proposed dwelling would replace an existing dwelling, and would therefore be in the same use. The main issue is whether the replacement building would be materially larger than the one it replaces. Whilst there is no definition of 'materially larger', regard is given to Saved Policies 22 and 23 of the Dacorum Borough Local Plan as a starting point, which allow for a 30% increase in floor area over and above the size of the original building for extensions. For replacement dwellings, it is generally considered that a good starting point would be the original plus an allowance for any extension that would have been permitted under Policy 22 (i.e. the original + 30%).

Floor Area

Existing = 142

Proposed = 289.8 sqm

Percentage Increase = 104% increase

9.4 However, the increase in floor area is often not entirely representative of the impact on Green Belt openness, and other factors must be taken into consideration such as any increase in volume and height. The volume of the existing building has been given as 240 cubic metres. Volume figures for the proposed dwelling have not been provided, however it is apparent from the submitted floor plans, elevations and site plan that the proposed dwelling would volumetrically be 'materially' larger than the existing dwelling. Furthermore, the height of the existing dwelling is 6m and the proposed dwelling would be 9m (increase in height of 3m), which is considered to be a material increase.

9.5 There are two aspects when assessing the impact of a proposal on Green Belt openness – the first is a spatial assessment (i.e. numerically comparing the increase in floor space, volume, height etc. as above). The second is a visual assessment, i.e. visually would there be built form filling what was once open space or sky gaps? It is noted that in this context the concept of 'openness' is taken to mean the state of being free from built development, the absence of buildings.

9.6 As outlined above, there is some flexibility, however it is considered that the proposed dwelling would be materially larger than the one it replaces both visually (i.e. it would visually fill a gap) and spatially (i.e. in numerical floor area, height and volume terms), therefore fails to comply with paragraph 149 (d) of the NPPF.

9.7 Taking all of the above into account, the proposed development is regarded as inappropriate development and, in accordance with paragraph 147 of the NPPF, should not be approved except in very special circumstances. Paragraph 148 of the NPPF goes on to state that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very Special Circumstances

9.8 The applicant has submitted the following 'very special circumstances' within the Planning Statement to support the application:

9.9 Flexibility within existing settlements - other properties in Wayside and neighbouring roads, such as Megg Lane have been significantly extended, altered or replaced with much larger dwellings. Examples include: Dellhurst (20/04024/FUL), Wappenham Cottage (4/01212/16/FUL), Orchard Lodge (4/02922/15/FUL), The Birches (4/00180/15/FUL), Hazel Croft 21/00209/FUL).

9.10 Permitted Development (PD) fall-back - the existing property could be extended without planning permission by utilising Permitted Development Rights. Such additions could potentially include 8m rear single storey extensions, single storey side extensions, rear box dormer windows

and additional garage/outbuildings. The applicant has submitted a plan showing the potential PD extensions and outbuildings (drawing no. 2804.PD) with the existing and proposed volume calculations, as shown below. The Statement also notes that recent changes to the GPDO that would allow for additional storeys (Class AA) give householders further opportunities to extend without planning permission (up to 3.5m on a single storey dwelling).

Volume:

Existing = 240 cubic metres

Extensions = 649 cubic metres

9.11 The Planning Statement contends that the existing dwelling is thermally inefficient. The proposed dwelling would be constructed to modern standards and provide a more efficient and sustainable construction incorporating advanced insulation systems and methods of heating and drainage to reduce overall carbon emissions.

9.12 The Statement continues that the proposal will deliver further ecological/biodiversity enhancements including bat boxes/loft and additional wild planting, landscaping and tree management.

Green Belt Planning Balance

9.13 It is considered that the sustainability, environmental and ecological benefits / enhancements outlined above could equally apply to a smaller development. Furthermore, meeting building regulations approval (in terms of energy efficiency and mitigating contribution to carbon emissions) and the provision of biodiversity net gain are minimum requirements. Nonetheless, the wholesale replacement of the dwelling does provide the opportunity for substantial improvements in terms of long-term sustainability; most particularly, thermal efficiency and space heating and is therefore considered that moderate weight should be attributed to sustainability. Biodiversity net gain is a minimum requirement and, whilst these benefits are acknowledged, is given limited weight in this Green Belt assessment.

9.14 In terms of the PD fall-back position, this is a real prospect and is given significant weight in this planning balance. Case law has established that the legal considerations in determining the materiality of a fall-back position as a planning judgement related to the basic principle that for a prospect to be a "real prospect" it does not have to be probable or likely; instead, a possibility will suffice. The existing dwelling remains generally unaltered and it would be possible to extend in various ways that would cumulatively add substantial volume to the dwelling, and would likely have a greater impact on Green Belt openness than that proposed. If planning permission is granted then Permitted Development Rights would be removed in order for the Local Planning Authority to retain control over any further additions / extensions that could potentially cause harm to the Green Belt.

9.15 Furthermore, the examples given within the Planning Statement of other properties within the vicinity that have been significantly extended, altered or replaced with larger dwellings, is given moderate weight, indicating that the Council's control over size is more relaxed within existing settlements, as opposed isolated locations within the countryside.

9.16 Taking all of the above matters into account, the proposed replacement dwelling would constitute 'inappropriate' development within the Green Belt, the harm from which is given substantial weight and should not be approved except in very special circumstances. In accordance with paragraph 148 of the NPPF, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.17 On balance, it is considered that the PD fall-back position of extensions to the original dwelling that could possibly result in a much larger dwelling than currently exists on the site, carries

significant weight. In addition, it is acknowledged that the Council does apply some degree of flexibility within existing settlements rather than isolated locations in the countryside. Furthermore, the sustainability benefits of the scheme is given moderate weight, It is considered that the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is therefore clearly outweighed by other considerations. The proposed replacement dwelling is therefore considered acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.18 Policies CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials. As outlined above, Policy CS5 states that small-scale development will be permitted within the Green Belt, provided that it has no significant impact on the character and appearance of the countryside.

9.19 The surrounding area comprises a variety of dwellings in range of architectural styles and material finishes. The existing dwelling is a detached chalet style bungalow finished in white painted render and plain roof tiles. Wayside is a private road and comprises a mix of single and two-storey detached dwellings in a range of architectural styles and material finishes. The existing dwellings are generally laid out in a traditional linear form, facing Wayside with large, landscaped front and rear gardens.

9.20 In terms of the overall form of the proposed dwelling, it would be two storeys, comprising a simple gable-end roof over an L shaped footprint. To the rear, there would be a single storey projection, also with a gable-end roof form, and there would be a single storey attached garage to the side of the main dwelling. The proposed dwelling would comprise light coloured external render with brick soldier courses above the window openings and plain clay roof tiles. Should planning permission be granted the final details of proposed material would be secured by condition.

9.21 Whilst the application site does not reside within a Conservation Area, or an otherwise sensitive area other than the Green Belt designation, the Council's Conservation and Design Officer has been consulted. They raised concerns regarding the scale and design of the dwelling, stating, "This is an application for a replacement dwelling in the Green Belt. The proposed house is larger than the current bungalow and, being bulkier and 2 storeys, would affect 'openness'. Even then, the very special circumstances which would need then to kick in are not met by exceptionally good design - the house is rendered and largely featureless, with repetitive soldier courses to all the flat arched openings."

9.22 In terms of design, the 'exceptionally good design' referenced by the Conservation Officer would rarely constitute a very special circumstance that would outweigh harm to the Green Belt. The proposed dwelling may not be 'exceptional' in design terms, however it would comprise a traditional built form and would be finished in materials that are similar to the existing dwelling and many other dwellings in the surrounding area, including for example Hillcrest (two storey dwelling with double gables and finished in white painted render) and Wayside Cottage (two storey dwelling with white painted render at first floor level). Essentially, the surrounding area comprises a wide variety of dwellings and it is considered that the proposed dwelling would not have a detrimental impact on the character and appearance of the surrounding area or wider countryside. Furthermore, the existing dwelling is of no architectural or historic merit and therefore there is no objection to its demolition.

9.23 In terms of scale, the dwelling would be larger than the existing bungalow it replaces, however as outlined in the above section, the PD fall-back position has been given significant weight in the planning balance when assessing the principle of a replacement dwelling in this instance.

9.24 The Conservation Officer's comments have been taken into account, however on balance it is considered that the proposed replacement dwelling would assimilate with the surrounding area and

would not have a negative impact on the character and appearance of the countryside. Thus, by virtue of its sympathetic design and complementary materials, the proposed dwelling complies with Policies CS5, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF in terms of quality of design and visual impact.

Impact on Residential Amenity

9.25 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.26 The proposed dwelling would be larger in scale than the existing dwelling, with additional bulk at first floor level and side-facing windows. The proposed dwelling would be 3m higher than the existing dwelling, however it would be set down from the neighbouring property Hazel Grove due to the difference in levels. The proposed dwelling would be staggered in relation to Hazel Grove and would be situated further towards the front of the plot than this neighbouring dwelling, situated mostly over the footprint of the existing bungalow.

9.27 In terms of its visual impact on the occupants of Hazel Grove, the proposed dwelling would be bulkier than the existing, however due to the separation distance between properties (4m) it is not considered that the proposed dwelling would be overbearing to an unacceptable degree. Furthermore, the orientation of the site would mean that there is some impact on light provision to the front garden in the morning, however it would not be significant due to the difference in levels (the application site is lower than Hazel Grove). The proposed dwelling would slightly infringe upon a line drawn at 45 degrees from the nearest habitable window (front ground floor bedroom) of Hazel Grove, however given that there is substantial intervening boundary treatment it is not considered that the impact on light provision to this room would be significant. Windrush, which is the other adjoining neighbour, is situated a sufficient distance (11m) from the side elevation of the proposed dwelling. In addition, the proposed dwelling and Windrush would have a similar build line, thus the visual impact on the occupants of this neighbouring dwelling would be limited.

9.28 In terms of overlooking and loss of privacy, there would be a side-facing window at first floor level on the southwest elevation. This would serve a bathroom and it would therefore be reasonable to condition that it is obscure glazed. There would be rear-facing windows at first floor level, facing the rear garden, which would be commensurate with other properties in the surrounding area.

9.29 There are no significant concerns in terms of the impact on light provision, privacy or being visually overbearing. The proposed replacement dwelling complies with the above referenced policies in terms of residential amenity.

Impact on Highway Safety and Parking

9.30 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.31 The allocated parking requirement set out in Appendix A of the Parking Standards SPD is 3 spaces for a four-bedroom dwelling within Zone 3. The proposed development would provide two spaces within the garage and there would be further space on the driveway for at least two more vehicles (total provision of at least 4 spaces). The level of parking provision proposed is therefore considered acceptable.

9.32 There would be no changes to the existing access or that would affect the nearest adjacent highway (Langley Road). The Highway Authority has been consulted and raised no objection, noting that Wayside is a private road that is not part of the adopted highway network.

Other Material Planning Considerations

Ecology

9.33 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.34 A Preliminary Ecological Assessment (PEA) was carried out in March 2022 and established that no signs of bats were found in or around the buildings surveyed. However, some of the features of the existing dwelling had the potential for roosting crevice-dwelling bats (i.e. raised ridge tiles around the chimney). As such, an emergence survey was carried out in July 2022 to ascertain if and which bat species were using the building. The results of the survey were that no bats were observed emerging from the bungalow. Therefore, roosting bats are likely absent from the buildings and are not viewed as a constraint to the proposed demolition of the bungalow.

9.35 However, the survey found that there was a high level of activity throughout the survey from commuting and foraging bats. As such, the PEA recommends that during the construction of the new dwelling there is no night working and no lighting left on at night. Post construction any outdoor lighting, if required, should be low-lux down lighters. These details would be secured by condition. The PEA made other ecological recommendations, including a method statement for breeding birds and ecological enhancements such as the planting of a wildflower meadow.

9.36 An objection was received from the neighbouring property, Hazel Grove, with concerns relating to nesting kites and the presence of a badgers sett within or in close proximity to the site. Whilst the PEA found no evidence of badgers, it did identify a kite nest to the rear of the site. Nesting birds, badgers and other wildlife are protected by separate legislation (Wildlife and Countryside Act 1981), however it is considered reasonable to include informative notes advising the developer on these matters, should planning permission be granted.

9.37 Subject to the inclusion of the above-referenced conditions and informative notes, it is considered that the proposed development would meet the requirements of the NPPF and the Core Strategy in terms of biodiversity and ecology.

Impact on Trees and Landscaping

9.38 Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.39 There are no Tree Preservation Orders or otherwise protected trees within the application site. However, there is a dense area of trees to the rear of the site, as well as mature hedging and boundary treatment that should be protected during construction. A Tree Protection Plan has not been submitted and it is therefore deemed reasonable and necessary to secure one by condition. In terms of landscaping, the scheme has the potential to provide further soft landscaping on site, as well as additional screening, where appropriate. Should planning permission be granted a condition would be recommended requesting further details of proposed landscaping and hard surfacing materials.

9.40 Subject to the above landscaping condition, the proposal is considered to accord with Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy.

Waste Management

9.41 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. This information has not been provided on the submitted site plan, however there would be sufficient space within the site to store wheelie bins. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

Habitats Regulations Assessment (HRA)

9.42 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.43 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.44 The application site resides within the Chilterns Beechwoods 'zone of influence', however it would not result in a net increase in the total number of residential units. Therefore, a project level HRA is not required.

Response to Neighbour Comments

9.45 An objection has been received from the neighbouring property, Hazel Grove, with concerns relating to privacy and ecological impacts. The ecological impacts have been addressed above. In terms of privacy, the concerns relate to overlooking into the neighbour's side-facing kitchen window at ground floor level. The neighbours are concerned that the first and ground floor side-facing and first floor rear-facing windows in the proposed dwelling would cause loss of privacy to this existing window.

9.46 In terms of the first floor side-facing window, this would serve a bathroom and it is therefore reasonable to condition that this window is obscure glazed. In terms of the rear-facing bedroom window, the angle in relation to the existing kitchen window would be oblique (at a 90 degree angle) and at a different level. It is therefore not considered that the level of additional overlooking would be significant from proposed bedroom 2. In terms of the ground floor side-facing windows, these would be separated from Hazel Grove by existing mature boundary treatment, which would be retained. It is therefore not considered necessary to condition that these windows are obscure glazed, notwithstanding the fact that one of the ground floor windows serves a W/C and would likely be obscure glazed to maintain privacy of the proposed dwelling.

Response to Parish Council Comments

9.47 Chipperfield Parish Council initially commented that it 'supports the Conservation Officer's comments'. The case officer queried the Parish Council whether they formally objected and, if so, on what grounds. The response from the Parish Council is that they 'object on the basis of Conservation Officer comments'.

9.48 This is taken to mean that the Parish Council objects on the grounds of the principle of development within the Green Belt and on the grounds of the design on the dwelling.

9.49 As outlined above, it is considered that, whilst the proposed replacement dwelling would be larger than the one it replaces and thus inappropriate development, there are very special circumstances that clearly outweigh the harm to the Green Belt. Furthermore, whilst the proposed dwelling may not be regarded as 'exceptional design', it would nonetheless integrate with other dwellings in the vicinity and would respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping / amenity space, thus complying with Core Strategy Policy CS12 in terms of its visual impact. Furthermore, the proposed replacement dwelling would not have a significant impact on the character and appearance of the countryside, to comply with Core Strategy Policy CS5. The site does not reside within a protected area (other than the Green Belt designation) and therefore the proposed design is considered appropriate and acceptable for this location.

Community Infrastructure Levy (CIL)

9.50 Policy CS35 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 the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

10. CONCLUSION

10.1 The proposed dwelling would constitute inappropriate development within the Green Belt, however very special circumstances exist that outweigh the potential harm to the Green Belt. Furthermore, by virtue of its layout, design and scale the proposed dwelling would not have a significant impact on the character and appearance of the countryside and will integrate with the character and appearance of other properties on Wayside. There would be no significant impact upon the living conditions of surrounding properties and will provide a good standard of living conditions for future occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

- 2. No development (excluding demolition/ground works) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

4. **No development (other than demolition and ground works) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
 - All external hard surfaces within the site
 - Other surfacing materials
 - Means of enclosure
 - Soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs
 - Refuse and recycling storage units.

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **During the demolition and construction periods of the development hereby approved, no floodlighting, security lighting or other external means of lighting shall be used.**

Reason: To ensure that the lighting is designed to minimise impacts on foraging and commuting bats, on general biodiversity and to avoid unnecessary light pollution in accordance with Policy CS26 and Paragraph 174 of the National Planning Policy Framework (2021).

6. **Any external means of illumination required for the development hereby permitted shall be low-lux downlighters (3 lux maximum) and any security lighting shall not exceed 75w in power. There shall be no illumination of the trees on the site.**

Reason: To ensure that the lighting is designed to minimise impacts on foraging and commuting bats, on general biodiversity and to avoid unnecessary light pollution in accordance with Policy CS26 and Paragraph 174 of the National Planning Policy Framework (2021).

- 7. The development hereby approved shall be carried out in accordance with the recommendations and enhancements detailed within the Preliminary Ecological Assessment by 4 Acre Ecology Limited (dated 04/07/2022)**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

- 8. The window at first floor level on the south west elevation (shown on drawing no. 2804.31) of the dwelling hereby approved shall be fitted with obscured glass and thereafter retained as such in perpetuity.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

Schedule 2, Part 1, Classes A, B, C, D and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS5 and CS12 of the Core Strategy (2013).

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

2804.21 - Location Plan

2804.28 - Proposed Floor Plans

2804.29 - Proposed Roof Plan

2804.30 - Proposed Elevations - Sheet 1

2804.31 - Proposed Elevations - Sheet 2

2804.32 - Proposed Site Plan (Front Area)

Planning Statement (ref. PN/AT/2020.043/Rpt01)

Preliminary Ecological Appraisal by 4 Acre Ecology Ltd dated 04/07/2022

Dusk Bat Emergence Survey by 4 Acre Ecology Ltd dated 08/08/2022

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

Informatives:

1. Nesting birds: All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
2. Protected species: It is an offence to take or disturb the breeding or resting location of protected species, which include: all bats, badger, otter, hazel dormouse, water vole, reptiles (common lizard, slow-worm, grass snake), great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or a suitably qualified ecological consultant.
3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
4. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
5. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
6. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development</p>

	<p>and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p>Comments</p> <p>The proposal is for the construction of a replacement dwelling at The Woodlands, Wayside, Chipperfield. Wayside is a dead-end private route that is not part of the adopted highway network. There is proposed to be no changes to the adopted highway network. The access is to remain the same. The replacement dwelling is not considered to change the number of trips to and or from the dwelling.</p> <p>As there is no changes to the highway network, HCC Highways would not wish to restrict a grant of permission for this proposal.</p>
Parish/Town Council	CPC: Supports the Conservation Officers comments.
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Conservation & Design (DBC)	This is an application for a replacement dwelling in the Green Belt. The proposed house is larger than the current bungalow and, being bulkier and 2 storeys, would affect 'openness'. Even then, the very special circumstances which would need then to kick in are not met by exceptionally good design - the house is rendered and largely featureless, with repetitive soldier courses to all the flat arched openings.
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

Neighbour Responses

Address	Comments
<p>Hazel Grove Wayside Chipperfield Kings Langley Hertfordshire WD4 9JJ</p>	<p>We have concerns/worries regarding the following and want to bring these to your attention.</p> <p>The rear bedroom window on the right (if looking at the property), will potentially look directly into our side kitchen window thus removing any privacy we currently have,</p> <p>Also the side windows will face directly again into our kitchen window, and take away privacy we currently enjoy.</p> <p>The existing property has no windows affecting our privacy, if the hedge is cut back or removed this will also cause additional privacy issues.</p> <p>Will any of the windows facing our property contain obscure glass to prevent people looking directly into our property?</p> <p>Please also be aware there are currently a pair of kites nesting in a tree in the rear of the garden. The birds have resided there for approximately 5 years and fear this tree may be one that will be removed as part of the development.</p> <p>We also believe there may be badger sett at the rear of the property due to the fact badger tracks seem to lead towards the garden from ours.</p> <p>Please can you consider our concerns regarding this development.</p> <p>Many thanks</p>