

**ITEM NUMBER: 5e**

|                               |                                                                                                                    |                               |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>23/02040/RET</b>           | <b>Retention of replacement raised decking with proposed modifications incorporating removal of lower platform</b> |                               |
| <b>Site Address:</b>          | <b>7 Olivers Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SL</b>                                            |                               |
| <b>Applicant/Agent:</b>       | <b>Ms Y Sutton</b>                                                                                                 | <b>Ms Holly Butrimas-Gair</b> |
| <b>Case Officer:</b>          | <b>Victor Unuigbe</b>                                                                                              |                               |
| <b>Parish/Ward:</b>           | <b>Nettleden With Potten End Parish Council</b>                                                                    | <b>Ashridge</b>               |
| <b>Referral to Committee:</b> | <b>Contrary view of Parish Council</b>                                                                             |                               |

**1. RECOMMENDATION**

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

**2. SUMMARY**

- 2.1 The proposed development constitutes the retention of a replacement larger raised decking and the removal of its lower platform. The majority of the existing decking has replaced a previous original decking, which was a lawful structure, by virtue of the passage of time. The development, as proposed to be retained and modified, represents appropriate development in the Green Belt and preserves the openness of the area, it does not have any significant adverse impact on the appearance of the main dwelling on the site, the Olivers Close streetscene, the adjacent Chilterns Area of Outstanding Natural Beauty (AONB), or the maintenance of the openness of the Green Belt.
- 2.2 The existing levels of overlooking and loss of privacy to the closest neighbouring properties resulting from the development are not unduly detrimental, given that the levels are similar to those that were experienced with the previous lawful decking. The development would also not have any detrimental impact on highway safety and the provision of off-street car parking. The scale and nature of the development are such that it would not result in any land contamination concerns, nor would it result in any adverse impact on noise, odour, air and water quality.
- 2.3 Given the above considerations, the proposed development is on balance, acceptable and accords with the aims and objectives of the National Planning Policy Framework (2023), Policies CS5, CS8, CS11, CS12 and CS32 of the Dacorum Core Strategy 2006-2031, and Saved Appendix 3 and Appendix 7 of the Dacorum Borough Local Plan (2004).

**3. SITE DESCRIPTION**

- 3.1 The application site is located at the northern end of the turning head on Olivers Close – a residential cul-de-sac – in the village of Potten End.
- 3.2 The site contains a two storey semi-detached dwelling with a main hipped roof, pebble-dash, cream render facings, single storey side extension and part single storey (with attached lean-to canopy structure) and part two storey rear extensions.
- 3.3 The lie of the site is such that the ground levels fall very steeply from the front boundary to the rear boundary, and from the western boundary to the eastern boundary.
- 3.4 The dwelling contained a previous original rear decking, which appeared to be constructed circa 2001 following the implementation of a planning permission (with reference 4/00407/01/FHA) for the single storey and part two storey rear extensions. The original

decking had one platform with handrails, projecting support posts and a staircase at the end facing the boundary with the unattached property to the west at No. 6 Olivers Close. As submitted on the accompanying application forms, works were completed eight months ago – in March 2023 – to erect the current larger replacement timber-framed raised decking with handrails to the western side and rear of the dwelling, and which incorporate a top level platform accessed via a staircase from a lower level platform. The decking is erected on a wooden base/enclosure part covered by black canvass, and a ramp adjoins the decking to the west leading into the garden.

- 3.5 The site is located within the Metropolitan Green Belt, and to the rear, the site lies adjacent to the boundary of the Chilterns AONB.

#### **4. PROPOSAL**

- 4.1 Permission is sought for the retention of the timber-framed raised decking, and modifications are proposed to remove the lower platform, so that the top platform forms the only landing for the decking. It was originally proposed to install 1.8 metre high privacy screen on the side of the top platform facing the boundary with the adjoining property to the east at No. 8 Olivers Close. The proposal has subsequently been amended to omit the privacy screen following advice from Officers that installing the screen would result in a perception of enclosure and overbearing impact of the rear garden of No. 8
- 4.2 This application follows on from the refusal of permission on 07/08/2023 for a previous related application (with reference 23/01330/FHA), which proposed the retention of the decking with both top and lower platforms, as well as the installation of 1.8 metre high privacy screens on the sides of the two platforms facing the boundary with No. 8. Application reference 23/01330/FHA was refused on the grounds that the retention of the decking – in combination with the installed privacy screens – results in a significant detrimental impact on the amenities of the occupiers of No. 8, by reason of visual intrusion, direct overlooking of, and loss of privacy to the rear garden of that property.
- 4.3 With this current application, the applicants have proposed the removal of the lower platform and privacy screens as remedial measures to address the Council's reason for refusing permission for application reference 23/01330/FHA.

#### **5. PLANNING HISTORY**

##### Planning Applications :

23/01330/FHA – Retention of replacement decking and additional raised decking and installation of privacy screen

*REFUSE - 7th August 2023*

4/00407/01/FHA – Single storey and part two storey rear extension

*GRANT - 25th April 2001*

##### Appeals):

23/00074/REFU – Retention of replacement decking and additional raised decking and installation of privacy screen

*LODGED -*

#### **6. CONSTRAINTS**

Advert Control: Advert Spec Contr  
Ancient Woodland: Ancient & Semi-Natural Woodland  
CIL Zone: CIL1  
Former Land Use (Risk Zone):  
Green Belt: Policy: CS5  
RAF Halton and Chenies Zone: Red (10.7m)  
Small Village: 1  
Parking Standards: New Zone 3  
Wildlife Sites: Brown's Spring & Hollybush Wood

## **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 (2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

### Core Strategy:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS5 – Green Belt  
CS6 – Selected Small Villages in the Green Belt  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 – Chilterns Area of Outstanding Natural Beauty  
CS29 - Sustainable Design and Construction  
CS32 – Air, Soil and Water Quality

### Local Plan:

Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The application site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Policy CS5 of the Dacorum Core Strategy (2013) specifies that the Council will apply national Green Belt policy – as contained in the text of paragraphs 147 to 151 of the National Planning Policy Framework (NPPF) (2023) – to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Paragraph 150 of the NPPF in particular, specifies that engineering operations – which is what the replacement decking constitutes – constitute one of a certain number of developments that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

9.4 Policy CS5 clarifies that small-scale development – such as limited extensions to existing buildings – are acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

Notwithstanding the above objectives of Policy CS5, the Dacorum Core Strategy specifies that development within selected small villages in the Green Belt will be permitted in accordance with its Policy CS6.

9.5 The site is located in the village of Potten End, which is one of four selected villages in the Green Belt where there is recognised need to allow for limited development, which supports their existing role within the settlement hierarchy. Within these selected villages, Policy CS6 specifies that '*house extensions*' is one of six development types that will be permitted, and that each development must:

- i. be sympathetic to its surroundings, 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.

9.6 The application dwelling has been extended over a period of time, for the most part with the benefit of planning permissions. However, the raised replacement rear timber-framed decking cannot be said to be an extension to, or enlargement of the dwelling within the meaning of Policies CS5 and CS6, given its form and nature are such that it does not constitute additional usable habitable floor area of the dwelling. The replacement decking does constitute an engineering operation as it is a facility that allows for stepped access from the dwelling into the rear garden. Paragraph 150 of the NPPF makes clear that engineering operations are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.

In assessing openness, the decking is not entirely a solid structure, but a permeable one, as its constituent parts – the handrails, platforms and staircase – are timber-framed and allow

for views through the gaps in their construction. Where solid is the base the structure is viewed against the backdrop of the existing parent property. In this respect, the decking preserves the openness of the Green Belt given its permeability. The decking is not visible from the turning head on the cul-de-sac on Olivers Close or any other public realm. Given that the decking does not constitute additional usable habitable floor area for the dwelling, it does not conflict with the purposes of including land within the Green Belt. The development does not conflict with the purposes of including land within the Green Belt.

- 9.7 The replacement decking with its 1.1 metre high handrails, has a relatively extensive overall depth of 11.5 metres (from side to rear) and a height of 2.3 metres from the highest point of the ground (to the side) and an overall height of 5 metres from the lowest point of the ground in the garden. However, the very extensive depth and expansive area of the rear garden is such that the decking sits visually comfortably within its spacious context, and the secluded location of the site as well as the dense vegetative screening on the side and rear boundaries are such that adequate gaps would still be retained to help maintain the visual and spatial openness of the Green Belt, and ensure it is kept permanently open. The decking itself is a permeable structure with 'see through' gaps in its construction, so its form is such that it helps to preserve the openness of the Green Belt.
- 9.8 In addition the applicant has provided photographic evidence on the submitted plans and Planning Statement of the previous raised rear decking, which appeared to have been 'in-situ' for a considerable period of time, and which appeared to be in a general state of disrepair. From the photographs, the previous decking had only one landing platform with handrails, projecting support posts and a staircase leading from the western side (facing the boundary with the unattached property to the west at No. 6 Olivers Close) into the garden. There is no record for any grant of permission for the previous rear decking; the applicant has submitted that the decking was in-situ at the time construction works took place to erect the rear extensions in 2001. Nevertheless, given that the decking would have been deemed lawful by reason of the passage of time and by the time of its removal, and given the replacement top platform has been erected in similar positioning, the majority of the replacement decking would have been lawful and as such could not be objected to. The replacement deck – albeit with an increased depth from 4 metres to 5 metres along the boundary with adjoining No. 8, and with an increased depth from 1 metre to 5 metres at the other end facing the boundary with No. 6 – is an engineering operation which, when compared to the previous lawful decking would preserve the openness of the site and wider countryside. In conclusion there is no objection in principle to the erection of a raised replacement decking to the side and rear of the dwelling. It is considered appropriate development and does preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 9.9 Given the above considerations, the existing replacement rear decking development constitutes a proportionate addition on the site, and does not detract from the maintenance of the openness of the Green Belt. Notwithstanding its extensive scale, it has an overall traditional design – incorporating timber as a traditional material – which preserves the appearance of Potten End as a selected village in the Green Belt, thereby according with Policies CS5 and CS6 of the Dacorum Core Strategy (2013), and the Green Belt protection policy contained in paragraph 150 of the NPPF (2023).

#### Quality of Design and Impact on Visual Amenity

- 9.10 In accordance with Policy CS11 of the Dacorum Core Strategy (2013), development should respect the typical density intended in an area, enhance spaces between buildings and general character and preserve attractive streetscapes.
- 9.11 Policy CS12 (g) of the Dacorum Core Strategy (2013) seeks to ensure that development respects adjoining properties in terms of layout, site coverage, scale, bulk; landscaping and amenity space.
- 9.12 The replacement rear decking is of timber construction, which is a material that is traditional in form and considered acceptable, as it helps ensure a sympathetic design for the structure, and ensures it does not detract from the landscaped character and appearance of the site and the wider area. Notwithstanding the significant enlargement of the existing dwelling, and the fact that the decking has an extensive scale in and of itself, its attachment to the side and rear of the dwelling is such that it sits visually comfortably within the expansive context of the rear garden. The replacement decking is less visually imposing than a solid structure given its permeability and the fact that its constituent parts have been built with 'see-through' gaps curtilage.
- 9.13 Given the near secluded and well-landscaped screened location of the site, as well as the part side and mainly rear location of the replacement decking platform, it is not readily visible from any public vantage points. It is therefore considered that the decking structure is not visually intrusive on the character and appearance of the surrounding area and the adjacent Chilterns Area of Outstanding Natural Beauty (AONB), and it does not significantly detract from the appearance of the wider Potten End village.
- 9.14 In summary, the replacement raised decking has a design and overall scale that does not cause any significant detrimental harm to the character and appearance of the host dwelling and wider Potten End village, and it follows that the development accords with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

#### Impact on Residential Amenity

- 9.15 The National Planning Policy Framework (NPPF) (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings.
- 9.16 Policy CS12 of the Dacorum Core Strategy (2013) specifies that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) specifies that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.
- 9.17 From a comparison of the submitted photographs of the previous and replacement decking platforms, as well as from observations during the Case Officer site visit, the replacement top platform – at 5 metres deep along the boundary with No. 8 – is a metre deeper than the previous decking platform. The replacement top platform is also wider than the previous, given that the previous was only 1 metre deep on the other side facing No. 6. It is however noted that the replacement top platform appears to have been erected at a similar height as the previous, given the photographs show both platforms in line with the base of a set of rear-facing ground floor patio doors. The replacement top platform also has handrails of comparable height along the side boundary with No. 8.
- 9.18 With regards to the proposed retention of the top platform as the only landing for the replacement decking, it is noted that the previous decking was erected without the benefit of planning permission. However, given that the decking appeared to have been 'in-situ' since

at least 2001 to when it was removed this year – a significant passage of time of over 4 years – the decking would have been immune from enforcement action and benefitted from having ‘deemed consent’ by the time of its removal. Officers are satisfied in the main that having had the benefit of reviewing the submitted photographs of the previous original decking, the majority of the replacement decking is similar to the previous decking. It is acknowledged that given the significant changes in ground levels between the application site and No. 8, there is a high level of overlooking between the sites. It is also acknowledged that the previous decking also allowed for a high level of direct overlooking between the application site and neighbouring No. 8. However, it is considered that given the proposed modification to have the top platform as the only landing for the replacement decking, and given that the top platform is only a metre deeper than the previous decking along the boundary with No. 8, it would be unreasonable to withhold the grant of permission, given that views presently offered directly from the top platform are not significantly worse than those offered from the previous decking over the boundary and onto the existing raised rear decking platform and garden at No. 8.

9.19 This application proposes the removal of the second lower platform, which is welcomed as a remedial measure to safeguard the residential amenities at adjoining No. 8. The lower platform is set away from the boundary with No. 8 by approximately 0.6 metres, and acts as a potential additional amenity or holding area for persons in such close proximity to the boundary. Because of the near uniform height of 2.9 metres that the lower platform has along the boundary – notwithstanding the varying fall in levels along that boundary into the garden – it was considered during the determination of refused application reference 23/01330/FHA that the lower platform has a far more adverse impact on No. 8 than the top platform, given that the near uniformity of the height along the boundary makes it far more visually intrusive and unduly dominating and overbearing in views from the rear openings and garden at No. 8. This explains why its complete removal from the decking structure would significantly ameliorate the harm presently being cause to the amenities of No. 8 by way of direct overlooking and significant loss of privacy. The removal of the previously proposed 1.8 metre high privacy screens along the sides of both platforms is also welcome, given they would project 0.7 metres above the railings. The removal of the privacy screens is also welcome, given it would remove the perception of an oppressive enclosure when viewed from the rear elevation and garden of No. 8. This application does not include the lower deck and an informative to this effect will be included for the avoidance of doubt. There are active enforcement cases on the site and a pending appeal for the lower deck such that it is not necessary or reasonable to condition its removal as part of this application.

9.20 It is noted that the previous decking had a staircase that was positioned at the other end facing the boundary with No. 6, and which did not give rise to direct views of the rear openings and garden at No. 8. The staircase erected with the replacement decking is in closer proximity to the boundary with No. 8, and it is acknowledged that as persons are climbing up to, or climbing down from the top platform, they could potentially look directly over the garden and through the rear facings openings into habitable areas at adjoining No. 8. However, unlike the lower platform which is of a width and area that could allow for its use as a secure and safe ‘holding amenity’ area, the steps of the staircase – in and of themselves – are limited in depth and as such, cannot be utilised as safe and secure areas for any person to stand on for a considerable period of time. It would be generally expected that any person utilising the staircase would do so to either climb up to, or climb down from the top platform. It is therefore considered that any overlooking from the staircase towards the garden and rear openings at No. 8 would be fleeting and for a limited time, as a person is climbing up to or climbing down from the staircase.

- 9.21 With regards to the impact of the replacement decking on the amenities currently enjoyed at adjacent No. 6 to the west, the decking has been widened at this end facing the boundary with No. 6 and having an additional depth of 4 metres along the boundary. However, the ground levels at No. 6 are higher along the common boundary, and the boundary is staggered given the angled orientation of the dwelling at No. 6. Furthermore, the decking is set away and tapers inward from the boundary, so that any views from the decking towards the ground floor rear habitable openings at No. 6 are significantly limited. There are ground floor openings in the side elevation at No. 6 that can be viewed from the decking. However, these openings are secondary and non-habitable, so the views from the decking would not be visually intrusive or result in any significant loss of natural light to, or outlook or privacy to No. 6.
- 9.22 Given the above considerations, the modification of the existing replacement raised rear decking to incorporate the removal of only the lower platform, would on balance and when compared to the similar levels of impact experienced from the previous lawful original decking, not have an unduly significant adverse impact on the residential amenities of the adjoining properties at Nos. 6 and 8, in terms of being visually overbearing, dominating, or resulting in a significant loss of light, outlook or privacy. The proposal is therefore on balance, considered to accord with Policy CS12 of the Dacorum Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

#### Impact on Highway Safety and Parking

- 9.23 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Core Strategy (2013), and the Council's Parking Standards Supplementary Planning Document (SPD) (2020), all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.24 By reason of its form and nature, the raised rear decking platform does not constitute any additional internal habitable floorarea for the dwelling. As such, it does not generate any demand for off-street parking provision over and above the current provision (two spaces) on the site, which is contained within a driveway in the front garden.
- 9.25 As such, the proposal does not have any conflict with the objectives of Policy CS8 of the Dacorum Core Strategy (2013), the Council's Parking Standards SPD (2020) and the NPPF (2023).

#### Other Material Planning Considerations

##### Contamination (Former Land Use)

- 9.26 The application site falls within a former land use risk zone for ground contamination. The Council's Scientific Officer was consulted and commented that there is no objection on the grounds of land contamination. The Pollution Team was also consulted and whilst they commented that there is no objection in respect of air, water and noise quality, they recommended the addition of relevant informatives to the decision notice in the event that planning permission is granted.

#### Response to Neighbour Comments

- 9.27 These points have been addressed in the sections above.

#### Response to Parish Council

- 9.28 These points have been addressed in the sections above.



### Community Infrastructure Levy (CIL)

9.29 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

### Chiltern Beechwood Special Area of Conservation (SAC)

9.30 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

## **10. RECOMMENDATION**

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

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

1.

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

**001  
Planning Statement (dated August 2023)**

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

### **Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through 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.
2. For the avoidance of doubt, the attention of the applicant is drawn to the fact that this planning permission does not relate to or include the retention of the lower decking platform currently on the site.
3. 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](mailto: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.

4. 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.
5. 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.
6. 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<sub>x</sub> emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO<sub>x</sub>/Kwh or consideration of alternative heat sources.

7. 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-plants>

## APPENDIX A: CONSULTEE RESPONSES

| Consultee           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parish/Town Council | The Council sees no reason to change its objection to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Parish/Town Council | The Council sees no reason to change its objection as submitted on 22nd September,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Parish/Town Council | <p>Object</p> <p>This is a variation on 23/01330/FHA to which the council objected.</p> <p>Decking had been installed to the rear of 7 Olivers Close by the previous owners without planning permission, but by virtue of being there for over 4 years, became permissible. This decking was acceptable to neighbours and did not require any screening.</p> <p>New decking was installed by the current owners with an upper and lower level, again without planning permission. 23/01330/FHA sought retrospective approval which was refused.</p> <p>In the current application the applicant has proposed removing the lower level of decking, but retaining the upper level as proposed in 23/01330/FHA.</p> <p>It was the larger upper decking which triggered the imposition on neighbour amenity, which in turn prompted the suggestion of screening. However, the proposed screening is also a problem as it blocks both light and outlook for number 8.</p> <p>As such the Parish Council objects and recommends that the decking should be returned to its original dimensions, which did not impose on the neighbours amenity, and therefore did not need a screening solution.</p> |

|                                                    |  |
|----------------------------------------------------|--|
| Environmental And<br>Community Protection<br>(DBC) |  |
|----------------------------------------------------|--|

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 3                       | 3            | 0       | 3          | 0       |

### Neighbour Responses

| Address                                                                  | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 9 Olivers Close<br>Potten End<br>Berkhamsted<br>Hertfordshire<br>HP4 2SL | <p>We have been into no. 8 Oliver's close on many occasions and where previously there has never been any issues. We have found the new decking structure to be more intrusive, in the fact that it has been extended further along the fence. We can see the privacy issues, however the plan to simply put up a high screen will have a very negative affect on number 8 as the sunlight comes through on that side.</p> <p>We remember the previous owners of No 8 did feel the original decking to be very intrusive and there was no planning for the original decking either. I think on this basis the new structure should be looked at very carefully as it has clearly had a negative impact on the neighbouring property.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8 Olivers Close<br>Potten End<br>Berkhamsted<br>Hertfordshire<br>HP4 2SL | <p>As we mentioned in our previous objection to the first retrospective planning application (planning reference 23/01330/FHA). We would like to reiterate it was not an easy decision to speak to planning enforcement, as we have absolutely nothing against the neighbour personally at all. We felt we were left with no alternative option, due to the scale of the problem, and the hugely negative impact on our home.</p> <p>We feel it is important to reiterate why we went to the planning enforcement team as it was not done without prior consideration. There was no attempt at communication from the applicant regarding the plans, prior to the decking being installed. The applicant also unfortunately did not give any indication of being prepared to make any changes to the design or structure once we had voiced our concerns in March 2023 and still nothing since the first application was refused.</p> <p>We believe planning permission should have been sought at an early stage. It would have given us a chance to make our objections know before the work started and avoided this difficult situation. It was only when the builders started the project that we understood the scale of it and the impact on our home and garden.</p> |

We told the builders and neighbour that we were not happy with how it affects us and they said it was allowed. We were told that they had checked with the design team and it was permitted. It was very clear no changes would be made and nothing we said would change this unpermitted structure.

Unfortunately, we are realising with this second application there is absolutely no genuine consideration from the neighbouring property as to the impact on our home this is having. The viewing platform to be made smaller (no exact measurements) but nothing else changes.

This revised retrospective planning application has only been submitted due to the The Parish Council and Dacorum Borough Council refusing the original planning application (planning reference 23/01330/FHA).

It is important to note the original decking also had no planning permission, and was not part of the build in 2001, (We included this in our original objection document which can be found on this portal).

There is an assumption the original decking formed part of the approved planning application in 2001. This is clearly incorrect as there is no mention of decking in detail of the document and no evidence of a decking in the site plans (planning reference 4/00407/01/FHA).

The original decking was demolished in its entirety in February 2023.

In our opinion, this new oversized decking structure should be evaluated and considered as a completely new structure.

The decking that was there before was not approved, and now it has been replaced with something that looks totally different, and which is even more intrusive.

If the original decking structure is deemed acceptable on the basis of the 4 year rule as part of this new application. We object to this as it is entirely different to what was there before.

The original stairs were located on the far side of the previous decking at it furthest point away from us. The new stairs have been located in much closer proximity to our fence line. This results in anyone walking up and down the stairwell having an even greater view overlooking into our property.

This revised application mentions the re- configuration of the stairwell. This is very vague and open to interpretation, it does not say what will be done exactly.

There is no mention as to how the stairwell will be reconfigured and no clear measurements or dimensions applied to this part of the retrospective planning application. This has to be clarified prior to anything being agreed surely.

In our view there should not be any platform area on the stairs, where someone can stand and have a view over the fence into our house or garden.

There is no need for a plantation area on the stairs, as this does form part of a necessity to access the high-level decking or the garden below.

We believe the stairs should be moved back to the far side of the decking to replicate its original location. Particularly if this structure is being allowed on the basis that it was there before.

The stairs were not previously in the location they are now, so the 4 year rule will not apply to the stairs or the decking as they are both very different to the original.

Our privacy has been compromised with the new oversized decking area.

The 1.8 meter screening off that will sit on top of the raised decking will only benefit the applicant to gain her privacy on the elevation.

Adding a 1.8 metre fence on top of the already elevated decking will simply create a huge overbearing wall of fencing on the side of our property.

This proposed screening would only further destroy our outlook and natural daylight. This hugely affects the main living space of our home.

It will also greatly affect the sunlight on our low-level decking.

These areas will now receive no sunlight and be in permanent shade, as the sun only reaches these areas from the West (applicant's side) and will now be blocked by a 1.8-meter screen.

We reiterate there has been no consideration to the impact on the neighbours by the applicant or design team at all.

The original decking is being used to get this very different design approved via the retrospective planning application.

Any of the repairs required to the original stairs do not justify increasing this new decking by 40% from the original footprint, and completely invading the privacy of neighbouring properties.

Relating to the policy CS5 / CS6 : I do not think the new structure complies, as it is not sympathetic to its surroundings or neighbours.

The decking and fence will be visually intrusive on the skyline and we will lose the sunlight that comes into the north facing windows.

The applicant states the replacement and additional decking is NOT overbearing. I strongly disagree from the other side of the fence! Again there has been no attempt to communicate with us on this matter at all to reach solution.

The applicant has said to satisfy local policy they will put up a privacy screen.

However, the neighbour has been wanting to put up a screen all along,

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|                                                                                     | <p>in fact the builders put one up and we asked them to remove it.</p> <p>Putting up an 1.8 meter screen on top of an already overbearing structure is insult to injury.</p> <p>It fails to comply with the policy CS12 in that it does not respect our outlook and garden aspect and sunlight into the house and the garden, and it most definitely does have a detrimental impact on neighbouring properties.</p> <p>As we have mentioned previously, the 1.8 meter fence being proposed greatly affects the daylight into our home and our amenity space on the other side of this tall fence.</p> <p>I believe we even mentioned this to the neighbour, and they appeared to understand this point. However this vital element has not been removed from this second application and is one of the main objections to this new structure. The new structure runs even further along our fence line so the tall fence has an extremely negative impact.</p> <p>The decking could have been designed in such a way that it did not impact neighbouring properties in the way that it does, and still allow enjoyment and safety for the occupant.</p> <p>I believe the local policy has not been followed, as it is an overbearing structure that affects our outlook and essential sunlight into the north facing windows of our home and to our amenity space. We will have no sun on the other side of the proposed 1.8 meter fence which runs the whole length of the top part of our fence line, which will create a huge wall of elevated fencing.</p> <p>I am emailing an objection document with pictures, to be uploaded to the portal which will further demonstrate our objections.</p> |
| <p>8 Olivers Close<br/>Potten End<br/>Berkhamsted<br/>Hertfordshire<br/>HP4 2SL</p> | <p>Objection to Planning Application ref: 23/02040/RET</p> <p>The revised planning application includes the removal of part of the lower raised platform. It is slightly unclear as to which element of the lower raised platform will remain as there is no clear dimensions mentioned within this revised application.</p> <p>This revised retrospective application mentions a slight reconfiguration of the stairs but does not clarify what this means? There should not be any need for any additional raised platform area that doesn't form part of the standard stairs for access.</p> <p>The stairs leading to the garden have been designed to incorporate the second raised viewing platform. To remove part of the second viewing platform results in the stairs protruding out at an unnecessary distance from the top raised platform. In my opinion any stairs leading to the garden should be redesigned as close to the top decking as possible to minimise the appearance the overbearing structure and to minimise the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

privacy intrusion into our home and garden when using the stairs.

The statement 4.4 within the revised application

4.4 Looking at the Officer Report in more detail, it is acknowledged that the decking allows for stepped access from the dwelling and that the original platform had been in a state of disrepair, meaning an upgrade was necessary.

It also confirms that the original would have been deemed lawful given the amount of time that it had been in place for, and that it is a proportionate addition to the dwelling house that does not detract from the maintenance of the openness of the Green Belt. Therefore, no objection was raised to the principle of the new decking giving its similar positioning to the original.

Firstly, the previous decking was completely demolished. There was no application consent or planning application applied for prior to demolishing the previous decking. In fact, the only reason this second retrospective application has been submitted was because of the enforcement officer served an enforcement case to this applicant. There was no attempt to apply for any retrospective planning for either of the two raised decking levels prior to contact with the enforcement officer.

As the original decking was demolished and the new raised decking with a much larger footprint was constructed without planning permission shouldn't the entire decking area now be under a new review? What are the rules?

The section in planning application mentioning stepped access from the dwelling and that the original decking was in a state or disrepair, meaning an upgrade was necessary.

The original decking was repaired by the previous owners as part of the condition of the sale prior to the purchase of the new owner in January 2020. Regardless of this fact any upgrade relating to any safety concerns should NOT be a green light to install a much larger raised platform area. Any new design should have included sort of consideration to the impact to the privacy of the adjoining property but unfortunately this has not been the case.

The new raised decking area has been extended by almost an additional metre along our fence line from the previously demolished raised platform (and approx. an additional 4 metres at the far end in width). This was completely unnecessary and unjustified to make the decking safe.

This makes this raised decking protrude almost 5 metres from the applicant's house at a very high level. Why was this necessary?

This makes the height of this decking from the further point away from the house at approx. 1.50 metres from the ground level. The maximum height of a fence between two properties is 2m high, so how can a decking raised to 1.50 metres from the ground level be OK and acceptable?



The previous decking that was demolished allowed for a view into our dining room and kitchen area. Extending the raised decking out by almost an additional metre clearly results in being able to see even further inside our home. With the new decking and the additional length along our fence line, the applicant can now even see into our living room area. Previously we were on the sofa and turned to see the neighbour in the very corner of the deck looking over into our property while being on the phone (how is this acceptable). Only a couple of more feet of decking results in and couple of extra feet of lost privacy inside our home. Being able to see even an extra inch inside our property is simply not ok.

What's the point in having privacy rules and regulations if the loss of privacy inside our home is now greater than it was previously?

The addition of almost one metre expansion along our fence line of this raised decking and approx. 4 metres on the far side of this platform also has a detrimental effect on the privacy of our garden from multiple angles. This expansion of this raised decking does create many more viewing angles of our garden and into our home that simply was not there previously.

I would welcome any council member to visit our home to see for their own eyes the invasion of privacy within inside our home and garden.

The applicant would like to install a 1.8 metre fence along the 5 metres of raised decking to create privacy for their own side which is quite ironic. A fence panel was erected by the builders during the construction as the applicant from no 7 wanted her own privacy. When I questioned the builder if they also had permission to erect this partition panel this was swiftly removed. In fact, you can see this particular partition panel still standing in one of the applicants own pictures within this second retrospective planning application.

Installing a 1.8 metre partition on top of the already raised decking will have a detrimental effect on the natural daylight into our dining room area and kitchen. This will also block the late evening sun to our own ground level decking, which affects our own rights for our enjoyment within our home environment.

The legal team supporting this second retrospective application make reference to the enjoyment for any future occupants, which I'm sure is a really huge concern of theirs. Any future occupants that move into this property may decide to remove this 1.8 metre partition then allowing them to see us sitting on sofa in our living room again.

Therefore using a 1.8 metre partition to create some sort of privacy is a complete lose/lose situation for us in our property.

We also have patio doors at the rear of our property that is raised high above the ground level. However, we have managed with a very small elevated decking area (1.5 metres in depth and not 5 metres depth) that has steps directly down to the larger ground level decking. This is

the method we use to access our own garden without comprising the privacy of the neighbour's property.

This would have been a simply option for applicant to replicate after demolishing their previous decking area. Unfortunately, any thought of any intrusion of privacy to their neighbours was clearly of no interest.

We do not feel that we should have to compromise with the privacy inside our home and then potential loss of natural light to mitigate the privacy issue, especially after living happily in our home for almost 17 years now.