

ITEM NUMBER: 5e

23/02934/FUL	Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two.	
Site Address:	Grey mantle, Hempstead Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0HF	
Applicant/Agent:	Mr Ben Sterling	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Bovingdon Parish Council	Bovingdon / Flaunden / Chipperfield
Referral to Committee:	Contrary to Parish Council's recommendation and called in by Councillor Riddick.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

- 2.1 The proposal for residential development of the site is acceptable in principle as the site lies within a designated residential area and a sustainable location within the village envelope of Bovingdon, proximate to the local centre and associated facilities. There is strong policy support for housing provision and the optimisation of urban land.
- 2.2 The development is considered to be acceptable in layout terms and with respect to the impact on the appearance of the street scene. There are numerous examples of semi-detached properties within the vicinity. As such the proposed density and scale of development would be acceptable in its context whilst maintaining the character of this part of the street scene.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 Car parking provision would be sufficient. Access arrangements would be satisfactory and the highway authority have not raised concern with regards to traffic generated by the development or highway impacts. 2.1.3
- 2.5 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13 CS17, CS18, CS29, and CS35 of the Dacorum Core Strategy (2006-2031), saved Policies 10, 18, 21, 51 of the Dacorum Borough Local Plan (1991-2011) and the NPPF (2023).

3. SITE DESCRIPTION

- 3.1 Grey mantle is located to the north-west of Hempstead Road, within the residential area of Bovingdon. The site comprises a two-storey detached property situated on an 'L-shaped' plot with an area of 1,085m². Parking provision is available on the gravel 'U-shaped' driveway to the front of the dwellinghouse and within the attached garage.

3.2 Hempstead Road is characterised by semi-detached and detached houses of varied architectural style and size. Properties on the north-west side are set in a linear build line, forming a soft edge to the Green Belt and settlement boundary to the rear.

4. PROPOSAL

4.1 The application seeks full planning permission for demolition of existing garage and single storey rear/side elevations, addition of new two storey rear/side extension and conversion from one dwelling to two.

4.2 The existing driveway would be split to provide two car parking spaces per unit. The development would incorporate private gardens and bin storage areas to the rear.

Background

4.3 4/00525/19/FUL granted planning permission for demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) on 1st May, 2019 subject to conditions.

4.4 An appeal was made against condition Nos. 4, 6, 8 and 9 regarding removal of some PD rights, landscaping, obscured glazing and a contaminated land discovery condition.

4.5 The appeal was allowed in part.

The Inspector recommended “that the appeal should be allowed in so far as the removal of condition 9, which I consider to not be reasonable and necessary, the replacement of conditions 4 and 6 with conditions better suited to protecting the character and appearance of the site and its surroundings, and the replacement of condition 8 with one which is more reasonable in its protection of neighbouring living conditions.”

4.6 This application is an amended version of the approved application 4/00525/19/FUL.

4.7 4/01390/18/FUL Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) went to Development Management Committee with a recommendation for approval – the recommendation was overturned and refused on the grounds of loss of amenity for Ivydene and highways issues.

4.8 The applicant appealed against non-determination before the application was determined and the appeal was dismissed.

4.9 Whilst the Inspector found that the proposal would not harm highway safety, it was considered that it would significantly and demonstrably harm the living conditions of the occupants of Ivydene, with particular regard to privacy. The bedroom window with clear glass would give rise to a greater level of overlooking than a bathroom window.

4.10 Both of these appeals accepted that in principle an additional dwelling on the site is acceptable.

5. PLANNING HISTORY

5.1 Planning Applications (If Any):

19/02679/FHA - Two storey and part first floor part two storey side extensions and two storey rear extension.

GRANTED - 23rd January 2020

21/04703/LDP - Loft extension, removal of chimney stacks and two outbuildings.

GRANTED - 30th December 2022

22/00869/FHA - Construction of two outbuildings

REFUSED - 1st December 2022

22/00882/FHA - Demolition of garage, side extension and loft conversion

GRANTED - 15th February 2023

22/00883/LDP - Construction of 2 outbuildings

REFUSED - 23rd November 2022

23/00736/FHA - Construction of two outbuildings

REFUSED - 16th May 2023

23/02620/LDP - Loft extension, removal of chimney stacks and construction of two outbuildings -
WITHDRAWN

23/02935/FHA - Demolition of garage, side extension and loft conversion

REFUSED - 12th February 2024

23/02937/LDP - Two Outbuildings

COUNCIL DECISION TO REFUSE (Issued after appeal against non-determination) - 15th May 2024

23/02938/FHA - Creation of underground parking.

REFUSED - 12th February 2024

4/01553/19/FUL - Demolition of garage and construction of two detached two-bed dwellings

REFUSED - 23rd August 2019

4/01552/19/FUL - Demolition of garage and construction of two, two-bed dwellings

REFUSED - 11th October 2019

4/00525/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)

GRANTED - 1st May 2019

4/00519/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)

REFUSED - 1st May 2019

4/00242/19/OUT - Construction of up to two new dwellings

REFUSED - 1st April 2019

4/02305/18/FUL - Demolition of existing garage and rear/side extensions. Replace with new rear/side extension and conversion from one dwelling to two

WITHDRAWN - 20th December 2018

4/01390/18/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)
REFUSED - 17th September 2018

4/00282/18/FUL - Construction of two 3-bed semi-detached dwellings and replace garage with gates (amended scheme)
REFUSED - 18th June 2018

4/02926/17/FUL - Construction of 2 semi-detached dwellings and demolition of existing garage to create site access
REFUSED - 22nd January 2018

4/01598/16/FHA - Dropped kerb
GRANTED - 29th September 2016

4/00592/14/FHA - Single storey side and rear Extension.
GRANTED - 16th May 2014

4/02071/10/FHA - Single storey rear/side extension
GRANTED - 12th January 2011

4/00048/04/FHA - Single storey garage extension with added access
GRANTED - 13th February 2004

4/01550/01/FHA - Garage
GRANTED - 10th October 2001

5.2 Appeals (If Any):

20/00011/REFU - Demolition of garage and construction of two detached two-bed dwellings
DISMISSED - 14th August 2020

23/00022/REFU - Construction of 2 outbuildings
INPROG -

23/00023/REFU - Construction of two outbuildings
WITHDRAWN - 20th March 2023

23/00058/REFU - Construction of two outbuildings
INPROG -

4/00525/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)
PARTLY ALLOWED - 2nd March 2020

4/00519/19/FUL - Development Appeal
- 29th July 2019

4/01390/18/FUL - Development Appeal
- 5th March 2019

4/02926/17/FUL - Development Appeal
- 29th January 2019

4/00282/18/FUL - Development Appeal
 - 12th June 2019

5.3 The following table provides a summary of the appeal history of the site:

Development	LPA Application Ref	LPA Appeal Ref	Appeal Decision
A) The following relate to the construction of two new dwellings in the rear garden:			
Construction of 2 semi-detached dwellings and demolition of existing garage to create site access	4/02926/17/FUL	4/02926/17/FUL	DIS
Construction of two 3-bed semi-detached dwellings and replace garage with gates (amended scheme)	4/00282/18/FUL	4/00282/18/FUL	DIS
Demolition of garage and construction of two detached two-bed dwellings	4/01553/19/FUL	20/00011/REFU	DIS
B) The following relate to the conversion of the existing house into two dwellings:			
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)	4/01390/18/FUL	4/01390/18/FUL	DIS
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)	4/00519/19/FUL	4/00519/19/FUL	DIS
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) – Appeal against conditions 4, 6, 8 and 9	4/00525/19/FUL	4/00525/19/FUL	ALW (in part)
C) The following relate to the construction of two outbuildings in the rear garden:			
Construction of 2 outbuildings	22/00883/LDP	23/00022/REFU	IN PROGRESS
Construction of two outbuildings	22/00869/FHA	23/00023/REFU	INVALID
Construction of two outbuildings	23/00736/FHA	23/00058/REFU	IN PROGRESS
Two Outbuildings	23/02937/LDP	24/00033/NONDET	IN PROGRESS

5.4 Overall, the site has an extensive planning history. It can be seen from the above that:

- various schemes to extend the existing house have been granted.
- One application to convert the existing house into two was granted, but that permission has since expired.
- No applications to construct two dwellings or two outbuildings in the rear garden have been granted or allowed on appeal.

6. CONSTRAINTS

CIL Zone: CIL2

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Bovingdon

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

Residential Area (Town/Village): Residential Area in Town Village (Bovingdon)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)

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

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

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17 - New Housing

CS18 - Mix of Housing

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (DBLP)

Policy 10 - Optimising the use of Urban Land
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 – Highway Design
Policy 129 - Storage and Recycling of Waste on Development Sites

Appendix 1 - Sustainability Checklist
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision Appendices

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)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2022)

Bovingdon Neighbourhood Plan 2022-2038 (March 2024)

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 lies within a designated residential area in the large village of Bovingdon where appropriate residential development is encouraged under Policies CS1 and CS4. The site lies within the area covered by the Bovingdon Neighbourhood Plan (March 2024) but as this document has not been adopted yet it carries little weight.
- 9.3 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within a designated residential area within the defined village of Bovingdon and would therefore accord with these objectives.
- 9.4 Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle under Policy CS18.
- 9.5 The policy surrounding additional housing in a village and residential location as outlined above is given considerable weight in assessing the proposal.
- 9.6 The principle of increasing the number of residential units on the site is therefore acceptable under the above provisions.

Quality of Design / Impact on Visual Amenity

- 9.7 The NPPF states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Core Strategy seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.8 The proposed extensions to the detached dwelling would result in two semi-detached dwellings that would appear as one large dwelling on the street scene. Although the parking areas would be separated, only one entrance door would exist on the front of the property, with the other on the flank.
- 9.9 The proposed two-storey extensions would be finished in materials to match the main dwelling, erected level with the ridge height of the main dwelling and would follow the existing roof form to result in a positive relationship with the original dwelling.
- 9.10 The surrounding area is characterised mainly by detached and semi-detached dwellings as visible along the street scene and described in the supplementary planning guidance. However, it is noted that buildings within the street scene vary in appearance.
- 9.11 The proposed extension would be constructed flush with the existing front elevation and would retain a gap between the side elevation and the boundary to prevent a cramped appearance within the site.
- 9.12 The resulting semi-detached dwellings are considered to remain in keeping with the appearance of the main property and wider street scene. The proposed semi-detached properties would therefore achieve a comfortable degree of compatibility within its context and would not appear unduly prominent. The semi-rural and suburban characteristics of the vicinity would be retained.
- 9.13 The above factors are considered indicative of a development that has responded positively to the character of the street scene and surrounding area that would accord with the aims of Policies CS11 and CS12.

Proposed Density

- 9.14 Reference should be made to the policy support for housing outlined above and regard should also be given to the provisions of saved DBLP Policy 10 (together with other relevant policies guiding development, for example, Policies CS11 and CS12).
- 9.15 Saved Policy 10 states that (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.
- 9.16 The application site lies within the area identified as a semi-rural zone within the Urban Design Assessment for Bovingdon (2006). In these areas a very low to low density is typical and ranges between dwellings per hectare. The proposed on-site density would equate to 18 dwellings per hectare, resulting in a density commensurate within the 'very low' range stipulated in the above guidance.
- 9.17 The design guidelines for the semi-rural zones set out that the recommended densities should generally be low to medium density and importantly the proposal would conform with

this vision for this part of Bovingdon. This is echoed by saved Policy 21 of the Local Plan which also states densities should fall within this range.

- 9.18 It is important to note that numerical density is one factor and should be balanced against other considerations in order to determine whether the development would provide a satisfactory design response to the surrounding area.

Proposed Layout

- 9.19 The existing building directly fronts Hempstead Road, set back from the pavement by a suitable distance of approximately 9m. This distance is similar to the neighbouring residential units, which display a fairly consistent build line to the road.
- 9.20 The plot width, measuring around 17.5 m, is approximately 9m wider than neighbours either side. The double width plot would allow for the building to be enlarged whilst maintaining sufficient space around the building (separation distances of 1m and 4.6m either side).
- 9.21 The proposed 1m separation distance between Greymantle and Parkhurst would not be uncommon within the context of the street scene. Rose Cottage and Glenhurst have both been enlarged with two-storey side extensions, leaving 1m separation distances between the properties and their boundaries. Glendale and Old Orchard House are similar. Parkhurst has extended at ground-floor level up to the boundary line.
- 9.22 Overall, the net increase in building footprint would not raise any concerns in this location. Spacing around the building and to its boundaries would be appropriate so that the semi-rural pattern of development is retained. There would be no significant encroachment of development within the rear portion of the site. As such, the proposal would maintain the gentle transition from the built form within the site to the field designated as Green Belt land to the north-west.
- 9.23 Turning to the living conditions of future occupiers the garden areas would be functional and of a depth and size compatible with those on Hempstead Road. The amenity space provision would exceed local standards and is further indicative of appropriate development on this plot.

Impact on Residential Amenity

- 9.24 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties amenity including loss of light and privacy.

Loss of Light

- 9.25 The daylight and sunlight tests normally used by Local Planning Authorities are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022)'. The BRE guide gives two helpful rules of thumb (25° or 45° tests) which determine whether or not further detailed daylight and sunlight tests are required.

- 9.26 The proposed two storey side extension will be approximately 1 metre from the side boundary with the neighbour Parkhurst. This property has a side extension which is the old garage (now a gym) with a roof extension above comprising an ensuite bathroom. The velux windows on the side roof serve the ensuite bathroom. The front dormer window above the garage is blocked off (as the shower is in there). The window to the rear of the garage upward extension serves a dressing room. None of these rooms are considered habitable rooms so there is no requirement to assess the impact of the proposed scheme on the sunlight and daylight reaching these windows.
- 9.27 A proposed site plan with a 45 degree assessment has been submitted as additional information which demonstrates that the windows in the rear elevation of Parkhurst will not have a significant loss of sunlight and daylight as a result of the proposed scheme.
- 9.28 However the window just below the eaves on the side elevation of Parkhurst serves a bedroom. With the separation distance between this window and the proposed flank elevation of the two-storey side extension and the height of the window above ground it is not considered that there will be a significant loss of sunlight and daylight or visual intrusion as a result of the proposed scheme.
- 9.29 The neighbour to the north Ivydene has one small secondary window which serves a sitting room in the ground floor side elevation facing the site which will be set well away from the proposed flank elevation of the proposed development. The gap between the proposed flank elevation and the existing side boundary will be approx. 4.5 metres – where the existing garage is located and then a further gap of similar width on the Ivydene side. Due to the separation distance and the location of this window in relation to the sun's path it is considered that there would not be a significant loss of sunlight and daylight for this window. There is an additional window facing the site just over the boundary fence which serves a dining room and then a kitchen window further to the rear. The kitchen has another window which faces into the rear garden.
- 9.30 In conclusion, based on the siting of the side elevation of Ivydene, the degree of separation from the proposed development and the fact that the kitchen has an additional window it is not considered that there will be a significant loss of sunlight and daylight as a result of the proposal.

Loss of Privacy

- 9.31 A previous application on this site resulting in an additional dwelling that was dismissed on appeal on the grounds of loss of privacy had first floor windows in the side elevation facing Ivydene which served a bedroom – the current scheme does not have any first floor windows serving bedrooms – they serve an ensuite and a bathroom.
- 9.32 No first floor side windows are proposed on the south-western side elevation facing Parkhurst so there will be no overlooking towards this neighbour.
- 9.33 The two first floor windows in the side elevation facing Ivy Dene will be retained although they will serve a bathroom and ensuite instead of a bathroom and a bedroom. Due to the windows being existing it does not seem reasonable to condition them to be non-opening and obscure glazed.
- 9.34 The new windows proposed to the rear would not face any neighbouring windows. The proposal would therefore avoid unreasonable overlooking into windows or main areas of private open space and is felt to comply with CS Policy CS12.

Summary

- 9.35 The information above demonstrates that there would be no significant adverse effects in terms of visual intrusion, overlooking or loss of privacy. With regards to residential amenity, the proposal accords with Policy CS12 (CS); saved Appendix 3 (DBLP); NPPF; and the aforementioned BRE lighting guidance.

Permitted Development Rights

- 9.36 Due to the increase in the scale of property it is felt that certain permitted development rights should be removed, specifically Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered reasonable to remove permitted development rights for roof enlargements due to potential loss of light and visual intrusion that could occur to Parkhurst's second-floor flank window.

Impact on Highway Safety and Parking

Highway Safety

- 9.37 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:
- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
 - the environmental and safety implications of the traffic generated by the development.
- 9.38 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.
- 9.37 The application proposes the retention of the existing accesses and dropped kerb arrangement.
- 9.39 Hertfordshire Highways stated that subject to the inclusion of a number of informatives, they do not wish to restrict the grant of planning permission.
- 9.40 It is also concluded that based on highway safety being considered acceptable for the other applications resulting in two dwellings, including the Inspector for the dismissed appeal stating that the proposal would not harm highway safety, and the site being in a sustainable location for an additional dwelling unit, there are no highway safety issues.

Parking

- 9.41 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid 'large areas dominated by car parking'.
- 9.42 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.43 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

.....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.44 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

Dwelling 1	Allocated	2.25
3 bedrooms	Unallocated	1.8

Dwelling 2	Allocated	2.25
3 bedrooms	Unallocated	1.8

9.45 The proposed scheme would therefore require 2.25 parking spaces per dwelling.

9.46 The proposed site layout indicates that 2 parking spaces for each dwelling with the requisite dimensions (2.4m x 4.8m) are to be provided.

9.47 Para 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

9.48 Based on the information given it is considered that the parking provision for the two dwellings has a shortfall of 0.5 spaces. This shortfall is considered inconsequential as its only part of a parking space. So based on the above it is therefore concluded that the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks. It is also worth noting that the schemes for the conversion into two dwellings were not dismissed on appeal on highway / parking grounds, and as such the same conclusion is also reached here.

9.49 The proposal therefore complies with the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

Other material planning considerations

Environmental Health

Noise, Odour or Air Quality

9.50 The Environmental Health Officer was consulted regarding this application and raised no objections or concerns re: noise, odour or air quality. However it is recommended 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.

Contaminated Land

- 9.51 The Contaminated Land Officer was consulted on the application and raised no objection to the proposed development.
- 9.52 Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.
- 9.53 As the Inspector considered this condition unnecessary it is recommended that the condition be made into an informative.

Thames Water

- 9.54 Thames Water have no objection to the proposal.

Impact on Trees and Landscaping

- 9.55 It is considered that no significant trees will be affected by the proposed scheme.

Waste Management

- 9.56 Waste storage provision shall exist separately for each dwelling to the rear. The future occupiers would need to bring the bins to the front of the property on waste collection day, like the other properties on the street.

Ecology

- 9.57 HCC Ecology were consulted on the application and raised no objection subject to a discovery informative being added to any permission granted.

Parish Council

- 9.58 The Bovingdon Parish Council object to the proposal on the grounds that there are inadequate drawings provided to make a decision.
- 9.59 The plans submitted include a site location plan, existing and proposed floor plans and elevations and a proposed site plan showing parking provision and a proposed site plan with 45 degree tests showing sunlight and daylight assessments. These plans are all scaled.
- 9.60 It is acknowledged that there are no windows shown on the existing or proposed floor plans but the elevations do show the windows and it is apparent where they lie within the rooms.
- 9.61 It is considered on balance that the plans are sufficient to make a decision.

Response to Neighbour Comments

- 9.62 There were no neighbour objections to the scheme.

Community Infrastructure Levy (CIL)

9.63 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 (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable.

Chiltern Beechwood Special Area of Conservation

9.64 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council was unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme had been undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.65 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.66 The development would cause additional reactional pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

PLANNING BALANCE

9.67 Paragraph 11 of the NPPF states the following:

11. Plans and decisions should apply a presumption in favour of sustainable development.

.....
.....
.....

For decision making this means:

....

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

....

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.68 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

9.69 It is acknowledged that the Council cannot demonstrate a five-year housing land supply and that the presumption in favour of sustainable development – otherwise known as the 'tilted balance' – is applicable in this instance.

- 9.70 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.
- 9.71 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted. The tilted balance is engaged in this instance and thereby a material consideration, weighing positively in support of the application taking account of all other material considerations.
- 9.72 In this instance there is no dispute that the principle of residential development is acceptable and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

10. CONCLUSION

- 10.1 The proposal to extend and split the existing detached dwelling into a pair of semi-detached properties on this site would represent appropriate development, as demonstrated by previous planning permissions for such proposals. The proposal would not compromise the semi-rural characteristics of the locality and would not give rise to significant highway safety concerns. There would be no serious impacts on visual or residential amenity. As such, the development would be in accordance with the aims of the NPPF, Policies CS1, CS4, CS10, CS11, CS12, CS25, CS29 and CS31 of the Dacorum Core Strategy 2006- 2031, saved Policies 10, 13, 18, 21 and 99 of the Dacorum Borough Local Plan 1991- 2011 and the other associated guidance mentioned within this report.

11. RECOMMENDATION

- 11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Condition(s) and Reason(s):

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

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

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

Site Location Plan

Proposed Elevations PE1

Proposed Elevations PE2

Proposed Site Plan PS1 received 17th January, 2024.

Proposed Floor Plan PF1

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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).

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

Schedule 2, Part 1, B

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the adjacent neighbours and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (December 2023).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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. If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the

developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4. Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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.

5. 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.

6. 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.
7. 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.
8. 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.

9. 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>
10. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

11. AN2) 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.

12. AN3) 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC) dated 25.1.24	<p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p><u>Informatives:</u> 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>AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p>

AN2) 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.

AN3) 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.

Comments

The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the conversion of the existing single dwelling into two semi-detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense. There are no highway works proposed.

Parking/Access

The applicant proposes 2 car parking spaces situated at the front of each property (a total of four). Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.

The superseded plans demonstrate that vehicles for all parking spaces can enter and leave the property in forward gear in a safe manner. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.

Conclusion

	<p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
<p>Hertfordshire Highways Dated 12.1.24</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.</p> <p>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: - these are the same as above with the addition of:</p> <p>AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.</p> <p><u>Comments</u></p> <p>The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the conversion of the existing single dwelling into two semi-detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense.</p> <p>There are no highway works proposed.</p> <p><u>Parking/Access</u></p> <p>The applicant proposes 2 car parking spaces situated at the front of each property (a total of four).</p> <p>Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.</p> <p>Demolition of the existing garage provides acceptable space for vehicles to turn and exit the right-side property on site in forward gear, however there is insufficient manoeuvrability space on the left side property - resulting in vehicles needing to reverse out. After assessment of existing other properties on Hempstead Road, there are a number of properties where vehicles would have to reverse in/out, therefore this</p>

	<p>access arrangement is not deemed unacceptable. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.</p> <p><u>Emergency Vehicle access</u></p> <p>The proposed extended building would be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates).</p> <p><u>Refuse / Recycling Storage</u></p> <p>Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining driveway / property.</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
<p>Hertfordshire Highways Dated 10.1.24</p>	<p>Proposal</p> <p>AMENDED PROPOSAL</p> <p>Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two.</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.</p> <p>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 as listed before:</p> <p>AN1) Storage of materials: AN2) Obstruction of highway: AN3) Debris and deposits on the highway: AN4) Avoidance of surface water discharge onto the highway:</p> <p><u>Comments</u></p> <p>The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the</p>

	<p>conversion of the existing single dwelling into two semi-demi detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense.</p> <p>There are no highway works proposed.</p> <p><u>Parking/Access</u></p> <p>The applicant proposes 2 car parking spaces situated at the front of each property (a total of four). Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.</p> <p>Demolition of the existing garage provides acceptable space for vehicles to turn and exit the right-side property on site in forward gear, however there is insufficient manoeuvrability space on the left side property - resulting in vehicles needing to reverse out. After assessment of existing other properties on Hempstead Road, there are a number of properties where vehicles would have to reverse in/out, therefore this access arrangement is not deemed unacceptable. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.</p> <p><u>Emergency Vehicle access</u></p> <p>The proposed extended building would be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses (and subsequent updates).</p> <p><u>Refuse / Recycling Storage</u></p> <p>Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining driveway / property.</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
<p>Hertfordshire Highways Dated 3.1.24</p>	<p>Recommendation OTHER</p>

	<p>Requesting further information</p> <p>COMMENTS</p> <p>There does not appear to be an application form or site view plan, making it unclear if there are any highway works or new/altered accesses - therefore further information is requested in order to make a full assessment of the acceptability of the proposals.</p>
<p>Environmental And Community Protection (DBC) Dated 12.2.24</p>	<p><u>Contaminated Land</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.</p> <p>Contaminated Land - Discovery Condition: Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material</p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited</p>

	<p>to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
<p>Environmental And Community Protection (DBC) Dated 26.1.24</p>	<p><u>Contamination</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for an additional dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with advice provided in response to a similar permission for this site that was granted in 2019.</p> <p><u>Contaminated Land - Discovery Condition:</u> Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative: Identifying Potentially Contaminated Material</u></p>

	<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:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Please let me know if you have any questions about this advice and recommendation.</p> <p>This is probably not necessary, but just confirming no change to previous advice given EH has been reconsulted on this.</p>
<p>Environmental And Community Protection (DBC) Dated 8.1.24</p>	<p><u>Contaminated Land</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.</p> <p><u>Contaminated Land - Discovery Condition:</u></p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p>

	<p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative: Identifying Potentially Contaminated Material</u></p> <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:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
<p>Environmental And Community Protection (DBC) 12.2.24</p>	<p><u>Pollution</u></p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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.</p> <p><u>Working Hours Informative</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

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.

	<p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>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-plants</p>
<p>Environmental And Community Protection (DBC) Dated 7.2.24</p>	<p>Pollution</p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality.</p> <p>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. (see above comments for full details).</p> <p>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.</p> <p>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.</p> <p>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,</p>

	<p>compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>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-plants</p>
<p>Natural England Dated 2.2.24</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 11/01/2024, reference number 462778.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Natural England Dated 1.2.24</p>	<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) WITHIN 12.6 KILOMETRES</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> <ul style="list-style-type: none"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. • Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.

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.

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.

The 12.6km zone proposed within the evidence base¹ 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.

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 63 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.

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 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A.

1 Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at:
[dacorum-recreation-evidence-base-200322.pdf](#)

Protected Landscapes - Chilterns Beechwoods 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 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).

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

	<p>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>For more information about the boundary review process, please read these Frequently Asked Questions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Natural England Dated 17.1.24</p>	<p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations</p> <p>Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. • Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been</p>

	obtained.
Hertfordshire Ecology Dated 22.2.24	<p>Application can be determined with no ecological objections (with any Informatives/Conditions listed below) subject to the LPA being satisfied that HRA matters will be addressed.</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> • A strategic mitigation plan and evidence of payment of the appropriate tariff regarding mitigating impacts on the Chilterns Beechwoods Special Area of Conservation (SAC) should be submitted to the LPA prior to determination. • An Informative for bats should be added to any subsequent permission granted. <p>Supporting Documents</p> <p>I have made use of the following documents in providing this advice:</p> <ul style="list-style-type: none"> • Application for Planning Permission (14 December 2023). • Proposed Site Plan. • Existing Floorplan. • Proposed Floorplan. <p>Creating a cleaner, greener, healthier Hertfordshire</p>
Hertfordshire Ecology 19.1.24	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>Hertfordshire Ecology has commented previously on a similar application at this site for which there are no existing habitat or species data held by Hertfordshire Environmental Records Centre. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p> <p>I do not consider there to be any other ecological issues with this proposal.</p>
Bovingdon Parish Council	Object ' Inadequate drawings provided to make a decision.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such</p>

	<p>we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
21	0	0	0	0

Neighbour Responses

Address	Comments
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