

**4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS..
WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET.
APPLICANT: Beris Homes Ltd.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposed development comprising a pair of semi-detached dwellings in replacement of the existing bungalow would enhance the character and appearance of this part of the Berkhamsted Conservation Area, would provide sufficient off-road parking in accordance with standards, would not adversely affect highway safety, would have limited impact on the availability of existing street parking in Boxell Road and would not adversely affect the amenities of adjoining residential occupiers.

Site Description

The site comprises a mid C20 detached bungalow of no particular architectural merit which is situated within the Berkhamsted Conservation Area on the south east side of Boxwell Road close to the town centre. It is comprised of dark brown brickwork under a concrete plain tiled roof with an attached single garage and driveway to one side. The property is one of 3 detached bungalows in a road that is comprised mainly of a 2-storey terraced Georgian, Victorian and Edwardian properties. The site is steeply sloping such that the neighbouring bungalow, Kriana, to the north east is at a significantly lower level (approximately 2 m), and conversely the Boxwell Road Surgery to the south west is at a significantly higher level (approximately 2 m).

The site backs onto residential properties in Park View Road including 1 Park View Road which was recently allowed on appeal.

Proposal

Permission is sought to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings in a Victorian pastiche style with off-road parking and vehicular accesses from Boxted Road.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

4/01456/14/PR NEW DWELLINGS TO REPLACE EXISTING BUNGALOW.
E

Unknown
03/11/2014

4/00230/13/FH LOFT CONVERSION WITH REAR DORMER. FRONT PORCH,
A REMOVAL OF REAR BAY WINDOW AND REPLACEMENT WITH

FRENCH DOORS. NEW RETAINING WALL.
Granted
23/04/2013

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS19 - Affordable Housing
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)
Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Article 4(2) Direction (Land at 1 to 28 Boxwell Road, Berkhamsted)
Refuse Storage Guidance Note March 2015

Summary of Representations

Berkhamsted Town Council

Objects: This will represent a gross overdevelopment in the conservation area; and an alteration to the streetscape in that there are presently no semi-detached houses in Boxwell Road, the majority of which is governed by Article 4(2) Directions. Additionally two houses will add road use and parking congestion in an already problematic area adjacent to the doctor's surgery. Reference: CS11 (a, b, d, e) CS12 (b, c, e, f, g) Policy 120 (a, c, d) Appendix 3 (A3.1, A3.3, A3.5) Appendix 5 (parking).

Conservation and Design

Conservation & Design do not raise an objection to the proposed development of a mirrored pair of dwellings as it is considered, compared to the existing development on the site, that the scheme being proposed would result in a visual enhancement to this northern end of Boxwell Road.

Historic Background of Site

It is noted from the early historic OS maps that the Boxwell Road was laid out and developed in the last quarter of the 19th century with the predominant built form being on the western side of the road being a series of stepped terraced houses, in response to the southwardly rising ground, with gabled two storey projecting bays. Approximately half the buildings on that side of the road are fronted in a red brick and the rest in a buff coloured and often with red brick detailing around the openings and returns. There also exceptions to be seen as well with a rogue detached house in the middle of the terraces and a pair of semi-detached dwellings at the Charles Street end of the road. Whilst the eastern side whilst developed around the same time exhibits a greater variety of built form and architectural detailing with a terraced cluster of houses of shared design with a plum coloured brickwork and red brick opening detailing house bookend between two houses of quite different forms, this terraced group all having projecting two storey front bays with the buildings not only stepping down in height, in response to the topography, but also stepped back from each other in response to curvature of the road at its southern intersection with Charles Street. Towards the northern end of road on its eastern side several of the buildings whilst forming a terrace are markedly different in design from each other. Whilst what is believed to have traditionally been the first dwelling and most prominent dwelling on the eastern side of Boxwell Road from off the High Street was No. 1 Boxwell Road, a large rendered detached villa, which interestingly has two ground floor bay windows to its northern/side elevation that would have faced onto the large garden it originally had to the side of it, with the rear garden of the High Street fronting The Ferns beyond. These garden have subsequently been developed in the latter half of the 20th century with a number of chalet style dwellings, including 1B which is the subject of this proposal to demolish it and replace with 2no. new dwellings.

Existing

The existing building (1B Boxwell Road) is a modern chalet style building of no historic value and being of little architectural note. That said the building being only single storey high and clearly a late 20th century design it is believed these factors do help give prominence to 1 Boxwell Road, the detached dwelling that originally had being not only the first house on that side of the road.

Proposed New Dwelling

The proposal is for a mirrored pair of houses that exhibit many traditional features and materials in common with late Victorian/Edwardian housing albeit with a somewhat unusual reversed 'L' footprint to the dwellings whereby each dwelling would have a narrow forward projecting two storey front range with a wider two storey range set at right angles to the rear, as opposed having the widest element of the building to the front of the site with a narrower range(s) to the rear. It is understood this approach was adopted in order to be allow for the need to provide adequate off street parking for each dwelling within the site whilst maintaining the traditional line of development along the road and being able to provide a traditional front and rear gardens.

Overall the proposal is considered to be one that visually would make a positive contribution to the character of this part of the conservation area, through the introduction of architecturally more sympathetic buildings compared to what presently exists, with the pronounced set back to the bulk of the dwelling allowing the hierarchical prominence of No.1 to be essentially unharmed.

Conservation and Design therefore raise no particular objection; however in order to ensure the quality of the development given the conservation area location, the following conditions should be attached:

- Notwithstanding the details submitted no development of the hereby approved dwellings shall be commenced until details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority.
- No works to install the windows (including the roof-lights) and exterior doors of the hereby approved development shall take place until details and finishes have been submitted to and approved in writing by the Local Planning Authority. Details should include scaled drawings at 1:20 or 1:10 scale as appropriate, including vertical and horizontal sections shown in relation to the surrounding fabric. Glazing bar and moulding details should be shown at 1:2 scale.
- No works to form the front boundary treatment, of the development hereby approved, shall be undertaken until details and finishes of the wall and railings have been submitted to and approved in writing by the Local Planning Authority.
- Removal of general permitted development rights with respect to the windows, front doors and front boundary treatment. In order to maintain the appearance of the paired dwellings.

HCC Highways

Does not wish to restrict the grant of permission subject to conditions securing pedestrian visibility, gradient not to exceed 1:20 for the first 5 metres into the site, and retention and drainage of the vehicular accesses, together with informatives regarding s278 agreement for works in highway, storage of materials on site, and mud on road.

Boxwell Road is an unclassified local access road. There are no recorded personal injury accidents in the vicinity of the proposed development. The road is subject to a 30mph speed limit. It is considered to have 'low' numbers of pedestrians in the footway hierarchy.

Impact on the Highway Network: The proposed development is not thought to impact on the highway provided there is visibility between pedestrians on the footway and

drivers exiting the driveways. The provision of physical pedestrian visibility splays were thought to be required to ensure the visibility is secured forever. With the physical measures in place drivers will always exit from the same place and will prevent drivers exiting close to the boundary between 1C and 'Kriana'.

Vehicular visibility was also considered. Approach speeds in the vicinity of the proposed development were thought to be significantly less than the speed limit due to the presence of parked cars on both sides of the road. The parked cars effectively restricted the road to a single track with passing places. Furthermore the parked cars on the eastern side will both obscure visibility and offer protection for drivers exiting the proposed driveways. As a result of both slow speeds and on-street parking the vehicular visibility afforded by the new accesses was thought to be acceptable.

Conclusion: The assessment does not indicate any significant highway issues.

Initial comments

Raises some concerns / questions:

1. I notice on the application form that pre-application advice has been given. Did highways approve in principle?
2. I am concerned about the safety of pedestrians.
3. I am particularly concerned about the new point of access onto Boxwell Road. The boundary fence / wall with the next-door property 'Kriana' obscures visibility between pedestrians and exiting drivers. This lack of vision is made worse due to parked cars on the footway requiring pedestrians to walk at the back of the footway, close to the boundaries. Furthermore, it is possible that the new driveway could be a substantial downhill gradient, which could lead loss of control and hence make worse the lack of vision (can more details be provided?)
4. I also have similar pedestrian safety concerns for the access at the southern end.
5. My concerns to both points of access can be overcome by establishing fixed pedestrian sight lines (unobscured sightlines over and beyond which there is clear visibility between an exiting driver and a pedestrian) 'Dwarf' walls, immediately next to the points of access would resolve my concerns about the sight lines

Historic Environment Advisor

The proposed semi-detached dwellings will occupy a similar footprint to the existing bungalow, and archaeological monitoring of nearby groundworks at no 1 Park View Road proved to be negative. In this instance therefore I consider the scheme is unlikely to have an impact on below-ground heritage assets of archaeological interest, and I have no further comment to make on the application.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole

nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Building Control

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Three Valleys Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

2, 3, 4, 6, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, Kriana, Boxwell Road Surgery, Boxwell Road, 1 Park View - Object for the following reasons (in summary):

Design and character

- Dwellings not staggered to conform to slope of road and other properties
- Overdevelopment within Conservation Area
- Appears overcrowded and obtrusive
- Too high and too large and will dominate other houses
- Two houses out of character on site of one
- Appears like a large detached house
- Semi-detached does not reflect the design of the predominant terraced properties
- Floorplan and form out of sync with others in the road
- Height and scale visually intrusive to street scene
- Major departure with building line brought forward
- Harm to Conservation Area and does not enhance as Policy 120 requires

Amenities

- Loss of privacy and overshadowing of a large number of properties
- Additional noise and disturbance to surrounding area, both residential and commercial
- Loss of privacy to 1 Park View Road
- Loss of privacy to back garden of Kriana
- Loss of light to back garden of Kriana
- Loss of light / overshadowing of 19, 24 and 25 Boxwell Road
- Overlooking and loss of privacy to 19, 21, 24 and 25 Boxwell Road
- Visual intrusion to 21 Boxwell Road

- Loss of light to Surgery reception and upstairs consulting rooms
- Overlooking of Surgery and loss of patient privacy
- Loss of aspect towards Berkhamsted Hills

Highway safety

- Provision for access and parking unsatisfactory
- No room for another off-street parking space
- Boxwell Road is a very narrow street
- Visitors to the Surgery overflow on a daily basis and find manoeuvring a problem
- Up to three cars can park outside 1B, this will reduce to one car
- Would remove 2 or 3 off-road spaces and 2 or 3 on-road spaces
- Would increase pressure on parking by up to 10 spaces
- Detract from parking arrangements
- Unsafe with poor visibility from 1C access
- Inadequate space for turning with cars opposite and adjacent
- Reduced access to parking for visitors to the Doctors Surgery
- Reduction in adequacy of parking and turning
- Will worsen parking difficulties

Other

- Would set a dangerous precedent for the other bungalows
- A single dwelling should be considered
- The extant permission for a dormer window should be considered
- There are existing restrictions in force (Article 4) for front garden alterations
- Were told that the inclusion of drop-kerb spaces was prohibited (Article 4) - how can an additional drop-kerb now be considered
- Shared access to separate parking would be better
- Vital that access to Surgery car park by ambulances and less mobile patients is not disrupted during construction
- Would remove a bungalow which in the interests of diversity would be useful to someone elderly or disabled near the town centre
- Why not replace with a better bungalow
- There are inconsistencies in the drawings in terms of topography
- If allowed a condition should limit weekend/unsocial hours working

Considerations

Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience,

and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58 and 120 of the Local Plan.

Suitability of the site for residential development

The site is currently in residential use as a single bungalow on a reasonably generous size of plot. Although the site would be sub-divided to form two dwelling plots, each plot would remain commensurate in size with other dwellings in the immediate area, and indeed the plot frontages would be wider than the terraced properties opposite. Although concerns have been expressed that the proposal for two dwellings would be an overdevelopment of the site, the layout would provide sufficient car parking for each dwelling in accordance with standards, good spacing with adjoining properties and sufficient private amenity space to the rear of both dwellings which, at between 10 and 12 metres depth, although admittedly shallow when judged against the minimum 11.5 metres set out in Appendix 3, however, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with many nearby dwellings, and indeed more than the adjoining dwelling 'Kriana'. It is considered that the garden space will be functional and compatible with the surrounding area. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

Design, layout and effects on appearance and character of Conservation Area

The application site relates to an existing bungalow within an otherwise built up frontage of mainly terraced 2 storey dwellings within the Core Area of the Berkhamsted Conservation Area. The building is of no particular architectural merit and forms one of three C20 bungalows towards the northern end of Boxwell Road in contrast to the traditional 2-storey C19 dwellings that form the predominant character of Boxwell Road. In this respect, the bungalows do appear slightly incongruous to the street, bearing in mind the Conservation status of Boxwell Road which features a predominance of 2-storey period properties.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies Boxwell Road as falling within the Charles Street Identity Area. The policy (6.2.5) that seeks to protect the character of this Core Area states that:

"New development proposals should follow the principles set out below:

- *Development by the amalgamation of rear garden areas is not acceptable.*
- *Infilling proposals will be acceptable if they are compatible with the layout, pattern, density and scale of adjacent development.*

- *Two storey development with gardens front and rear is encouraged, although in terms of height, a third floor in the form of dormer windows in the roof space will be acceptable.*
- *In redevelopment proposals, medium to high density terraced or semi-detached proposals are acceptable.*
- *Large scale bulky development of flats are not encouraged.*
- *The building line must be maintained."*

The proposed development would fully accord with the above principles.

The proposal comprises a pair of semi-detached two storey houses of traditional brick and pitched tiled form. Whilst not intending to provide a complete facsimile, the architectural style nevertheless seeks to reflect some of the traditional key features and characteristics of the surrounding dwellings, notably the half timbered gables, the white painted timber sash windows, the stone lintels and the use of red facing brickwork and slate roofs. A key concept brought forward into the design from early pre-application advice relates to the desire to achieve off-street parking to both dwellings in a manner which would not dominate the frontages. This accords with Policy 6.2.4 of the Character Appraisal which states that car parking should either be hidden behind buildings or well screened from view. This requirement has informed the layout and form of the development into an L shaped plan with parking down the sides. The proposal allows both for the introduction of semi-private front gardens with traditional front boundary treatment in keeping with the surroundings together with good concealment of cars in long street vistas. The forward building line would also reflect more closely that of the surrounding traditional character, also in accordance with Policy 6.2.4.

Although objections have been raised with regards to the semi-detached form and layout of the dwellings as not respecting the terraced character of the street, it must nevertheless be recognised that there is some variety in the type and style of dwellings in Boxwell Road, including examples of detached and semi-detached forms and that terraced forms do not have a monopoly on the street. In this respect it is not considered that the semi-detached layout or the L shaped form would be harmful in any way to the appearance of the street or the character and appearance of this part of the Conservation Area.

Much criticism has been levelled at the height and scale of the proposal as appearing over-dominant and visually intrusive, in particular in relation to the adjoining bungalow, 'Kriana'. Whilst it is accepted that the two storey height is a significant departure from the existing bungalow that currently occupies the site, and that levels do not assist with this relationship, the following mitigating factors should be taken into account:

- (a) Whilst the proposal would be set in from the common side boundary with 'Kriana' by 1.5 metres at its minimum, this is still considered to provide a generous margin around the development. Notwithstanding this, it should be noted that the majority of the flank wall facing Kriana would be stepped in significantly further from the boundary by up to 4.4 metres, thereby providing an ample margin to the development.
- (b) The overall gap between 'Kriana' and the development would be some 2.7 metres at its minimum which is considered to provide good spacing. However, with the

majority of the flank wall stepped in further at the front, overall spacing with 'Kriana' achieves some 5.5 metres which is generous and not considered to result in an over-dominant appearance in relation to 'Kriana', and arguably not significantly worse than the relationship of the Boxwell Surgery building with the application property at present.

- (c) The L shaped plan form, which is not evident in the street scene elevation, would significantly modulate the scale and bulk of the proposal, reducing its overall mass such that it would not appear over-bearing or over-dominant in relation to Kriana. Reference should be made to the subsequently submitted CGIs which help illustrate the impact of the proposal in street scene terms.
- (d) Revised plans now articulate the roof line such that it steps down Boxwell Road in response to levels. This has the effect of not only breaking up the bulk and mass of the building but also reducing the height difference in relation to Kriana by 0.5 metres.
- (e) It should be noted that, compared with existing slab levels at 1B Boxwell Road, those proposed in Unit 1C of the development, would be set some 0.65 m lower or, in other words, 1.25 m above 'Kriana' rather than 1.9 m as at present.
- (f) The NE (side) elevation would be activated by windows, doors and a chimney stack which would help break up this elevation in views up Boxwell Road. The amount of brickwork to this elevation has also been reduced with the drop in levels, and the driveway now almost level rather than sloping up from the road.

In view of the above considerations, it is considered, on balance, that the proposal will have an acceptable relationship with 'Kriana' in street scene terms.

A number of residents have expressed concerns regarding the introduction of dropped kerbs in the development, referring to this as being contrary to the current Article 4(2) Direction in force that withdraws general permitted development rights for certain development in Boxwell Road. It should be noted however that an Article 4 Direction does not prohibit applications being made for the matters it covers but rather prohibits such development without planning permission having first been applied for and granted. Applications then have to be considered on their merits having regard to the development plan and any other material planning considerations.

In this case whilst it is true that there is an Article 4 Direction in Boxwell Road, this covers only the properties named and shown on the attached plan (i.e. 1 - 28 Boxwell Road) specifically excluding the bungalows in Boxwell Road, 1B, 1C, 'Kriana' and No. 29. Therefore, the restriction does not apply to the application site. Furthermore, as a technicality, the restriction is not to the creation of accesses, but to the provision of hard surfaces and the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, or the demolition of the same, although it is accepted that in practice this amounts to a restriction on creation of accesses / dropped kerbs. This is an important point because it indicates that the reason for the Article 4 Direction is not in the interests of highway safety but rather in the interests of controlling development that could harm the character and appearance of the Conservation Area.

In the above respects, it is clear that the removal of boundary walls and other means of

enclosure to the frontages of the period properties in Boxwell Road could have a dramatic effect on the character and appearance of Boxwell Road as a whole, not only through the removal of these important features, but also through the potential use of the small front gardens for vehicle parking to the further detriment of the Conservation Area. The difference with the application site is that vehicle parking would be accommodated down the sides of the dwellings rather than prominently to their frontages and would furthermore retain the opportunity for frontage enclosure in the form of walls / railings in keeping with the established character of Boxwell Road properties. In view of the above, it is not considered that the introduction of a second access would be materially harmful to the character and appearance of the Conservation in this case, but rather would preserve its character. The proposal is therefore in accordance with Policy CS27 and saved Policy 120.

Revised plans deal with a number of minor but important details as follows:

- Concerns were expressed by officers to the height of brickwork beneath the bay to Unit 1C which was considered a little excessive. This has now been reduced as part and parcel of the amendments to overall levels.
- With regards to the rear aspect, in order to more clearly express the rear gables, revised plans project these by a brick and a half to give greater articulation.
- The rear dormers have been deleted in favour of roof lights in response to officers' concerns that, in design terms, these would visually compete with the more important central gables.
- An elevation of the front boundary wall has been provided comprising railings over a low brick wall.

These details are considered acceptable in conservation terms and, subject to control over materials and details, the proposal, overall, is considered to preserve, if not enhance, the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would comply with Policies CS12 and 27 of the Core Strategy and saved Policy 120 of the Local plan.

Impact on highway safety, access and parking

The Highway Authority initially raised concerns regarding the safety of pedestrians at the new point of access onto Boxwell Road (particularly Unit 1C) because the boundary wall to the front of 'Kriana' obscures visibility between pedestrians and exiting drivers, made worse due to cars parking on the footway pushing pedestrians to the back edge of the footway. Furthermore, the Highway Engineer also noted that this lack of vision could be made worse due to the possibility that the new driveway could be a substantial downhill gradient, which could lead to loss of control. Similar concerns were raised in respect of Unit 1B. However, the Engineer advised that these issues could be overcome by establishing fixed pedestrian visibility splays to both sides of the accesses.

In response, revised plans now indicate 0.65 m x 0.65 m visibility splays on each side of the two crossovers with unobscured sight lines from a driver's eye height of 1.05 m to an object height (e.g. small child) of 0.6 m. Furthermore, the plan also secures the

visibility splays through physical walls, ensuring that vehicles are appropriately channelled to the centre line of each access, preventing cars egressing close to one or other boundary, and achieves a minimum 4 metre width at the back edge of footway (i.e. $2 \times 0.65 \text{ m} + 2.7 \text{ m}$). This now accords with DMRB TD41/95, Roads in Hertfordshire: Highway Design Guide 3rd Edition and Manual for Streets.

The Highway Authority has raised no objection to the new accesses, subject to the above visibility splays, and other matters being secured by condition / informative.

Parking provision should accord with parking standards as assessed against Policy 58 and Appendix 5 of the Borough Plan. As 4-bedroom dwellings in accessibility Zone 2, a maximum of 2 parking spaces per dwelling should be provided and therefore the proposal meets with the standard in Appendix 5 with the provision of two off-street spaces per dwelling. Provision for cycle parking in accordance with Appendix 5 would be satisfied through the provision of storage sheds on site to serve each dwelling.

Despite the above, residents have raised objections to the development on the grounds that the provision of an additional access would result in a loss of on-street parking availability. Whilst the proposal would clearly result in the loss of road frontage by some two metres, in practice, due to the width and location of the current access to the site, only 2 cars can reasonably park in front of the application site at present. A further car can park in front of 'Kriana' between its access and the site, giving a total of 3. However, due to the close proximity of the Surgery access to the existing site access (2.5 metres), cars cannot reasonably park between these two points without blocking one or other access and therefore this frontage is effectively sterilised.

In the proposed layout, the loss of frontage as a result of the new access to serve Unit 1C would effectively be offset by the repositioning of the existing access serving Unit 1B closer to the Surgery access and its reduction in width from 3.7 m to 2.4 m, therefore giving a total available frontage for on-street parking of 10.8 metres. Even allowing for a breathing margin at either end for the visibility splays, a frontage of approximately 9.6 m is considered sufficient to accommodate two parking spaces at 4.8 metres each with a further good margin at either end of up to 4 metres, allowing for ease of parallel parking. The layout would leave the parking space in front of 'Kriana' unaffected. Therefore at 3 spaces in total, it is clear that the proposal would be no worse than existing and no loss of on-street parking would be experienced.

Despite the above, it is accepted that there is the potential for additional on-street parking from the two dwellings. In this respect, two issues were identified with the initial scheme.

- (g) Although 2 off-street spaces per dwelling would be available, the dwellings are nevertheless large 4 bed family units which had the clear potential to become 5 or even 6 bed units through intensified use of the second floor. The parking demand could therefore be greater than 2 spaces each, and the applicant was advised that the use of the second floors as habitable accommodation should be omitted in order to reduce the potential impact of overspill parking.
- (h) Although 4 m wide driveways are shown, it was identified that the use of these would be slightly hampered by the piers supporting the porches. They would also obstruct easy access for wheelie bins being brought to the frontage, prams, wheelchairs and the like, therefore resulting in a greater potential for cars to be

parked on-street. It was therefore advised that the piers should be omitted in favour of a cantilevered design of canopy.

In response to the above concerns the applicant has confirmed that the dwelling will have no more than 4 bedrooms and the second floor plan has been amended such that the layout shows an en-suite bathroom in the front section. Furthermore, it has been confirmed that the rear bedroom areas could not, realistically, be subdivided when taking into account the low headroom of part of the room (also shown on the drawing), the removal of the dormer window and its replacement with a roof light and the non-opening and obscure glazing of the gable end window.

It is considered expedient to restrict the number of bedrooms in each property to no more than 4, which the applicant has agreed.

Subject to the above, it is considered that the proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

Impact on Neighbours

Individual objections have been received from a number of residents and neighbours.

Nos. 19, 24 and 25 Boxwell Road, opposite the site, consider that the proposal would result in a loss of light and overshadowing. Nos. 19, 24 and 25 are not considered likely to be significantly affected by loss of light or overshadowing in view of their distance from the development. However, given the increase in height and the minimum distance of 16.5 metres to dwellings on the opposite side of the road, it is acknowledged that the nearest dwellings (21 and 22) would experience some loss of light to ground floor windows in the early morning. However, given the narrow frontage of the development, the staggered roof line and the gaps that would exist to either side, it is not considered that the loss would be so significant as to warrant refusal. A Daylight and Sunlight assessment carried out by the applicant concludes that there would not be any more than a minimal loss of daylight or sunlight to the bay window of No 22 Boxwell Road, the nearest property opposite the development, and that this dwelling would still receive adequate levels of light well within the recommendations of the BRE guide 'Good Practice Guide for Site Layout Planning for Daylight and Sunlight' (Second Edition 2011). In view of the above, the impact on other properties on this side of Boxwell Road would be even less and therefore refusal on loss of light grounds here would not be justified.

No. 21 has objected on grounds of visual intrusion. However, the proposal would be well designed and in keeping with the area and is not considered to be any more visually intrusive than other development on the opposite side of Boxwell Road.

Nos. 19, 21, 24 and 25 Boxwell Road raise objections on grounds of overlooking and loss of privacy. Whilst there would be potential overlooking from the new development, given the front to front aspect, and given that the dwellings are already overlooked by passing members of the public, it is not considered that a refusal could be justified on this ground.

'Kriana' has objected on grounds of loss of privacy to its rear garden and loss of light. There would be no overlooking of the rear garden from the side window in the gable given that obscure glazing and a non-opening window is now specified on revised

plans. With regards to loss of light, whilst acknowledging the level differences and the increase in height of the development, given the siting towards the frontage of the site, set away from the common side boundary by 1.5 metres and the narrow width of the side gable, it is not considered that there would be a significant loss of light that could justify a refusal in this case. Again, the applicant has carried out a daylight and sunlight assessment which indicates that there would be no material loss of light to the window adjacent to the garage door on the front elevation to 'Kriana' and, with regards to the rear elevation, as this is set back on the site further than the proposed rear elevation of the development, there would be no impact on daylight or sunlight to the rear windows.

1 Park View Road to the rear has expressed concerns about overlooking. However, given the distance of some 30 metres to rear facing windows in No. 1, the proposal would accord with the minimum back to back distance of 23 metres set out in Appendix 3 of the Borough Plan. Furthermore, the dormer windows in the rear elevation which might have given rise to a greater perception of overlooking by the occupants of that property have now been omitted in place of smaller roof lights, therefore, it is not considered that there would be any material harm that could justify refusal.

Boxwell Road Surgery has objected on grounds of loss of light to upstairs consulting rooms and overlooking / loss of patient privacy to side facing consulting rooms. Amended plans address loss of privacy concerns with first and second floor side facing windows now specified as obscure glazed and non-opening. There would be no loss of light given the siting to the south of the development.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A Policy CS29 checklist has been submitted which is considered acceptable and addresses the criteria of the Policy. In particular it is stated that materials and timber will where possible be from sustainable sources, demolition materials to be reused on site where possible, with separation where practical to enable recycling, heat loss / CO2 emissions to be kept to a minimum in accordance with Part L of the Building Regulations, permeable surfaces to be specified for the entrance driveway and parking areas, with all drainage from impermeable surfaces to be directed to on-site soakaways or landscaped areas. The details are considered acceptable. However, no details of SUDS are shown on plan and it is recommended that these be provided and secured by condition.

Policy CS29 and Para 18.22 also expects developers to complete a Sustainability Statement which, in accordance with the Sustainable Development Advice Note (March 2011), should be completed online through the carbon compliance toolkit, C-Plan. A C-Plan statement has not been provided in this case. However, as a good CS29 checklist has been submitted which covers most of the key requirements of C-

Plan, it is not considered necessary to request further details in this case.

Other matters

The site layout provides good opportunity for soft landscaping, details of which, along with hard landscaping, are recommended to be provided and secured by condition.

It is acknowledged that the retention of the bungalow may provide useful accommodation for elderly or disabled persons close to services and facilities. However, although saved Policy 18 encourages a range of dwellings in size and type, there is no specific requirement to provide or retain bungalows, and therefore a refusal on this ground could not be sustained.

Concerns are raised by the Surgery that access for ambulances and less mobile patients should not be disrupted during construction. As Boxwell Road is a public highway, and not contained within the application site, it is not possible to prevent inconsiderate parking / loading / unloading by contractors. However, it is recommended that a construction management plan be submitted by condition. Informatives are recommended with regards to social work hours, etc.

One resident has expressed concern that there are inconsistencies in the drawings in terms of topography. However, officers are unable to discern any discrepancies in the plans.

S106 Planning Obligation

There is no requirement for contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document as a result of the following two material changes:

1. The written Ministerial Statement of 28 November 2014 (House of Commons Written Statement - reference HCWS50) which set out proposed changes to national policy with regard to Section 106 planning obligations affecting small developments. This is reflected in an amendment to the National Planning Practice Guidance (NPPG). Paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG was however quashed recently by the High Court following a judicial challenge by Berkshire CC and Reading BC. The Policy therefore reverts to that within the Borough Plan and Affordable Housing SPG, the latter guidance introduces a waiver for units of 4 or less.

2. The above notwithstanding, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

Conclusions

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve, if not enhance its character and appearance. Adequate parking and safe access would be provided to the development to which the Highway Authority raise no objection and there would be no loss of on street parking. The amenity of neighbouring occupiers would not be adversely affected. The proposal is therefore considered acceptable for approval.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 No development shall take place until samples and / or details of the materials proposed to be used on the external walls and roofs of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- **all new windows, roof lights, doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings);**
- **eaves joinery and bargeboards;**
- **Front boundary wall and railings.**

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

4 Notwithstanding any details submitted, no development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during demolition and construction works;**
- **proposed finished levels or contours;**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **No development / demolition shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the building will already have been demolished and the materials disposed of, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development.

- 6 **No development shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 7 **The development hereby permitted shall be carried out in accordance with the approved CS29 Sustainability Checklist.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 8 **The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with saved Policies 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the**

details indicated on the approved plan 15066_AL(0)010 G and 15066_AL(0)011 G. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **Prior to the first occupation of the development hereby permitted the vehicular accesses and driveways shall be provided and thereafter retained in the position shown on the approved plan 15066_AL(0)010 G, in accordance with Roads in Hertfordshire. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **The window at second floor level in the North East elevation of the development hereby permitted as indicated on Drg. No. 15066_AL(0)017 E shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 12 **The windows at first and second floor level in the South West elevation of the development hereby permitted as indicated on Drg. No. 15066_AL(0)019 D shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

**Schedule 2 Part 1 Classes A, B, C and D
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and in the interests of ensuring

adequate car parking provision in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and Policies 58 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 14 **The permission hereby granted shall be limited to the provision of no more than 4 bedrooms to each of the two dwellings, and no additional bedrooms shall be created without the further specific permission of the local planning authority by way of a separate planning application.**

Reason: For the avoidance of doubt, and to ensure control over the development in the interests of limiting the demand for additional parking on the highway and associated congestion and highway safety issues, in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough local Plan 1991-2011.

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

**15066_AL(0)001 Rev A
15066_AL(0)002 Rev A
15066_AL(0)003 Rev A
15066_AL(0)004 Rev A
15066_AL(0)005 Rev A
15066_AL(0)006 Rev A
15066_AL(0)007 Rev A
15066_AL(0)008 Rev A
15066_AL(0)009 Rev A
15066_AL(0)010 Rev G
15066_AL(0)011 Rev G
15066_AL(0)012 Rev D
15066_AL(0)013 Rev E
15066_AL(0)014 Rev C
15066_AL(0)015 Rev F
15066_AL(0)016 Rev D
15066_AL(0)017 Rev E
15066_AL(0)018 Rev B
15066_AL(0)019 Rev D
15066_AL(0)020 Rev D**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVES:

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water comments

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.

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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 website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on the Road: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Environmental Health

1) Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

2) Noise on Construction/Demolition Sites

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. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

3) Construction hours of working – plant & machinery

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: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

4) Dust

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

5) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of

with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.