

**4/00173/16/FUL - CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE.
115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF.
APPLICANT: MR MILLS.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The proposal would not have any adverse impact on the appearance of the streetscene or on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policies 58, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

115 Cowper Road is located on a corner plot at the junction between Cowper Road and Gravelhill Terrace, within the Hemel Hempstead Character Area 8 (Counters End). The plot currently comprises a two-storey dwelling constructed with light brick, plain tiles and white uPVC. The property benefits from a fairly large garden. The surrounding area comprises predominantly detached dwellings with occasional examples of semi-detached housing.

Proposal

The application seeks planning permission for the construction of a two-storey two-bedroom detached dwelling within the residential curtilage of 115 Cowper Road. The proposed dwelling would be sited at the rear of the garden, adjacent to 11 Gravelhill Terrace.

Referral to Committee

The application is referred to the Development Control Committee following a call-in from Councillor Janice Marshall following concerns raised by the neighbouring residents. These will be discussed in the 'Impact on Residential Amenity' section below.

Relevant Planning History

4/00904/89/FUL - Detached Dwelling (Outline) - Granted

Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13
Appendices 3, 5 and 7

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004)
Accessibility Zones (July 2002)

Summary of Representations

Local Residents

There have been ten fairly lengthy objections to this proposal. To avoid repetition, the material planning considerations included within these objections have been summarised and listed below.

- Not in-keeping with the character of properties in the area
- Breaking the existing building line
- Highway Safety, inadequate parking and inadequate access
- Over-development and density
- Lack of amenity space
- Loss of privacy and overlooking to surrounding properties
- Loss of light to neighbouring properties

Consultees

Trees and Woodlands Department, Dacorum Borough Council

I have reviewed the above planning application. I have no objections, there are a small number of trees require removal to build new dwelling – trees are of low quality so not opposed. Landscaping details are required.

Highways Department, Hertfordshire County Council

Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed development with conditions. Conditions have been put in place to ensure that the proposed development is aligned with HCC standards set out in Roads in Hertfordshire Highway Design Guide 3rd Edition as limited information has been provided.

Ward Councillor

I have been contacted by several households who are greatly concerned at the proposed development of the above and I share their concerns, particularly in respect of the following points

- (1) the proposed development is not in keeping with the building line of Gravel Hill Terrace.
- (2) the development is completely at variance with the character of the area in terms of (a) style of the proposed houses, (b) density (c) the development is semi-detached but houses in the area are detached and on good sized plots.
- (3) Both the new houses appear to have rear gardens of approx. 6m and 5.5m. This falls well short of DBC's policy of a minimum depth of 11.5m. Not only is this at complete variance with the homes in the vicinity and raises the issue of loss of privacy to the occupants of 115 Cowper Road and 113 Cowper Road, but is also detrimental to the amenity of the occupants of these 2 new houses.

In the light of these concerns, I support the residents' arguments that this application should be refused.

Further comments

Further to my email (below) of the 14 February to Mrs Curtain, I am writing again concerning the revised application to develop the rear garden of 115 Cowper Road. Whilst the new proposal, for one house, is an improvement on the original for 2 tiny-semi detached homes, residents still are greatly concerned about the development – and I continue to share their concerns.

My points are:

- (4) the development is still completely at variance with the character of the area in terms of (a) size and style of the proposed house and (b) density. The houses in that vicinity are substantial homes with good sized plots – at complete variance to the proposed development
- (1) the proposed development is not in keeping with the building line of Gravel Hill Terrace
- (2) The new house has a rear garden of 7m. This falls well short of DBC's policy of a minimum depth of 11.5m. Not only is this at complete variance with the homes in the vicinity and raises the issue of loss of privacy to the occupants of 115 Cowper Road and 113 Cowper Road, but is also detrimental to the amenity of the occupants of the new house.
- (3) The above factors clearly demonstrate that the new house is "crammed" in and, in the light of these concerns, I support the residents' arguments that this application should be refused.

Furthermore, in view of the considerable concern this proposal has engendered, I request that this matter is referred to the Development Control Committee should you be minded to grant permission.

As an aside, can I just comment on the Public Transport comment. It is stated that "*the nearest bus stop is off of Gravel Hill Terrace, approximately 315ft from the proposed development. The number H10 provides access to Frogmore End.*" The nearest bus stop is in St John's Road, close to Cowper Road. However, the H10 and the H11 run

along Gravel Hill Terrace as a hail & ride bus – so that there are no bus stops as such. Passengers simply hail the passing bus and, similarly, the bus stops along that part of the route wherever the passengers want. Furthermore, the H10 does not go to Frogmore End. The H10 does a circular route serving Boxmoor, HH Town Centre and Leverstock Green. The H11 does a similar circular route serving Boxmoor, HH Town Centre and Chambersbury Lane.

Considerations

Policy and Principle

The site is located within the residential area of Hemel Hempstead where the Core Strategy, Policies CS1, CS4, CS11 and CS12 are relevant. Policy CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes. The location of this development in an urban area is acceptable providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and appearance of the street; provides adequate parking and amenity spaces; provides suitable access arrangements and makes efficient use of the land.

In terms of compatibility with the Character Area Appraisal (HCA 8), the development principles for the area are as follows:

- Design: Scope for variety, innovation and modernity in design.
- Type: Detached dwellings are strongly encouraged.
- Height: New buildings should not normally exceed two storeys.
- Size: Medium to large dwellings are encouraged.
- Layout: Informal layouts are acceptable, although dwellings should follow a defined building line. Spacing should be provided in the medium range (2m to 5m).
- Density: Development should be compatible with the character in the existing density range of 15 dwellings/ha.

HCA 8 also states that with regards to infilling, "opportunities are limited, but may be acceptable according to the development principles", as listed above.

Density of Development

As mentioned above, the Character Area Appraisal promotes a low density of development in this area. This conflicts with saved Policy 10 of the Dacorum Borough Local Plan (DBLP), which seeks to optimise the use of urban land. National guidance (NPPF) states that with regards to density, new development should correspond with neighbouring buildings and the local area. The proposal would have a density of 34 dwellings/ha, which is higher than HCA 8 recommends (15 dwellings/ha). However, following the government's current stance to maximise housing supply, the density is considered acceptable in accordance with saved Policy 10 of the DBLP and the NPPF (Paragraph 59). It is also worth noting that there are a number of nearby developments that comprise a much higher density but are located within the same character area. For instance, the blocks of flats at Adrian Close have a much higher density, located just over 100m away.

Impact on Streetscene

No adverse impact.

HCA 8 states that detached dwellings are strongly encouraged. It also advises that infill development should follow the existing building line. The original plans comprised a pair of semi-detached properties, set approximately 3-4m in front of the Gravelhill Terrace building line. There have been a number of amended schemes submitted. The final scheme has reduced the proposal to one detached property, which is now set approximately 2m in front of the Gravelhill Terrace building line. However, it is important to note that the proposed dwelling sits approximately 1m behind the flank of 115 Cowper Road. Therefore, the proposed would be set in between the flank of 115 Cowper Road and the Gravelhill Terrace building line, creating a staggered transition between them. When looking in a westerly direction down Gravelhill Terrace towards the site, the proposed property would be set against the existing backdrop of 115 Cowper Road and would not appear incongruous.

Policy CS12(g) states that new development should respect adjoining properties in terms of site coverage, scale, height, bulk and materials. It is felt that the proposal responds to the character of the area in terms of dwelling type, scale and design. Although smaller than the neighbouring properties, the final amended scheme changed the appearance of the property to preserve the streetscape character, whilst ensuring that the potential of the site is optimised in accordance with Policy CS11(b) and Policy CS12(f) and saved Policy 10 of the DBLP. Overall, the proposal is felt to be in-keeping with the adjacent properties, resulting in a harmonious collection of dwellinghouses.

Impact on Residential Amenity

There have been nine objections received from neighbouring properties. These objections have been identified, summarised and addressed below. Throughout the determination period, the areas of concern raised by the neighbours were discussed with the agent and a number of amended schemes submitted. It is felt that all of the issues raised have been mitigated by changes in design. These are explained below.

Overlooking/Loss of Privacy

No adverse impact.

The neighbour with a garden to the rear of the proposed property (113 Cowper Road), along with a number of other residents raised concerns about potential overlooking. The amended scheme has dealt with this by changing all of the rear windows to obscure glazing, as shown on drawing 'WREN NAJ 59e 2015 (Revision A)'. If approved, this will be secured by condition. There are no windows proposed on the flanks. Therefore, views towards the neighbouring properties to the sides/rear are non-existent.

Loss of Light

No adverse impact.

A number of neighbours objected with regards to loss of light. Following the 45 degree

guidance as set out by saved Appendix 7 of the DBLP, there would no serious impact with regards to loss of light to the neighbouring properties. Considering the spacing between the property and its neighbour, along with its position within the plot, it is not felt that there would be any detrimental loss of light to any habitable windows on the surrounding properties in accordance with Policy CS12 of the Core Strategy.

Access, Parking and Highway Safety

A number of the objectors were concerned with parking in the area and the potential for the additional dwelling to generate more parked cars on the road. Saved Appendix 5 of the Local Plan advises that as a maximum standard, dwellings comprising two bedrooms should accommodate 1.5 parking spaces. The resultant site layout would comprise two off-street parking spaces. Considering this and considering the proximate (walking distance) to local centres within Hemel Hempstead and nearby public transport links, the proposal is deemed acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan. If approved, a condition would be added to the application to ensure that the car parking space sizes are in accordance with the relevant policy (2.4m x 4.8m). With regards to the access and highway safety, Hertfordshire County Council (Highways Department), have not raised any concerns, however, they have asked for a number of conditions and informatives to be included. These will be added to the decision notice if the application is approved.

Lack of Amenity Space

A few of the neighbouring residents commented on the lack of amenity space within the proposed site. The final amended scheme submitted reduced the building size to free up more amenity space. The proposed garden is considered sufficient when compared to the surrounding residential development on Woodland Avenue, Woodland Close and Sheridan Close. A strip of garden to the side of the property would extend approximately 20m, with a width of 4m, acting as a small side garden. It is felt that this would provide adequate functional amenity space for the modest two-bedroom property. It is clear that properties on Gravelhill Terrace and Cowper Road generally benefit from larger amenity areas. However, it must be noted that the majority of these properties are larger and provide more bedrooms. Considering this and considering the proximate (walking distance) to Northridge Park, just 300 metres to the north-west and Shrub Hill Common slightly further on, it is considered that the amenity space provided is sufficient.

Density, Over Development and Building Line

This has been covered in the 'Density of Development' and 'Impact on Streetscene' sections above.

Other Information

Community Infrastructure Levy (CIL)

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 is CIL Liable. The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

RECOMMENDATION - That planning permission be **GRANTED** 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 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 3 **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, and E

Reason: Over development of the residential plots and enlargement of the individual dwellings may result in a cramped layout and insufficient amenity space for the occupants. To enable the local planning authority to retain control over this, and in the interests of safeguarding the visual amenity of the locality, the condition above has been imposed in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 4 **The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking in order to minimise the impact on the safe and efficient operation of the adjacent highway in accordance with Policy CS8 (h) and CS12 (b) of the Core Strategy.

- 5 **Pedestrian visibility splays of 2m by 2m shall be maintained, on both sides of the existing and proposed hardstanding areas, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.**

Reason: In the interests of highway safety.

- 6 **No development shall take place until full details of the on-site surface water drainage mechanisms for the parking spaces, have been submitted to and approved in writing by the Local Planning Authority. The parking spaces and pathways shall be constructed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.**

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the Dacorum Borough Core Strategy.

- 7 **The windows at first-floor level in the southern elevation of the proposed dwellinghouse hereby permitted shall be permanently fitted with obscured glass, as indicated on drawing WREN NAJ 59e 2015 (Revision A).**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12(c) of the Dacorum Borough Core Strategy.

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

**WREN NAJ 59d 2015 (Revision A)
WREN NAJ 59e 2015 (Revision A)
WREN NAJ 59f 2015**

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 determination process which lead 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) Order 2015.

INFORMATIVES:

Highways Department

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

Advisory Notes

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.