

**ITEM NUMBER: 5f**

<b>24/02076/RET</b>	<b>Retention of alteration of ground levels to increase size of patio and to install a retaining wall</b>	
<b>Site Address:</b>	<b>9 New Park Drive, Hemel Hempstead, Hertfordshire, HP2 4QQ</b>	
<b>Applicant/Agent:</b>	<b>Mr Ross Hanley</b>	
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead (No Parish)</b>	<b>Adeyfield East</b>
<b>Referral to Committee:</b>	<b>Applicant's partner works for Dacorum Borough Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The completed works are located to the rear of the property in an established residential area where they are not visible from the street scene. They do not result in an adverse impact to the neighbouring properties by way of loss of light, outlook or privacy.

2.2 The proposed development therefore complies with Policies CS4, CS11 and CS12 of the Core Strategy (2013), as well as Saved Appendix 3 of the Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The application site comprises a two-storey semi-detached property located along New Park Drive in Hemel Hempstead. A new property is currently under construction next door which would make the property a middle of terrace dwelling house.

3.2 A new property is currently being constructed next door under planning permission 23/00440/FUL and will be known as 9a New Park Drive upon completion

**4. PROPOSAL**

4.1 The application seeks planning permission for the retention of the alteration to ground level in the rear garden to increase the size of patio wall as well as the construction of a retaining wall. The works have been completed.

**5. PLANNING HISTORY**

Planning Applications (If Any):

22/02357/FUL - Construction of 3 bedroom dwelling  
WDN - 25th August 2022

22/03373/FUL - Construction of 3 bedroom dwelling  
WDN - 10th January 2023

23/00440/FUL - Construction of a 1 bedroom, two storey dwelling and associated landscaping  
GRA - 31st January 2024

24/01087/DRC - Details as required by condition 3 (Hard \_ Soft Landscaping) and condition 7 (Sustainability Measures) attached to planning permission 23/00440/FUL (Construction of a 1 bedroom, two storey dwelling and associated landscaping).  
GRA - 10th July 2024

Appeals:

None

## **6. CONSTRAINTS**

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA22

Residential Character Area: HCA24

Parking Standards: New Zone 3

Town: Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2024)

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

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

Relevant Policies:

### Core Strategy (2013):

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

### Local Plan (2004):

Saved Appendix 3 – Layout and Design of Residential Areas

## Supplementary Planning Guidance/Documents:

Place and Movement Planning and Design Guidance for Hertfordshire (2024)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 The application site is located within an established residential area of Hemel Hempstead wherein accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable.

### Quality of Design / Impact on Visual Amenity

9.3 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high-quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. Saved Appendix 3 of the Local Plan (2004) also provides guidance on design in residential areas

9.4 The proposed works relate primarily to ground works to the rear of the property and are not visible from the street scene and surrounding area. The works are modest and small-scale in nature. The materials are considered acceptable within the context of their location.

9.5 Due to this, the completed works do not have a detrimental impact on the character of the surrounding area and comply with policies CS10, CS11 and CS12.

### Impact on Residential Amenity

9.6 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.7 The new patio area has resulted in an increase of 600mm when compared to the original ground level in the area immediately to the rear of the property. A new retaining wall measuring 830mm in height has been constructed adjoining this raised area. The rest of the garden behind this area has been levelled out where it was once previously more sloped. Therefore most of the grassed area is at a lower level than it was previously.

9.8 A site visit has taken place to inspect the works. The works do not result in any significant adverse impacts on residential amenity in terms of privacy with regards to the adjoining neighbouring properties – including the new property of 9A New Park Drive which is currently under construction. While some views into the rear garden area of 9A New Park Drive, this would

not be significantly above and beyond what is ordinarily experienced in built up residential areas and would not be to an unacceptable level.

9.9 The proposed retaining wall is of a limited height and is below the existing fence line along the boundaries. It would not have an impact on residential amenity in terms of loss of outlook or daylight/sunlight to the host property or any adjoining properties.

9.10 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

#### Impact on Highway Safety and Parking

9.11 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 3-bedroom dwelling is 2.25 spaces and 4-bedroom property is 3 spaces.

9.12 The completed works do not have an impact on the existing car parking arrangements of the property.

9.13 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

#### Community Infrastructure Levy (CIL)

9.14 The development is not CIL liable as it does not result in over 100sqm additional floorspace.

## **10. CONCLUSION**

10.1 The completed works do not have an adverse impact on the site itself, the character of surrounding area, the residential amenity of the adjoining properties, or the existing car parking arrangements of the property.

## **11. RECOMMENDATION**

11.1 That planning permission be GRANTED.

### **Condition(s) and Reason(s):**

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

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

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

Proposed Site & Location Plan  
Retaining Wall Design

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

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

**Neighbour Responses**

Address	Comments