

**4/00167/16/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY 2-BEDROOM DWELLINGS.
20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG.
APPLICANT: MR FITZGERALD.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The principle of residential development is considered acceptable in the site's location within a town and residential area. The proposed development would not have any adverse layout implications, and the proposed dwellings would be acceptable in terms of appearance and would not detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. There would not be any significant harm to the important trees. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18,21,99 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises the rear gardens of 20 and 22 High Street, Bovington. The access to the site would be available via Apple Cottages, Old Dean across land owned by Hertfordshire Highways. Part of the access already exists and currently serves as off road parking to the rear of the application site 22 High Street. The surrounding area, Apple Cottages is relatively modern development and is characterised by a variety of different dwellings with terraced properties in line along the west and recently developed detached dwellings towards the end of the close. The properties are characterised by small front lawns with hardstanding areas for off road parking with some benefiting from attached garages.

Proposal

The application seeks planning permission for the erection of a pair of semi-detached dwellings within the rear gardens of 20-22 High Street, Bovington, with access from Apple Cottages. The plans have been amended to utilise the land forward of the garden land for parking.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

Planning History

4/01032/14/FUL	TWO-BED DETACHED DWELLING Granted 10/07/2014
----------------	--

4/00940/14/FHA CONSTRUCTION OF OFF-ROAD PARKING TO THE FRONT
OF THE PROPERTY. DROPPED KERB.
Granted
03/07/2014

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 58
Appendices 3, 5 and 7

Summary of Representations

Bovingdon Parish Council

Over development of site. Concern that there is insufficient on-site parking as lack of on-street parking. Existing permission granted to 4/01032/14/FUL in June 2014 is preferable.

Hertfordshire Highways

Further comments

Amended and/or additional plans/information has been submitted for the above proposal.

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

The superseded plans has no highway implications. The highway Authority does not wish to restrict the grant of consent subject to the earlier conditions and advisory notes.

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council

as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Decision

Hertfordshire County Council has no objection to the principle of the proposed new dwelling(s) with vehicular access, subject to a S278 Agreement for any modifications and the following condition and informatives.

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the HCC.

SHC 18: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a pedestrian visibility splay measuring 2m x 2 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), 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.

AN2) 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.

AN3) Road Deposits: 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.

Description of the Proposal Demolition of existing garage and construction of two semi-detached two storey 2-bedroom dwellings C3 use. As part of this proposal access will remain off Apple Cottages as shown on the submitted plan.

Apple Cottages

This is an unclassified local access road, L2, 2U1552/20 that runs from outside 9 to

number 30, is 156m long and approximately 4.9m wide where the VXO are. The road is lit and has a 30mph speed limit. The road and footways are maintained at public expense by the highway authority. There are neither traffic counts nor any traffic calming measures shown. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5year RTC data there has been no recorded RTC in this period. The closest RTC which have been recorded as slight are shown to be in the High Street. The location of these RTC's is some distance from this site and it would appear had no bearing on the site in question in terms of impact

Analysis

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan, Appendix 5 Parking Provision

Trip generation and distribution

As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. This conclusion is based on the above mentioned traffic volume data, speed of traffic and known RTC information.

Impact on Highway Network

The creation of two dwellings on this site will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable.

Highway Layout

The submitted plan shows two new parking bays taking access off Apple Cottages. This access is close to the bend but is an existing access. The any widening or modifications to this access will need to be built to the highway authority's standards hence the condition covering pedestrian visibility requirements and the informative covering construction protocol/permission for the dropped kerbs

Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing a total of 4 off street parking spaces. It is unclear if these spaces will be DDA compliant though. The applicant will also need to provide cycle spaces.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways shall be in accordance with the guidance in DfT Manual for Streets.

Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus

strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).

Public Rights of Way (PRoW) there appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission would need to be granted to temporarily close the route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. It is likely that this will be via a kerb side service. No information is provided regarding servicing of the property and a servicing arrangement is required.

Travel Plans

The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement

Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above legal agreement, conditions and informatives.

Trees and Woodlands

I have reviewed the above application and have no objections. There are small trees to be removed and are of low quality. Replanting details are required – species, size and location.

Cllr Riddick Comments

That makes a lot of difference now that I can see the Plans!

It was just that if there had been any proposals for 'Vehicle Access' on to the High Street, that would have been a definite 'No'.

However, there are just a couple of points:

- 1) There appears to be no (adequate) provision for 'On Site Parking' (It looks awfully 'tight'!)
- 2) There seems to be nowhere to store Refuse or 'Wheelie Bins' (this could be a problem in this location)

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we

would not have any objection to the above planning application.

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.

Contamination comments

The site is located within the vicinity of potentially contaminative former land uses; former petrol station and former slaughter house. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

18 High Street

As one of occupiers and a trustee of 18 High Street, Bovington which is located immediately adjacent to the above mentioned site, I wish to object to this planning application for the demolition of the existing garage and the construction of two semi-detached two storey two bedroom dwellings. Our reasons for objection, which are specifically focused on how this proposal affects us personally, are set out below.

Loss of Privacy/Amenity

The development site forms part of the rear garden of 20 and 22 High Street. The view that I currently enjoy is of a wide and open space with trees and vegetation, creating a verdant setting. The introduction of two dwellings into this small space would be a highly prominent and discordant feature and would palpably erode the open character which strongly characterises the existing rear gardens.

Appendix 3 of the Dacorum Borough Local Plan recommends private gardens should have an average minimum depth of 11.5 metres. The proposed dwellings do not meet this minimum and instead measure a minimum garden depth of 11 metres.

Appendix 3 of the Dacorum Borough Local Plan further recommends a minimum distance of 23 metres between properties to ensure privacy. However, the minimum back to back depth will be 22 metres to the rear of 22 High Street and significantly less, approximately 20 metres, to the rear of 20 High Street due to the existing extension. As

such the proposed development will affect my personal amenity considerably.

The application fails to consider the impact on my privacy which will clearly be adversely affected due to the addition of these dwellings. The application considers 'no overlooking will occur' however the velux window and large first floor window at the rear elevation will clearly result in overlooking and detrimentally impact on my privacy. As such there will undoubtedly be a significant adverse effect on my living conditions with regards to privacy.

Landscaping

Although none of the trees in the existing gardens are subject to any tree preservation orders they collectively contribute to the verdant setting of the existing properties. Policy CS12 of the Core Strategy requires important trees to be maintained and for trees and shrubs to be planted to softly screen the edge of the developments.

The application refers to additional planting at the new site frontage to soften the appearance of the two dwellings but does not refer to any additional planting to the rear of the new dwellings. The previous application (reference: 4/01032/14/FUL) includes the provision of four fruit trees along the rear of the development to provide an extra sense of privacy however no such landscaping has been proposed for the current application. As such, the proposed development would have a detrimental impact on my amenity and privacy due to inadequate landscaping.

In the garden of number 18 there is a mature fruiting apple tree, standing approx. 8 – 10metres tall, next to the boundary fence between nos. 18 and 20, about 9 metres from the rear boundary of no. 18 and about 50cm. from the fence. The roots of this tree will be directly affected by this proposed development.

Design

Part 7 of the NPPF requires developments to be of an adequately high standard of design, taking into account context and the materials of adjoining buildings. The proposed two, two bedroom semi detached dwellings are poorly designed and fail to have regard to the scale and character of their surroundings.

The proposed development is significantly larger than the previously approved application. The previously approved application measured 91.8 square metres over two floors whereas the two new proposed dwellings measure 74 square metres and 78 square metres respectively resulting in a total floor space of 152 square metres.

Considerations

Policy and Principle

The application site is located within the residential area of Bovingdon wherein the principle of providing new dwellings is considered acceptable subject to compliance with all other policies of the adopted plans. In particular policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should: a) respect the typical density intended in an area and enhance spaces between buildings and general character; b) preserve attractive streetscapes and enhance any positive linkages between character areas; c)

co-ordinate streetscape design between character areas; d) protect or enhance any positive linkages between character areas; e) incorporate natural surveillance to deter crime and the fear of crime; and f) avoid large areas dominated by car parking.

Secondly, policy CS12 of the adopted Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Saved appendix 3 of the local plan should also be considered as it sets out good design practice for the layout and design of new dwellings in the residential area. The scheme is considered to be acceptable in principle as it comprises new dwellings within a residential area. There is no policy presumption against the redevelopment of gardens however the acceptability of this needs to be tested having regard to the impact of the proposal to streetscene, neighbouring properties, car parking provision etc.

Impact on Street Scene

One of the main considerations is the impact of the new dwellings to the character of the streetscene and area. The dwellings would sit within the rear gardens of numbers 20 and 22 High Street and comprise a pair of semi-detached dwellings which front onto Apple Cottages. The proposed pair of semi-detached dwellings is considered to be more in keeping with the type and form of dwellings within the immediate area than a detached dwelling. As the church already fronts onto Apple Cottages, it is not considered that the dwellings would create an alien building line or grain within the area and the size and height of the dwellings conforms with the surroundings. The dwellings themselves are slightly lower in height than the apex of the adjacent Church and positioned further back into the site, which would soften the impact of the building in the environment and streetscene. The proposed parking is proposed to frontage which in some cases is not ideal however in this context, this arrangement is considered to be acceptable given the similar arrangements at Apple Cottages. The siting of the dwellings are such that they front onto the road and it is not considered therefore to detract from the prevailing character of the area. The proposed dwellings are not considered to appear overly cramped on the site and exhibit more spacious form and density than the houses immediately opposite. Overall, it is not considered that the scheme would seriously detract from the character of the streetscene.

Impact on Neighbours

Appendix 3 of the local plan expects a minimum distance of 23m between the rear elevation of new dwellings and the rear elevations of existing dwellings to avoid significant overlooking. The siting of the dwellings have been amended slightly in order to achieve a minimum of 23m to the rear elevations (first floor) of numbers 20 and 22 High Street and as such it is considered that sufficient spacing is now achieved. It is noted that number 18 is concerned that the proposed would significantly reduce privacy to this property and appear prominent and invasive from the rear of number 18. Number 18 is located to the north north west of the application site and its garden runs parallel to the application site. At an oblique angle, a minimum distance of 23m is achieved from the new dwellings to the rear of number 18 and it is considered that

sufficient spacing is achieved to avoid the new dwellings appearing visually overbearing. Whilst, number 18 appreciates an open outlook at present across the gardens of the adjacent neighbours, the loss of a view would not be a material consideration sufficient to warrant refusal.

Impact on Trees and Landscaping

No objection is raised in respect of the loss of trees or hedging on site.

Quality of Accommodation

Appendix 3 sets out guidance for residential development and states that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. Appendix 3 goes on to say that a reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

The proposal comprises gardens positioned to the rear of the dwellings. Each of these gardens measure a length of 11.5m and 11m which is considered to be sufficient and practical space which is similar in length and size to that of the nearby residents. Both dwellings allow for access to the rear garden alongside the side of the dwellings and as such it is considered that bins would be stored to the rear of the dwellings.

Impact on Highway Safety

No impact is raised from the Highway Authority on highway safety with the exception of requiring the access to be completed before development of the dwelling. A Grampian Condition will be imposed requesting this provision.

The site makes provision for two car parking spaces which is considered sufficient car parking provision for 2 bedroom dwellings within this location. Concern was raised that the parking provision appeared to be constricted however the amended plans which make use of the land between the existing garden and the road enables the parking provision to be more spacious.

Sustainability

A sustainability checklist has been submitted setting out sustainability measures to be incorporated into the design in order to accord with policy CS29 of the adopted Core Strategy. No objection is raised.

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 details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy.

- 3 **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;**
- **means of enclosure;**
- **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;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 of the adopted Core Strategy.

- 4 **Prior to the first occupation of the development hereby permitted a pedestrian visibility splay measuring 2m x 2 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the Core Strategy.

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

[A_8002 Rev D](#)
[A_8003 Rev B](#)

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

Informatives

Highways

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), 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.

AN2) 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.

AN3) Road Deposits: 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.