

ITEM NUMBER: 5d

24/01768/FUL	Proposed new build detached four-bedroom dwelling upon the unused side garden to the west of no.22 Verney Close, including rear garden and associated car parking.	
Site Address:	22 Verney Close, Berkhamsted, Hertfordshire, HP4 3JS	
Applicant/Agent:	Mr Simon Lawrence	Mr Chris Hurley
Case Officer:	Kirsty Shirley	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	This application has been referred to the Development Management Committee as the Berkhamsted Town Council have called this application in on the basis that the development represents overdevelopment of the site with the development exacerbating car parking stress in the area.	

1. RECOMMENDATION

- 1.1. That planning permission be DELEGATED with a view to APPROVAL subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation.

2. SUMMARY

- 2.1 The positioning, scale and design of the dwelling would not result in development that appears cramped within the plot or represent over development.
- 2.2 The proposal would provide sufficient on-site car parking to the rear of the site which would serve both the proposed and existing dwelling adequately.
- 2.3 The proposed dwelling would integrate with the local character and, through careful consideration of siting and design, and would not result in any significant adverse impacts on neighbouring properties.

3. SITE DESCRIPTION

- 3.1. Verney Close is a residential area, characterised predominantly by two-storey, semi-detached properties that are similar in architectural style and material palette.
- 3.2. Verney Close has an inclined topography, sloping upwards from Ashridge Rise to Ridgeway.
- 3.3. The application site is located at the end of Verney Close and is comprised of a semi-detached dwelling with a sizeable side to rear garden.
- 3.4. To the front of the application site is a footpath that connects Verney Close to Tresco Road.

4. PROPOSAL

- 4.1. The application is for the erection of a dwelling following the subdivision of the plot of 22 Verney Close.
- 4.2. The dwelling would be a detached property located to the west of number 22 benefiting from a private garden as well as three on-site car parking spaces to the rear of the site.

5. BACKGROUND

5.1. The application site benefits from two previous planning approvals for the erection of a dwelling following the subdivision of the plot: one in 2008 (4/01487/08/FUL) and one in 2017 (4/00070/17/FUL).

6. PLANNING HISTORY

6.1. Planning Applications

24/00037/LDP - Dormer to existing attic room and single storey rear and side extensions *WDN*
- 30th January 2024

24/00464/FHA - Proposed single storey rear and side extension, plus loft conversion with rear dormer, side window and two front slope roof lights *GRA* - 26th April 2024

4/00070/17/FUL - Two bed dwelling, parking, access and landscaping

GRA - 22nd March 2017

4/02602/14/FHA - Two storey side extension, single storey rear extension. Demolition of existing rear extension and outbuildings *GRA* - 17th December 2014

4/01266/13/LDP - Enclosed front porch with pitched roof extending over existing bay window and single storey rear extension with pitched roof extending over existing utility room *REF* - 28th August 2013

4/01487/08/FUL - New dwelling
GRA - 2nd September 2008

4/00305/08/FUL - New dwelling and parking
WDN - 3rd April 2008

4/00828/05/DRC - Details of materials required by condition 2 of planning permission 4/01491/04 (two storey side extension)
GRA - 12th May 2005

4/01491/04/FHA - Two storey side extension
GRA - 12th August 2004

4/00824/98/RET - Conservatory *GRA*
- 12th June 1998

6.2. Appeals:

None

7. CONSTRAINTS

BCA Townscape Group
CIL Zone: CIL1
Parish: Berkhamsted CP

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Red (10.7m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA16
Parking Standards: New Zone 3
EA Source Protection Zone: 2
Town: Berkhamsted

8. REPRESENTATIONS

8.1. Consultation responses

These are reproduced in full at Appendix A.

8.2. Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

9. PLANNING POLICIES

9.1. 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)

9.2. Relevant Policies:

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

NP1 - Supporting Development
CS1 - Distribution of Development
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

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

Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 55 – Traffic Management
Policy 99 – Trees and Woodlands
Appendix 3 - Layout and Design of Residential Areas

Area Based Policies (2004) (adopted May 2004)

9.3. Supplementary Planning Guidance/Documents:

Area Based Policies (2004)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

Car Parking Standards (2020)

Planning Obligations (2011)

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

Place & Movement Planning and Design Guidance (2024)

10. CONSIDERATIONS

Principle of Development

- 10.1. The site is situated within a residential area of Berkhamsted, wherein Core Strategy Policies CS1 and CS4 encourage appropriate residential development.
- 10.2. It is notable that the erection of a dwelling following the subdivision of the plot of 22 Verney Close was approved under applications 4/00070/17/FUL and 4/01487/08/FUL.
- 10.3. The proposed development is therefore acceptable in principle, subject to an assessment of its impact on the residential amenity of surrounding dwellings, the residential amenity of the proposed dwelling, the character and appearance of the surrounding area and parking/highway safety.
- 10.4. Quality of Design / Impact on Visual Amenity
- 10.5. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.
- 10.6. The application site is located within Character Appraisal area BCA16: Durrants. BCA16 describes the area as a large housing area comprised of mainly semi-detached dwellings from the 1940s and 1950s in a relatively spacious setting. The design of dwellings is every simple with a general lack of detailing on buildings, creating a strong design pattern overall. Hipped roofs and red brickwork are notably features of dwellings within the area. The density of the area is within the low range, around 15-25 dwellings per hectare.
- 10.7. Verney Close is characterised by semi-detached dwellings. The land levels in this area slope upwards from Verney Close to Tresco Road, which is to the southwest of the site. The application dwelling is at the end a row of semi-detached properties, and is mostly concealed from views on Verney Close due to the positioning of the dwelling and extensive mature vegetation.

- 10.8. Under previously approved application 4/00070/17/FUL, a two storey detached dwelling was approved. This dwelling was similar in ridge height and width to number 22 and set slightly back from the front building line. This approved dwelling was also the same design, scale and positioning as that approved under application 4/01487/08/FUL.
- 10.9. The proposed dwelling would represent a density of approximately 20 dwellings per hectare, which would be in keeping with the density of 15-25 dwellings per hectare outlined in Character Appraisal BCA16.
- 10.10. The proposed dwelling would be a detached two storey dwelling with a habitable roof space, and due to the sloping land levels would be situated on a higher land level than the existing dwelling and row of dwellings it would be sited within. However, the glimpsed views of wider properties in proximity to the row of dwellings that application site is within all respect the sloping land levels. The proposed dwelling would be viewed as taller than the application dwelling on Verney Close but lower than the properties on Tresco Road. The proposed dwelling would respect and relate to the topography of the area and would not appear out of keeping with dwellings at different land levels within the area.
- 10.11. The ridge of the proposed roof would appear to be the same width as the row of dwellings the application site is within, however the dwelling would be wider at first floor level and further wider at ground floor level when compared to these dwellings. The site constraints result in the plot to be wider at the front before narrowing considerably to the rear, which is reflected in the layout of the proposed dwelling. While the dwelling would utilise the majority of the north of the plot, a considerable amount of rear space would remain, and the dwelling would therefore not appear as cramped or overdevelopment within the site. The right hand side of the dwelling would be mostly concealed from public vantage points due to the dwellings positioning, orientation and screening and so a degree of asymmetry and enlargement on this side would be considered acceptable.
- 10.12. The front build line of the proposed dwelling would create a staggered building line, where number 22 dwelling projects slightly forward of number 24, and the application dwelling would project slightly forward of number 22. The proposed porch would further relate to the creation of a staggered building line.
- 10.13. The dwelling would also benefit from a rear facing dormer. The dormer would be flat roofed and occupy the majority of the rear roof slope, however it would be noticeably set down from the ridge height and flank elevations of the proposed dwelling. It is noted that number 16 (within the terraced row of dwellings number 22 is within) benefits from a sizeable flat roof rear dormer, and number 22 benefits from planning approval for a flat roof rear dormer under application 24/00464/FHA. The dormer would therefore be considered acceptable in this case.
- 10.14. The proposed dwelling is proposed to be finished in buff brick, with clay roof tile, timber framed porch and sage green window casements and guttering. However, the material palette of dwellings in Verney Close is predominantly red brick, white casements and brown roof tiles. However, it is acknowledged that a wider material palette of dwellings within Tresco Road is visible from the application site. It is considered reasonable in this case to secure the external finish of the dwelling by condition to ensure that the proposed materials would be in keeping with the streetscape character that the proposed dwelling would be situated within.
- 10.15. It is therefore considered that the scale, design and positioning of the development would be in accordance with character appraisal BCA16, proportionate within the site and not represent overdevelopment of the site.

Impact on neighbouring amenity

- 10.16 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (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 proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.
- 10.17 Neighbouring representations from number 24 Verney Road and 8 Tresco Road have been received raising concerns regarding loss of light and overshadowing, loss of privacy, overdevelopment and insufficient car parking.
- 10.18 Concerns regarding overdevelopment and car parking have been addressed elsewhere within the report.
- 10.19 Regarding loss of light and overshadowing, the proposed dwelling and number 22 have broadly south facing rear gardens, benefitting from long periods of sunlight. Numbers 6 to 10 Tresco Road that adjoin the application site to the west have east facing rear gardens, which benefit from sunlight from the mid-morning to the early afternoon.
- 10.20 The distance between the main rear wall of the proposed dwelling to the main rear walls of numbers 6 to 10 Tresco Road would exceed 23m. The scale, positioning and orientation of the proposed dwelling would result in numbers 8 and 10 Tresco Road experiencing an increase in shading in their rear gardens in the early hours of the morning. However the degree of shading introduced would be modest and would be short-lived given the time of the day when the increase of shading would occur. The orientation of the rear gardens of numbers 6 to 10 Tresco Road and the proposed dwelling, in combination with the considerable distance between the dwellings and sloping topography, would therefore not result in numbers 6 to 10 to experience an undue loss of light as a result of the development or a harmful increase in overshadowing.
- 10.21 Number 22 and 24 have south facing rear gardens that benefit from long periods of sunlight. Due to the scale and the positioning of the dwelling, in combination with the orientation of the rear gardens of number 22, 24 and the proposed dwelling, the development would not result in either number 22 or number 24 to experience an increase in overshadowing or a harmful loss of light.
- 10.22 In terms of privacy, the dwelling would have no windows inserted into either flank elevation. Windows would be inserted into the first and second floor of the rear elevation of the dwelling. While the development would introduce a degree of overlooking not currently experienced, the topography of the site and relationship between the rear elevation of the proposed dwelling and rear elevation of the properties on Tresco Road would prevent undue overlooking towards the occupiers of Tresco Road.
- 10.23 The first and second floor windows of the rear elevation of the dwelling would be positioned in a manner that could result in overlooking towards the rear garden of number 8 Tresco Road. The main rear elevations of the proposed dwelling and 8 Tresco Road would have a distance that exceeds 23m. The windows at first and second floor level to the left side of the rear elevation (closest to number 8) are annotated on the submitted plans to be obscured glazed. These windows would serve non-habitable spaces and the obscured glazing would further mitigate against adjoining occupiers experiencing an undue loss of privacy.

- 10.24 Previously approved applications 4/00070/17/FUL and 4/01487/08/FUL were approved with two windows within the first floor rear elevation positioned centrally within their respective elevation. It is acknowledged that this application proposes additional windows within the roof level that the previous schemes did not.
- 10.25 The unobscured windows at both first and second floor level of the proposed dwelling would be situated to the right hand side of the dwelling, rather than centrally, making it challenging for future occupiers to look towards Tresco Road. It is acknowledged that these windows may increase the perceived level of overlooking towards number 8 Tresco Road, however the degree of increased perceived overlooking would not be out of accordance with what would be expected within a neighbouring relationship.
- 10.26 Due to the land level and existing boundary screening, the existing rear views from number 22 do not result in overlooking towards numbers 6 to 10 Tresco Road, but it is noted these properties do have views into the rear garden of number 22. It is noted that number 22 benefits from planning permission.
- 10.27 The positioning and scale of the development, in combination with the topography of the site, would not result in the development to appear overbearing or unduly dominant towards adjoining neighbours.

Future Occupier Amenity

- 10.28 Saved Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. The proposed dwelling would be afforded its own private rear amenity space that would be functional in size and shape, with a minimum depth of 11.5m.
- 10.29 The proposed dwelling would have a private rear garden with a depth of at least 11.5m. To ensure practicality of the garden due to the sloping topography of the site, a patio area would be created with steps up to a further garden area. This provides functional and private rear gardens for both the future occupiers of the dwelling as well as the existing occupiers of number 22.
- 10.30 The garden would be functional in size and shape and therefore in accordance with Saved Appendix 3 of the Dacorum Local Plan.

Impact on Highways and Car Parking

- 10.31 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the 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.
- 10.32 The proposed dwelling would have four bedrooms and in this location should therefore provide three on-site car parking spaces.
- 10.33 The submitted plans show the rear of the site to have five car parking spaces – three would be allocated to the new dwelling and two allocated to 22 Verney Close. These would be accessed by an existing sliding gate to the rear of the property, which is accessed via the Ridgeway. From

a recent site visit, this access arrangement has been in situ for a considerable period of time due to the weathering of the of the access and hardstanding within the rear of the site.

10.34 It remains unclear whether the applicant has the relevant consents from the Council's Estate team to use this access. However, seeking and gaining the relevant consent would be a matter managed outside of the planning system.

10.35 The car parking spaces would measure 2.5m by 5m, which would be in accordance size standards set out in Hertfordshire County Council's Place & Movement Planning Design and Guidance (2024).

10.36 It is acknowledged that the car parking spaces would be tandem in configuration. While this is not an ideal configuration for car parking, given the sites size and shape providing 5 on-site car parking spaces results in this formation. As the car parking spaces would be allocated to and managed by the respective occupiers of either the proposed dwelling or number 22, and is not reliant on liaising with adjoining occupiers to access/egress the car parking spaces, it is considered in this case that tandem car parking would be acceptable in this location.

10.37 The submitted plans also show the location of a cycle store to the rear of the garden, which would assist in reducing the reliance on private motor vehicle and encourage a sustainable form of transport. Full details of the cycle store can be secured by condition.

10.38 The Hertfordshire Highways Authority have commented that the development would not have an unreasonable impact on the safety and operation of the adjoining highway. However, due to the garage site access at the rear being small and tight in configuration, with a footpath to the front of the application site that needs to remain clear, the Hertfordshire Highways Authority have advised a construction management plan (CMP) should be submitted prior to development to ensure that the construction vehicles used can safely enter the site and not impact the flow of the highway. This can be secured by condition in the event of an approval, which the applicant has agreed too.

Waste Management

10.39 The bins serving the dwelling are shown to be located to the front of the site in a bin store.

10.40 Bins can cause visual clutter within a street scene. In this case, the front of the site would provide adequate space for the refuse and recycling bins required. The front of the application is well screened, limiting views of the bin storage from public vantage points.

Environmental Health

10.41 The Council's Environmental Health have raised no concerns regarding contamination, noise, odour or air quality, but have suggested the inclusion of informatives to advise the applicant.

Biodiversity Net Gain and Ecology

10.42 Biodiversity Net Gain (BNG) is now mandatory for major development and small sites.

10.43 A residential development where the number of dwellings is between 1 and 9 on a site area of an area 1 hectare or less would constitute a small site where BNG would be required.

10.44 The proposed development consists of no more than 9 dwellings, is less than 0.5 hectares in site area and will consist of a dwelling that is self-build or custom housebuilding that is defined in section 1 (A1) of the Self-build and Customer Housebuilding Act 2015.

10.45 Consequently, the proposed development is exempt from BNG requirements.

10.46 There are no trees within the application site and there are no Tree Protection Orders for trees in proximity to the site.

Sustainability

10.47 All new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy and saved Policy 129 of the saved local plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation. Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note.

10.48 Details regarding sustainable measures to be incorporated into the new dwelling have not been submitted with this application, however full details of sustainability measures to be incorporated can be secured by condition.

Permitted Development Rights

10.49 To allow the Local Planning Authority to duly assess the impact of any future development within the site in terms of neighbouring amenity and character of the streetscape, it is considered reasonable and necessary in this case to remove permitted development rights under Classes AA, A, B, and E under Schedule 2, Part 1 of the General Permitted Development Order (2015) (as amended) for the proposed dwelling.

Community Infrastructure Levy (CIL)

10.50 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application site resides in CIL Zone 1 and would likely be CIL Liable.

Habitats Regulations Assessment Chilterns Beechwoods Special Area of Conservation

10.51 The Council has a legal obligation under the Habitat Regulations to ensure that the integrity of the Chilterns Beechwoods SAC is maintained. A Mitigation Strategy has been approved which sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6 kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

10.52 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.

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

10.54 A legal agreement has been instructed in anticipation of the event of an approval, however it has not been finalised at this point.

11. CONCLUSION

11.1 Subject to the suggested conditions, the proposed development would be in accordance with the relevant policies of the Dacorum Local Plan (2004), the Core Strategy (2013) and the National Planning Policy Framework (2023).

12. RECOMMENDATION

12.1 That planning permission is DELEGATED with a VIEW TO APPROVAL subject to the completion of a legal agreement to secure appropriate contributions towards SMM and SANG in accordance with the Chiltern Beechwoods Mitigation Strategy and the following planning conditions.

Condition(s) and Reason(s):

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

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

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

**0453-002 REV P01
0453-106 REV P02
0453-107 REV P02
0453-108 REV P02
0453-109 REV P02
0453-104 REV P02
0453-105 REV P02
0453-103 REV P02
0453-102 REV P02**

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

- 3. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- o construction vehicle numbers, type and routing;**
- o traffic management requirements;**
- o construction and storage compounds (including areas designated for car parking);**
- o siting and details of wheel washing facilities;**

- o **cleaning of site entrances, site tracks and the adjacent public highway;**
- o **timing of construction activities (to avoid school pick up/drop off times);**
- o **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- o **construction or demolition hours of operation; and**
- o **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

4. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

5. **The first and second floor windows within the rear elevation annotated as 'obs' on submitted and approved plan 0453-107 REV P02 shall be permanently fitted with obscured glass with a minimum of privacy level three and shall be non-opening below 1.7m from finished floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (December 2023).

6. **No construction of the superstructure shall take place until details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.**

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 110 (d) of the National Planning Policy Framework (December 2023).

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

Schedule 2 Part 1 Classes AA, A, B and E

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS12 of the Dacorum Borough Core Strategy (2013) and chapter 12 of the National Planning Policy Framework (2023).

8. **No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 159 and 162 of the National Planning Policy Framework (December 2023).

9.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Dust from operations on the site should be minimised by spraying with water or 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.
3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
4. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. 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>.
6. Under no circumstances should waste produced from the development 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council.	<p>Objection</p> <p>The proposed substantial dwelling in a cramped location does not respect the amenity of the neighbouring properties. It is an overdevelopment of the site by way of scale, mass and bulk. It is also absent on car parking, which could exacerbate parking stress in this area. CS12</p>
BCA Townscape Group	<p>We OBJECT to this application on grounds of over-development (building on side garden, "unused" or not). Inadequate access resulting in the need for tandem parking.</p> <p>The BCA wishes to object due to overdevelopment of the site. There is inadequate access to the site which would result in tandem parking.</p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:</p> <p>1) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ol style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); d. Cleaning of site entrances, site tracks and the adjacent public highway; e. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times <p><u>Reason:</u> In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p>

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-andpavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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-andpavements/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.

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

Description of Proposal

Proposed new build detached four bedroom dwelling upon the unused side garden to the west of no.22 Verney Close, including rear garden and associated car parking

Site and Surroundings

Verney Close is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)), Verney Close is classified as a P2/M1 (Residential Street). The site is located to the west of Berkhamsted. The nearest marked bus stop to the site is located on Durrants Road and is approximately 400m from the site. Berkhamsted is the nearest train station which is located approximately 2km from the site. A convenience store is located within 140m of the site, additionally, a leisure centre is situated within a 400m walk. The Highway Authority are satisfied the site is in a sustainable location given the size of the development, in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application does not propose to create a new vehicular access into the highway and instead makes use of the current parking area to the rear of the existing dwelling which is access via a private garage area which are setback from the highway. The access route into the garages from the highway is not highway maintainable and is not to be amended with the application. The dropped kerb access from the highway into this access is not to be altered either and the available visibility from this access is not to be affected. A new pedestrian access is proposed to the new dwelling from the highway footway on the footpath between Verney Close and Tresco Road; the proposed gate on this access opens into the site and therefore does not impact upon the existing footway. The proposed steps to the dwelling are also located within the site, meaning the highway is not to be altered at all with the application.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the access into the parking area experiences minimal visibility owing to the location of the access to the rear of the garages. However, it is noted that this access is existing and in use for the current dwelling, and due to the location of the said access, it is unlikely vehicles will exit at speed and the visibility from the access is effectively similar to that of the existing garages. The parking spaces at the site have been shown on drawing number 0453-102 Rev P02 to measure 2.5m x 5m in line with the PMPDG. It is noted however that the parking arrangement at the site is quite tight, although as the spaces that are blocked in are blocked by vehicles from the same dwelling, it is unlikely to cause an issue regarding highway safety. HCC would also be supportive of two spaces for each dwelling should DBC determine that the parking arrangement at the site is too tight to navigate effectively. Cycle parking has

	<p>been shown in the proposed private garden of the dwelling. Electric vehicle charging has not been shown on the plans but should be included in line with DBC standards and updated Building Regulations.</p> <p><u>Refuse and Waste Collection</u> Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m. These distances are unlikely to be exceeded at the site however, it is noted that as the pedestrian access into the dwelling is onto a footway, the bins should not be placed upon the footway interrupting the flow of pedestrians.</p> <p><u>Emergency Vehicle Access</u> In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the proposed dwelling being within this 45m.</p> <p><u>Construction Management</u> A Construction Management Plan (CMP) has been requested owing to the access arrangements at the site. The garage site access to the rear is small and tight by nature and pedestrian access is via a footpath which should be kept clear at all times to ensure the free flow of pedestrians. Therefore, a CMP should be provided which indicates that the size of the construction vehicles used can safely enter the site and not impact the flow of the highway.</p> <p><u>Conclusion</u> HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.</p>
<p>Environmental and Community Protection (ECP)</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> 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.</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</p>

affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

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

Waste Management Informative

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

Air Quality Informative.

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

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

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

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

	<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-otherinvasive-plants</p>
<p>Natural England</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 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"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o 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. 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.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence 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</p>

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:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o 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: [dacorumrecreation-evidence-base-200322.pdf](#)

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.

	If you have any queries relating to the advice in this letter please contact the case officer Betsy Brown on Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	2	0	2	0

Neighbour Responses

Address	Comments
8 Tresco Road Berkhamsted Hertfordshire HP4 3JZ	<p>We vehemently object to the planning application for the proposed four-bedroom dwelling to be built to the west of No. 22 Verney Close, on several grounds that we believe significantly impact our property and quality of life.</p> <p>Loss of Light and Overshadowing The elevation and size of the proposed dwelling will lead to a serious loss of light to our property. The overshadowing effect caused by the new building will diminish the natural light we currently enjoy, which is a crucial aspect of our living environment. This concern is not merely aesthetic; it affects our daily activities and overall well-being.</p> <p>Loss of Privacy Furthermore, the new dwelling, if approved, would overlook our property, resulting in a significant loss of privacy. The proximity of the proposed building to our home raises concerns about direct sightlines into our living spaces, which is unacceptable. The potential for increased visibility into our garden and windows would fundamentally alter the nature of our home life.</p> <p>We urge the planning authority to take into account the detrimental effects this development would have on our property. We believe that the proposed dwelling does not respect the amenities of neighbouring properties and fails to meet the necessary planning standards regarding light and privacy.</p>
24 Verney Close Berkhamsted Hertfordshire HP4 3JS	<p>I am concerned that the proposed development will be too high and big for the site. The second floor will overlook neighbouring gardens and block light. Parking is already at a premium in the cul-de-sac and the addition of a four bedroom dwelling will stretch parking provision too greatly.</p>