

Item: 5a

22/02354/FUL	Construction of a Single Dwelling	
Site Address:	31 Hempstead Lane, Potten End	
Applicant/Agent	Mr Kennedy/Denholf Design	
Case Officer:	Robert Freeman	
Parish/Ward:	Nettleden with Potten End	Ashridge
	Parish Council	
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

- 2.1 The proposed development would comprise infilling within the village of Potten End and as such would be acceptable in accordance with the NPPF and Policy CS6 of the Core Strategy.
- 2.2 The dwelling is considered to be appropriate in terms of its layout and design and would not significantly detract from the visual amenities of the area in which it would be located or the amenities of neighbouring properties in accordance with Policies CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The new access and parking arrangements for the proposed dwelling and the parent dwelling are not detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 2.4 The delivery of new housing would clearly weigh in favour of the grant of development in accordance with the NPPF and to meet the objectives of Policy CS17 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site is located within the village of Potten End, a designated village within the Green Belt.
- 3.2 The application site is located on the northern side of Hempstead Lane and to the east of the junction of Hempstead Lane and The Laurels. Hempstead Lane contains a variety of property styles and designs however certain overarching design principles are present including, but not limited to, projecting gable features, gable and hipped roof forms clad in tile, widespread use of brick and tile hanging and pitched roof dormers.
- 3.3 The site comprises the dwelling at 31 Hempstead Lane, its rear and side garden and small sections of the adjacent highway verge. 31 Hempstead Lane is a large semi-detached dwelling constructed in brick with render at first floor level. The property is set back a significant distance from the highway allowing for landscaping along the frontage and highway verge and providing a verdant setting. A large garage outbuilding is located within the front/side garden to the dwelling set forward in the street and between the property and

its neighbour at no.35 35 Hempstead Lane is a substantial detached dwelling located to the east of the application site in a relatively large plot of land.

4. BACKGROUND

- 4.1 The application follows the submission of a request for pre-application advice in 2021 (21/04298/PREE) for the construction of a four bedroom dwelling at the application site.
- 4.2 The pre-application advice concluded that the site represented a potential infill plot on Hempstead Lane but the design and siting of the proposed dwelling needed more careful consideration. The report suggested a less contemporary approach to the development of the site with a particular focus on the roof form, material choice and articulation of the elevations.

5. PROPOSALS

- 5.1 The proposals involve the demolition of an existing single storey garage building within the curtilage of 31 Hempstead Lane and the construction of a four bedroom dwelling.
- 5.2 The proposed dwelling would be constructed with Siberian Larch cladding, with a cement board clad porch/entrance and standing seam metal roof. A large number of photovoltaic panels would be located on the eastern and western roof slopes. An oriel window would be provided on the eastern flank elevation to the property angled to prevent the overlooking of the neighbouring terrace.
- 5.3 The dwelling would be designed to meet a Passivhaus standard. A Passivhaus is one which is created to rigorous energy efficient design standards so that they maintain an almost constant temperature. Passivhaus buildings are so well constructed, insulated and ventilated that they retain heat from the sun and the activities of their occupants, requiring very little additional heating or cooling.
- 5.4 The proposals also include the construction of a new crossover and driveway for the principle dwelling, 31 Hempstead Lane.
- 5.5 The proposals have been amended during the processing of the application with the property set back further from the frontage with Hempstead Lane and to increase the size of the rear garden thereto. Amendments have also been undertaken to the appearance of the dwelling, increasing the pitch of the gable roof form and altering the fenestration.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These comments are reproduced in full at Appendix B

7. PLANNING POLICIES

Main Documents¹:

National Planning Policy Framework (2021)
National Planning Policy Guidance
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
CS2 – Selection of Development Sites
CS5 – Green Belt
CS6 – Selected Small Villages in the Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17- New Homes
CS19 – Affordable Housing
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Countryside Place Strategy
CS35 – Infrastructure and Developer Contributions.

Saved Policies

Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – Size of New Dwellings
Policy 51 – Development and Transport Impacts
Policy 99 – Preservation of Trees, Hedgerows and Woodland
Appendix 3 – Layout of Residential Development

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Other Material Considerations

Affordable Housing Advice Note
Chiltern Beechwoods Special Area of Conservation Mitigation Strategy.

¹ Policies in the Dacorum Local Plan Emerging Strategy for Growth (2020-2038) can be afforded negligible weight given the status of this document.

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within the village of Potten End. Potten End is identified as a settlement within the Green Belt within which the limited infilling with residential development will be acceptable under the NPPF and Policies CS1, CS2 and CS6 of the Core Strategy.
- 8.2 The site forms part of the built up frontage on the northern side of Hempstead Lane occupying a position between Nos.31 and 35 Hempstead Lane and with the residential development of 'The Laurels' to the north/rear of the site. The proposals comprise infilling in accordance with the definition of infilling in the NPPF and Core Strategy and as such there is no objection in principle to the proposals.

Housing Land Supply

- 8.3 The Council has a target for the delivery of new housing as set out in Policy CS17 of the Core Strategy. The Council is required to provide a rolling five year housing land supply in accordance with the NPPF and where it is unable to demonstrate a five year housing land supply in accordance with paragraph 11 of the NPPF is obliged to grant planning permission unless policies in the NPPF provide a clear reason for refusal or the adverse implications of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. There is no clear reason for refusing this scheme given the designation of the site and the encouragement provided to limited infilling within villages in the Green Belt in the NPPF and as such the tilted balance is considered to be applicable to the determination of this proposal. .

Affordable Housing

- 8.4 Policy CS6 of the Core Strategy is inconsistent with the advice within the NPPF regards the supply and delivery of affordable housing. There is no requirement under the NPPF that infill properties within villages in the Green Belt need contribute to the supply of affordable homes. This threshold is more accurately reflected in Policy CS19 and the Affordable Housing Advice Note which set much higher thresholds for the delivery of affordable homes (10 units) in accordance with the NPPF and Ministerial Advice. There should be no objection in principle to the delivery of this home despite it not being justified in terms of local housing need or affordability.

Design and Layout

- 8.5 The primary consideration in this case is whether the layout and design of the proposed dwelling would be acceptable under the NPPF and under Policies CS10, CS11 and CS12 of the Core Strategy. Advice on the layout of new residential development is contained in the Strategic Site Design Guide and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.6 Policy CS12 amongst matters, seeks to ensure that development respects adjoining properties in terms of its layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 8.7 There is no consistent build line along the northern and southern sides of Hempstead Lane with properties following the curvature of Hempstead Lane. These dwellings are typically between 13m and 17m from the highway verge on the northern side of Hempstead Lane and extend either onto or within 1m of the common boundaries between houses thereto. There are significant changes in the building line between Nos.29-31 and Nos 35-37 and

properties 35-37 and Nos.39-49 which are not perceived from the street given the dense tree coverage along the highway verge. Properties on the southern side of Hempstead Lane are appreciably nearer to the highway (10-12m) within the immediate vicinity of the application site with a number having provided outbuildings between their front elevations and the highway. The proposed dwelling would have a set-back between 10-13m from the highway verge, thereby reflecting the typical character of the area in this regard.

- 8.8 The dichotomy between the parent building and No.35 provides arguably the starkest gap in spatial and visual terms within this street. The properties are off-set in this location with the garage for the host dwelling located within the gap between the dwellings. A garage and roof terrace extends on the western side of No.35; however, its single storey scale contributes to the perception of space between the properties.
- 8.9 The proposed dwelling would be appropriately sited upon the wider application site eroding the stagger between the principle elevations of Nos.29-31 and No.35 Hempstead Lane and providing a transition between them. Its layout and site coverage is considered to be appropriate in the context of surrounding residential developments which generally fill the width of their associated plots. In many cases, there is a limited amount of space between the properties and their site boundaries. The garden at 31 Hempstead Lane would be subdivided to the east of the flank wall thereto with the new boundary extending to the boundary with 6 The Laurels. The resulting gardens would be commensurate in size with those at The Laurels and 29 Hempstead Lane and as a consequence would not appear incongruous in this context.
- 8.10 Despite claims that the development would be a cramped form of development in this location, it would sit comfortably within its plot and would reflect the density of development at both The Laurels and No.29. The proposed dwelling is appropriately sited providing a suitable level of separation to the boundaries of the site and significant trees upon the frontage of the site and highway verge
- 8.11 The proposed dwelling is considered to be appropriate in terms of its scale, height and bulk in accordance with Policy CS12 of the Core Strategy. The dwelling would be two storeys in height and would have a ridge line subordinate to the main ridge line at the host property and stepped between the extension to No.31 and the neighbouring plot at No.35. The mass of the elevation would be relieved by the use of materials and fenestration.
- 8.12 The main concerns with the proposal are those relating to its more contemporary appearance and use of materials as set out within the comments of the Parish Council and neighbouring properties and whether such an approach would result in harm to the character and appearance of Hempstead Lane.
- 8.13 The applicants contend that the proposals are in accordance with paragraph 131 of the NPPF arguing that the proposals would be highly sustainable in view of their design and choice of material. They have scaled back the building mass, implemented a pitched roof and amendments to the fenestration to provide a more sympathetic vernacular to the proposals whilst retaining sustainable construction credentials of a low energy home. The timber frame and timber clad house would have generous levels of insulation and increased airtightness to address the requirements of the Building Regulations and Policy CS29 of the Core Strategy.
- 8.14 Hempstead Lane is characterised by a variety of different styles of property albeit with some common design themes such as the use of gabled roof forms, projecting gable features, the widespread use of brick and hanging tiles and to a lesser extent render on its southern side. A number of tall timber gates have been introduced at entrances to residential units on Hempstead Lane beyond which dwellings are set back a substantial

distance from the highway. Contemporary dwellings using timber cladding have been introduced to the village of Potten End; notably at 78 Hempstead Lane and The Thimbles, Rambling Way (4/00160/FUL) without significant detriment to the overall appearance of these streets.

- 8.15 The application site is similar to that at Thimbles, Rambling Way in that there is a clear contrast in dwelling type and density between The Laurels and Hempstead Lane and that between Rambling Way and Kiln Close. A significant tree belt extending to the front of the site in both locations screens both sites from the public highway and limits views thereto.
- 8.16 In this context, I do not consider that the use of timber cladding to the majority of the building, rendered panels and standing seam roof cladding would be particularly intrusive or harmful to the appearance of the area. The submission of materials and further details on finish to cladding sections should be requested by condition.

Residential Amenity

31 Hempstead Lane

- 8.17 The proposed development would see a reduction in the area of garden associated with No.31 Hempstead Lane and the loss of an existing garage to the property to facilitate the construction of the new dwelling. The loss of this garden land is not seen as overly harmful to the residential amenity of this property; the remaining garden of which would be commensurate with that to the adjoining residential unit at 29 Hempstead Lane in accordance with Saved Appendix 3 of the Local Plan 1991-2011.
- 8.18 The proposed dwelling would be located to the south east of 31 Hempstead Lane and despite being positioned further north on the site through a succession of amended plans would still project a significant distance to the front of the principle elevation to the host property.
- 8.19 The nearest rooms within the host property would be a large living room area at ground floor level and the master bedroom and en-suite at first floor. The living area is served by windows within the front bay together with large openings within the rear and flank elevations. The closest window within the front elevation at first floor would be an en-suite window. The proposed dwelling would clearly breach a 45 degree angle to the nearest habitable window within the dwelling and would during the day overshadow the bay window thereto. However, the proposed dwelling would not breach the 45 degree angle in elevation. Overall, I do not consider such a loss in daylight and sunlight to be significant in this case given the size and positioning of other fenestration within the nearest rooms of the property. I note some shadow is cast on the front elevation by the existing trees along the frontage with Hempstead Lane. Any loss in daylight or sunlight to the property, in this case, would not be sufficient to justify the refusal of this development in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.20 A new hedge is proposed between the host building and the proposed dwelling to reduce its visual impact upon the occupants of this property. The proposed dwelling is not considered to be visually intrusive or over bearing to the occupants of this property.

35 Hempstead Lane

- 8.21 This neighbouring property initially objected to the development on the grounds of a loss of amenity as a result of overlooking from windows in the flank elevation of the proposed dwelling. There were also some suggestions that the property may be overbearing to them given its close proximity. They have not commented on the latest amendments to the

proposals which have resulted in the proposed dwelling being moved north on the site thereby increasing the distance between the proposals and the rear elevation of No.35.

- 8.22 There would be two windows in the eastern flank elevation of the proposed dwelling facing the neighbour at No.35 however both are carefully designed and sited so as to avoid overlooking this neighbouring property. At ground level, the window would have a cill height of some 1.8m (6ft) above ground level and as such would not afford views onto neighbouring land. An oriel window would be located at first floor level angled to view down towards the rear of the neighbouring garden. This is not considered to result in any significant loss in privacy to this property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.23 The proposed development is not considered to result in any significant adverse impact in terms of daylight to the property given the juxtaposition of properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The proposed dwelling would be located to the north of No.35 and would not result in any loss of sunlight to this neighbouring property.

The Laurels

- 8.24 The occupants of 2 The Laurels have expressed concerns with regards to the impact of development upon their privacy however their property is located to the north west of the application site at an oblique angle to the windows within the rear elevation to the proposal. The rear elevation of 6 The Laurels would be located immediately to the north of the proposed dwelling with its garden backing onto the application site. This property would be over 30m from the rear elevation of the proposed building significantly in excess of separation distances within Appendix 3 of the Saved Local Plan 1991-2011. For these reasons, one would conclude that there would be no significant loss in amenity for properties in The Laurels.

Other Dwellings

- 8.25 The proposed development is not considered to be harmful to the residential amenities of any other properties in the locality of the application site in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Access and Parking

- 8.26 The Council expects all new developments to contribute towards a connected, sustainable and accessible transport system in accordance with Policy CS8 of the Core Strategy and in particular will expect proposals to prioritise the needs of pedestrians where appropriate. The traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, including any planned improvements and the cumulative effects of incremental developments. Sufficient, safe and convenient parking for residential properties should be provided in accordance with Policy CS12 and the Car Parking Standards SPD (2020).
- 8.27 The application site is located within Accessibility Zone 3 in the Parking Standards SPD (2020) In accordance with the Parking Standards SPD (2020) 3 off street parking spaces should be provided for the dwelling(s) There is sufficient space within the frontage of both dwellings and beyond the Root Protection Area (RPA) of trees to create hard standing areas within which an appropriate number of vehicles could park and manoeuvre safely onto the adjacent highway as set out in drawing 01.010 Revision PL3.

- 8.28 The Highway Authority have confirmed that there is no objection in principle to the construction of a new access onto Hempstead Lane to serve the existing dwelling, whilst the Trees and Woodlands officer has confirmed that the proposed access can be constructed without harm to any trees within the adjacent highway verge. There will be a need to hand dig the driveway section as this would fall within the RPA of a significant Oak tree and to ensure its longevity in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. Such matters have been conditioned.

Impact on Trees and Landscaping

- 8.25 The construction of the proposed dwelling would result in the loss of two Magnolia trees within the application site as a result of development. These trees have been categorized as B class trees with both trees reacting well to wounds within the trunks thereto. Although these trees are reasonable quality species, their lack of public visibility does not make them suitable for preservation by use of a Tree Preservation Order. There has been no objection received from the Tree Officer in relation to their loss in the circumstances and although unfortunate their loss cannot be considered to justify the refusal of this case.
- 8.26 The proposed dwelling has sited to the north of the site and highway verge in order to ensure that there is no significant adverse impact on the trees and landscaping at the front of the site which not only screens the application site, but makes a valuable contribution towards the open and verdant character of the street. The retention of trees at the front of the site is required in accordance with Policies CS12, CS13 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.
- 8.27 A landscaping scheme for the site should be secured by condition to compensate for the loss of the Magnolia trees and to ensure that adequate protection is provided to the highway trees in accordance with Policies CS12, CS13 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. The development should be carried out in accordance with the submitted Tree Protection Plan.

Other Material Planning Considerations

Contamination

- 8.28 The Environmental Health team have suggested a number of Informatives are attached to the application advising the applicants of an appropriate course of action in the event that they discover contaminative materials at the site. Such an approach would be consistent with the requirements at Policies CS31 and CS32 of the Core Strategy.

Sustainability

- 8.29 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.
- 8.30 The submitted Planning, Design and Access Statement sets out a clear desire for the proposed dwelling to meet the 'Low Energy Building Standard' as set by the Passivhaus Institute through the use of a timber frame house, generous insulation and increased air tightness. Photovoltaic panels are to be utilised on both roof slopes with a view to generating renewable energy. This forms an acceptable basis on which to grant planning permission with further details being secured by condition in accordance with Policies

CS29, CS31 and CS32. It is also suggested that a water efficiency condition is added to acknowledge the increased pressure on water within the locality.

Representations

- 8.31 In addition to those concerns addressed above neighbouring parties have also questioned the accuracy of the submitted information. I am satisfied that the plans provided accurately reflect the size of the application site and are consistent in terms of the proposed building and as such find these concerns to be unfounded.

Infrastructure

- 8.32 All new developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council adopted a Community Infrastructure Levy (CIL) in 2015 with the objective of collecting proportionate sums of money towards the cost of infrastructure. The construction of a new dwelling is liable for charge in accordance with the adopted Charging Schedule. The applicants are expected to submit a claim for an exemption from CIL as self-builders.

Chilterns Beechwoods Special Area of Conservation

- 8.33 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) but is outside the Zone of Exclusion. The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 8.34 The Council cannot rule out at this stage that the proposed development given its nature would not increase recreational pressure at the CBSAC and as such should apply a cautionary approach to development within this area. The applicants will be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

Conditions

- 8.35 The application is considered to be acceptable subject to the imposition of a number of planning conditions as set out above and as suggested within the consultation responses in Appendix A.

9. CONCLUSION

- 9.1 The proposed development would comprise infilling within the village of Potten End and as such would be acceptable in accordance with the NPPF and Policy CS6 of the Core Strategy.
- 9.2 The dwelling is considered to be appropriate in terms of its layout and design and would not significantly detract from the visual amenities of the area in which it would be located or the amenities of neighbouring properties in accordance with Policies CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 9.3 The new access and parking arrangements for the proposed dwelling and the parent dwelling are not detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 9.4 The delivery of new housing would clearly weigh in favour of the grant of development in accordance with the NPPF and to meet the objectives of Policy CS17 of the Core Strategy.

10. RECOMMENDATION.

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and the conditions below:
- 10.2 That the following Heads of Terms are included within the legal agreement
- A contribution of £913.88 is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
 - A contribution of £4,251.71 is secured towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Conditions:

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

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

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

SU.000 Revision PL3 (Site Location Plan)
01.000 Revision PL4 (Proposed Site Plan)
01.001 Revision PL3 (Proposed Floor Plans)
01.002 Revision PL3 (Proposed Elevations)
01.003 Revision PL3 (Proposed Street Scene)
01.01 Revision TPP1 (Tree Protection Plan)
01.10 Revision PL3 (Tree Location and Protection Plan)

Planning Design and Access Statement by denhofdesign

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

3. **No development shall commence until details of the finished slab level, eaves and ridge heights to the proposed building have been provided in relation to existing site levels and those of neighbouring development.**

Reason: To ensure that the dwelling has an appropriate relationship with neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

4. **No development above slab level shall commence until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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).

5. **No development above slab level shall commence until full details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,
- all means of enclosure to the site
- all exterior lighting of the site
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures including bin storage and any garden storage.

All planting shall be completed within one planting season of the completing of 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

6. **No development shall take place until tree protection measures have been provided fully in accordance with the Tree Protection Plans. These protective measures shall remain in-situ for the duration of the construction period.**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

7. **The new driveway hereby approved shall be constructed with a 'no-dig' surface layer (BodPave 40 or equivalent) as set out in drawing number 01.010 Revision PL3 (Tree Protection Plan)**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

8. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 01.010 PL3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

9. **The dwelling hereby approved shall not be occupied until the photovoltaic panels shown on drawing No 01.002 Revision PL3 (Proposed Elevations) have been installed and are operational. The dwelling shall also not be occupied until full details of the sustainability measures to be incorporated in the development have been submitted and approved in writing by the local planning authority. The development shall not be occupied until the sustainability measures have been provided in accordance with the approved details.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

- 10. The development hereby approved shall not be occupied until full details of facilities for the charging of electric vehicles have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the charging facilities have been provided in accordance with the approved details.**

Reason: In the interests of sustainable transport and in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 11. The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the NPPF, and in accordance with Policies CS29, CS31 and CS32 of the Dacorum Core Strategy (2013).

INFORMATIVE

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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.

Highway Informative

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) 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.

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.

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 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.

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Contamination

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.

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.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

Invasive and Injurious Weeds – Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Nettleden with Potten End Parish Council	<p>AMENDED PLANS</p> <p>Object</p> <p>The Council notes the proposed change in location but does not see any reason to change its original opinion that this development will result in a cramped development out of keeping with the spacious character of the surrounding area and as a result would be inappropriate development of the Green Belt and in conflict with Para 145 of the Framework and therefore also of CS5 of the Core Strategy. Also that the proposed building materials of Siberian larch timber cladding or equivalent on the walls and metal roofing is almost unique on the road which is primarily a mix of brick and painted render, and so doesn't integrate with the streetscape character. As a result, the Council has to conclude that the proposal also does not conform to CS11 or CS12.</p> <p>Object.</p> <p>The site lies within the Green Belt. Policy CS5 of the Core Strategy states that within the Green Belt, small scale development will be permitted ie (a) building for the uses defined as appropriate in national policy; (b) the replacement of existing buildings for the same use; (c) limited extensions to existing buildings; (d) the appropriate reuse of permanent, substantial buildings; and (e) the redevelopment of previously developed sites, including major sites which will be</p>

defined on the Proposals Map

The application involves the demolition of an existing garage and its replacement with a detached dwelling and as a result only para (a) could apply. National policy as articulated in Para 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate, but exceptions to this include limited infilling in the villages. There is no definition of the term limited infilling so it is a matter of planning judgement whether or not the proposed development can be considered as such.

The Parish Council notes that the house numbering on Hempstead Lane where the house immediately to the east of No.31 is No.35 implies that at some stage there may have been an intention for the construction of No.33. It agrees with the statement in the Design and Access Statement that Hempstead Lane is linear in form and characterised by large dwellings set back from the road in significant plots and notes that the existing plot of No.31 is amongst the widest on the road. The current plot is however by no means so wide that when split in two the new plot would be of similar scale to its neighbours. The fact that the new development cannot be accommodated on the same building line as Nos.29 and 31 is indicative of a lack of space for the proposed dwelling.

Policy CS6 of the Core Strategy states that within selected small villages in the Green Belt, of which Potten End is one, the following will be permitted: (a) The replacement of existing buildings; (b) Limited infilling with affordable housing for local people; (c) Conversion of houses into flats; (d) House extensions; (e) Development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and (f) Local facilities to meet the needs of the village.

Each development must (i) be sympathetic to its surrounding, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and (ii) retain and protect features essential to the character and appearance of the village.

Only paras (a) and (b) can apply to this proposal. The Parish Council doesn't consider that replacing a single storey c. 37 square metre garage with a 77 square metres two-storey detached house of can be considered a replacement, it is rather a very significant enlargement, and there is no suggestion that the house is to be affordable housing.

The Parish Council does not consider that the proposal meets the criteria set out in CS6

With regard to the proposed design, Policy CS11 states that development within settlements and neighbourhoods should (a) respect the typical density in an area and enhance spaces between buildings and general character, and (b) preserve attractive streetscapes, and Policy CS12 requires development to (f) integrate with the streetscape character and (g) respect adjoining properties in

	<p>terms of layout, site coverage, scale, height, bulk, materials and landscaping and amenity.</p> <p>The question of density has been covered above. The proposed Siberian larch timber cladding on the walls and metal roofing is almost unique on the road which is primarily a mix of brick and painted render, the only exception is No 78 which is the last house on the road when leaving Potten End. The Parish Council doesn't believe that the proposed design can be said to integrate with the streetscape character notwithstanding its low energy credentials of which in general the Parish Council is very supportive.</p> <p>It's not clear to the Parish Council whether Policies SP10, DM22 and DM23 in the as yet unadopted Emerging Strategy for Growth have any relevance to this application, and if they do what weight can be given to them relative to the existing streetscape.</p> <p>As a result, the Council has to conclude that the proposal does not conform to Policies CS11 and CS12 of the Core Strategy.</p>
Natural England	<p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity</p> <p>.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation</p> <p>.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p>

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- Fire: increased incidence and risk of fire; and
- Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Other Advice

Protected Landscapes – Chilterns AONB

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the

	<p>natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).</p> <p>Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p>
<p>Hertfordshire County Council – Highways Section.</p>	<p>AMENDED PROPOSALS/ADDITIONAL INFORMATION</p> <p>Recommendation</p> <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 subject to the following conditions:</p> <p>1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 01.010 PL3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</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</p>

highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 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.

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 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.

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Comments

The proposal is for the construction of two storey 4 bedroom dwelling

at 31 Hempstead Lane, Potten End, Berkhamsted. Hempstead Lane is a 30 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

There is an existing drive which will serve the new dwelling. Then there is proposed to be a new access to serve the existing dwelling. This access is deemed to be okay in size and its separation from the neighbouring dropped kerb. Some issues have arisen surrounding the new dropped kerb being placed within the root protection area of the adjacent old oak tree. In order to make this development acceptable the access and hardstanding within the highway network cannot be completed using the normal dropped kerb application process, it will need to be done under another section agreement - please see informatives. The work will need to be dug by hand to ensure that the roots of the oak are not greatly impacted. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

Drainage

The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need to be collected and disposed of on site.

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010'.

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section Agreement) and conditions.

AMENDED PROPOSAL

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 recommends that permission be refused for the following reasons:

- 1) Following an interim response requesting more information

	<p>relating to the size of the proposed dropped kerb and its position in regards to the neighbouring dropped kerb, no additional information has been provided regarding these points. Therefore, HCC Highways cannot send an informed recommendation of grant owing to the lack of information. This lack of information means that HCC Highways cannot assess if the proposal is safe or viable in terms of Highway matters and therefore is against policy 5 within HCC Highways Local Transport Plan</p> <p>Comments</p> <p>The proposal is regarding amendments for the construction of two storey 4 bedroom dwelling at 31 Hempstead Lane, Potten End. The amendments follow comments by HCC Highways which stated; "This is an interim response in relation to concerns regarding the access. HCC Highways would like the applicant to show the neighbouring existing dropped kerb in relation to the new dropped kerb. This is to ensure that both dropped kerbs are split by at least 1 full height kerb. This is to ensure that the new dropped kerb is not greater than 5.4 metres (4 dropped kerbs and 2 risers). The applicant will need to illustrate the size of the dropped kerb as well to ensure it meets that size. Once this has been provided then HCC Highways can make an informed decision."</p> <p>HCC Highways believes this has not been met and as such the proposal lacks enough information for HCC Highways to make an informed recommendation of a grant. Therefore, owing to this lack of information HCC Highways would like to recommend a refusal for this application as stated in the reason above.</p> <p>There is additional concerns regarding the distance of the dropped kerb from the new VXO would be under the canopy of the Oak Tree and if I calculated the tree root protection area as radius of tree taken at 1.5m above ground level x 12 it would also be well within this protection area. This tree has a tree protection order on it and is a highway tree.</p>
Environmental Health	<p><u>Contamination</u></p> <p>The proposed development is a proposal on a site that does not appear to have a potentially contaminative land use history. It will, however, involve significant ground works and is for a change in land use and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1:</p> <p>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:</p>

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.

Noise, Odour and Pollution

Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London

Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NO_x emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid

	<p>weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant</p>
<p>Trees and Woodlands</p>	<p>AMENDED PLANS/ADDITIONAL INFORMATION</p> <p>In order to facilitate the proposal incursions into the Root Protection Area (RPA) of T5 & T6 are required. The applicant has submitted a Tree Protection Plan (TPP) indicating the introduction of a 'no-dig' surface layer in these areas which is an industry recognised method of construction within an RPA. As such the proposal is in accordance with current best practice and therefore I have no concerns.</p>
<p>Chiltern Society</p>	<p>AMENDED PLANS</p> <p>The Chiltern Society maintain their objections to the plans.</p> <p>ORIGINAL PLANS</p> <p>The Chiltern Society objects to this proposal broadly for the same reasons as the Parish Council.</p> <p>In summary, this is construction of a new additional 4 bedroom 2 storey house in front of the existing house at 31 Hempstead Road. The land lies within the Green Belt. The proposal does not fall within the acceptable developments listed in Policy CS6. It is not a replacement dwelling and nor is it infilling, in fact the plot would accommodate and infill due to size, it is in front of the existing dwelling and pushing the existing building line forward. As a 4 bedroom dwelling it certainly does not meet the criteria of affordable housing.</p> <p>In terms of Policy CS11, the design is unsympathetic to the area, the quality of design is an issue the Chiltern Society is increasingly alarmed about in the borough generally. It needs to be sympathetic to the surroundings and no reference has been made to the Chiltern Design Guide.</p> <p>In terms of the Chilterns Beechwood SAC, the comments of Natural England should be observed.</p>

APPENDIX B – NEIGHBOUR RESPONSES

OBJECTIONS

Address	Comments
35 Hempstead Lane	<p>We have been instructed by the family of 35 Hempstead Lane to review the above application.</p> <p>Having reviewed the planning submission, we are writing to you to express our strong objections to the planning application.</p> <p>The proposed plans stipulate that a two storey dwelling will be developed replacing a single storey garage. Our objection is on the basis of the following grounds:</p> <ul style="list-style-type: none">- Harm to the Character and Appearance of the area- Harm to the street scene in view of the Design- Unnecessary loss of Category B trees and- Harm to the neighbouring amenity <p><u>Harm to the Character and Appearance of the Area</u></p> <p>The proposed development would cause considerable harm to the character and appearance of the area. Whilst Hempstead Lane is a residential area, it is characterised by detached properties within larger plots. The subdivision of the plot of No.31 creates two smaller plots, with the proposed building the smallest. This would be considered wholly out of character with the area and would not result in quality living conditions.</p> <p>The result of this subdivision would mean the future occupiers of the proposed dwelling would have minimal amenity space, this would be a consequence for both properties, however specifically for the proposed dwelling. The proposed dwelling would have a very small garden given the size and nature of the dwelling.</p> <p>The resultant development, as can be seen from the site plan, would create an apparent over development of the wider plot, resulting in harm to the wider character of the area and provide a development that would be inappropriate for its setting.</p> <p>It is considered that this proposal will be contrary to Policy CS6 and CS11 of the Core Strategy.</p> <p><u>Harm to the Street Scene</u></p> <p>The proposed design is wholly inappropriate for the area and is completely out of character with Hempstead Lane, which is predominantly characterised by traditional two storey dwellings.</p> <p>Furthermore, the existing properties along Hempstead Lane are set</p>

back from the road and of a traditional construction primarily brick and tiled roofing. As such the contemporary design is highly inappropriate for the area and would be obtrusive and incongruous in the very traditional street scene.

The proposed dwelling is set further forward than the dwellings to the west. Consequently breaking the building line narrative. This would make the building visually prominent of a design that is at odds with the prevailing character and thus negatively impact upon the street scene.

The proposals would be contrary to Policy CS12 of the Core Strategy.

Loss of Trees

Notwithstanding the harm the approval of this proposal would cause to the street scene, it would also result in the unnecessary loss of 2 category B trees in order to facilitate the construction of the dwellings. The Arboricultural Survey undertaken by Butlers Trees Ltd states at paragraph 6.1 that “no trees identified within the site are decaying or diseased” and as such the removal of any trees is purely as a result of this development.

The proposal results in the loss of 2 category B trees – both of which are Magnolia’s that have a life expectancy exceeding that of 20+years. It is disappointing they are to be lost. Category B trees are identified as those desirable for retention and make a significant contribution, subsequently this would be contrary to the adopted Core Strategy and emerging policy DM36 from the emerging Local Plan. Furthermore, the development poses a threat to the remaining TPO trees along the road as a result of construction. The tree survey does not appear to be confident that no harm will result to the TPO’s in relation to the two driveways. The survey recommends significant permanent mitigation would be required to ensure that the TPO are protected.

Harm to Neighbouring Amenity

The new dwelling is proposed on the eastern boundary of the site, thus encroaching on the privacy of the neighbouring property to the east – no.35 Hempstead Lane.

Drawing no.01-002 Revision PL2 shows there are several proposed windows facing onto the neighbouring property. This includes a window at ground floor level, at a height of 1.8m which surpasses the proposed boundary treatment and the primary windows to bedrooms 2 and 3 at first floor level. The views from bedroom 2 and 3 will give direct views into the neighbouring outdoor amenity space and result in unacceptable harm to privacy and overall use of this space. The proposals are therefore contrary to 6.2.3 of the Strategic Site Design Guide and Policy CS11 of the Core Strategy.

The National Design Guide (2019) further stipulates at paragraph 124 that ‘good design promotes quality of life for occupants and

	<p>users of the buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, amenity, privacy, accessibility and adaptability’ Paragraph 129 highlights amenity space should have a reasonable degree of privacy. The proposed dwelling is not considered to comply with these policies.</p> <p>Overall, it is concluded that the proposed development of this two storey dwelling, replacing the single storey garage will have a significant harmful effect on the neighbouring dwelling – 35 Hempstead Lane with regards to overlooking and loss of amenity.</p> <p>We respectfully request that the Council determine the application in accordance with the adopted development plan policies and review the application on the basis that it is contrary to policies CS6, CS11 and CS12 of the Core Strategy, emerging policy DM36 in terms of its detrimental impact on character of the area and design quality and the Strategic Design Guide. It is contrary to Policy CS11 and paragraphs 124 and 129 of the National Design Guide in terms of the loss of trees and privacy.</p>
2 The Laurels	<p>I have the following concerns regarding the proposed development:</p> <p>1) An additional exit and entrance for cars on to the Hempstead Lane, a busy winding through road (a rat run) The Laurels, 29, 31 and the new house and 33 Hempstead Lane will all have drive’s in a very short section of road. Is there adequate space for parking and turning?</p> <p>2) I will be overlooked at the rear of my home and within the garden by the upper windows of the proposed building.</p> <p>3) I am concerned about the density of development in the village with Nos 29, 31, this new building and 33 [35] Hempstead Lane in very close proximity to each other.</p>
The Squirrels, Hempstead Lane	<p>9 AMENDED PLANS</p> <p>It is noted that amended plans have been submitted on this application. Nothing in these plans has overcome the considerable objections to the proposals and as such my objection is maintained.</p> <p>ORIGINAL PLANS</p> <p>I have been a resident in Potten End for over 30 years and have, of course, seen many changes to the road and the village - not all for the better!</p> <p>The fact that the village lies within the Chilterns has not had the importance it deserves in order to retain its semi-rural character and appearance. This application is an example of this. The proposed new detached dwelling in the front garden of no.31 will have a severely detrimental impact of this part of the village.</p> <p>Policy CS6 of the Dacorum Core Strategy states that within selected small villages in the Green Belt, of which Potten End is one, the following will be permitted: (a) The replacement of existing buildings;</p>

(b) Limited infilling with affordable housing for local people; (c) Conversion of houses into flats; (d) House extensions; (e) Development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and (f) Local facilities to meet the needs of the village.

Each development must (i) be sympathetic to its surrounding, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and (ii) retain and protect features essential to the character and appearance of the village. This development cannot be considered as falling within any of the above criteria and is therefore 'inappropriate development'. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No such circumstances have been shown. It is not closely linked to agriculture etc. nor is it meeting the needs of local people as there is no mention of it being 'affordable for local people'.

Whilst it is located between two properties (no. 31 and 33), it cannot be considered as 'infilling' (criteria b), which is generally defined as a form of development whereby buildings are constructed within a gap along a clearly identifiable built-up frontage. It is acknowledged that there is a gap between the two properties, but the proposed dwelling is located on the front garden of no.31, completely in front of the building line of no.31 and no.33. A detached dwelling cannot be positioned closer to no. 31 due to the limited width of the plot at this point which is a clear indication that the site is of insufficient size to accommodate a separate dwelling resulting in overdevelopment of the site.

In the accompanying Design statement the applicant describes Hempstead Lane as: 'linear in form and characterised by large dwellings set back from the road in significant plots, a number of which contain outbuildings..... The area is very lush and green with low density overall and characterised by tree lined hedges and large trees with big front gardens and no prevailing building line.'

Policy CS11 (Quality of Neighbourhood Design) state that development within settlements and neighbourhoods should (a) respect the typical density in an area and enhance spaces between buildings and general character, and (b) preserve attractive streetscapes. Policy CS12 (Quality of Site Design) requires development to (f) integrate with the streetscape character and (g) respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping and amenity. This development fails in all respects.

The proposal dwelling is completely contrary to the applicant's own acknowledgement of the general character and appearance of Hempstead Lane. It is a small plot with a very cramped form of development; it will appear unduly dominant in terms of bulk and scale due to the limited plot size and its proposed forward projection.

The appearance of both the new and original properties will be

	<p>dominate by very constricted car parking. Hempstead Lane is a narrow, busy road and any manoeuvring must be carried out within the site with no reversing onto the road which would compromise highway safety.</p> <p>The immediate area at present is dominated by attractive mature trees and large shrubs which enhance the general street scene. The proposal will compromise the health and safety of this vegetation. It is important to note that existing planting cannot be relied upon to provide solid or permanent screening which none the less should not be relied upon to screen an unacceptable development.</p> <p>Paragraph 130 of the NPPF states permission should be refused for development of poor design that fails to improve the character and quality of an area. The general design is alien to the general character of properties in Hempstead Lane, is indicative of the limited size of the plot and fails to take into account the Chiltern Design Guide. Great emphasis is made on the sustainability of the new dwelling, but one would expect any new dwelling to comply with this requirement. It is not a justification for a totally unacceptable proposal.</p> <p>It is of interest that an application for a detached car port in the front garden of no.7 Hempstead Lane was refused permission in May 2021 (ref.21/01062/FHA) as it was not considered 'infilling' and it failed to meet the criteria for development in the Green Belt. If a modest car port was considered unacceptable then a two storey dwelling in a more prominent location must be unacceptable!</p> <p>This application fails to meet the exceptions outlined in both the NPPF and the Dacorum Borough Core Strategy for the provision of new buildings within the Green Belt. Therefore, it constitutes inappropriate development which by definition is harmful to the openness of the Green Belt. In addition, due to the limited size of the site, it's positioning within the plot and its design, it is considered to be severely detrimental to the overall appearance and character of this part of Potten End.</p> <p>Therefore, I object to this application and respectfully request that permission is refused</p>
29 Hempstead Lane	<p>I would query the accuracy of the site plan and am concerned that the proposals will detrimentally affect the roots of surrounding magnificent trees, particularly the large Blue Cedar tree (on the applicants land) and the large Oak tree very near the driveway (not on the applicants land) These trees bring great character to the area and are good for the environment.</p>
34 Hempstead Lane	<p>The proposed house has been designed with the objective to get a saleable dwelling onto a very small piece of current garden, jammed in against a nice current dwelling,</p> <p>It is NOT a desirable "low energy" modern house - No figures have been provided re its energy requirements and there is no mention of a heat pump to provide heat. The small windows and its very limited</p>

	<p>floor area are a result of the plot being too small (even with its design of minimum size bedrooms) - NOT because there is a design target for its energy requirements.</p> <p>The proposed dwelling is out of keeping with Hempstead Lane - not because it is "modern" – but because it is jammed into a small space very close to the existing property. Other modern buildings in Potten End are on much larger plots where the positive aspects of their elevations can be properly seen and appreciated.</p> <p>The proposal will require an additional new road entrance for the existing no 31. This would be on a narrow and difficult bend in the road where there are already too many incidents and "near misses". The parking and vehicle manoeuvring capacities for both the existing and the proposed dwelling are clearly far too tight, adding to the risk of having to dangerously back out on to the narrow bend of Hempstead Lane.</p> <p>I respectfully object to this application.</p>
<p>38 Upper Golf Links Road, Broadstone</p>	<p>I strongly object to the proposals including revised submission documents as it's against the authorities policies and strategies as set out in other objections. The proposal is causing anxiety to the elderly neighbour as it will significantly harm their amenities.</p>