

ITEM NUMBER: 5d

25/00053/FUL	Garden room and pergola.	
Site Address:	9A New Park Drive, Hemel Hempstead, Hertfordshire, HP2 4QQ	
Applicant/Agent:	Mr Ross Hanley	
Case Officer:	Harry Coleman	
Parish/Ward:	Hemel Hempstead (No Parish)	Adeyfield East
Referral to Committee:	The applicant's partner is an employee of Dacorum Borough Council. Under paragraph 6 of Part 3 of the Council's Constitution it is considered the application should be determined by the Development Control Committee	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The proposed development is of a modest size, scale, mass and bulk and is appropriately located within the site's curtilage. There are no concerns pertaining to its design and appearance in respect of the main dwelling at site, nor are there concerns for its impact on the wider street scene. As such, the application is not contentious and is considered acceptable in terms of no adverse impacts on character and appearance, residential amenity and highway safety and car parking in accordance with the NPPF (2024); Policies CS4, CS8, CS11 and CS12 of the Core Strategy (2013); Saved Appendix 3 and 7 of the Local Plan (2004), and; the Supplementary Planning Documents and Guidance.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey, one bedroom maisonette which was formed as part of a two-storey side extension to 9 New Park Drive under planning permission 23/00440/FUL. The site is positioned on the western side of New Park Drive in a residential area of Hemel Hempstead.

4. PROPOSAL

4.1 Planning permission is sought for two key elements: a pergola adjacent to the rear façade of the dwelling and a single storey, flat roofed outbuilding located to the rear of the garden.

5. PLANNING HISTORY

Planning Applications

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

22/02800/FUL - Construction of a new 3 bedroom dwelling.
APPRET -

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

24/02076/RET - Retention of alteration of ground levels to increase size of patio and to install a retaining wall
GRA - 10th January 2025

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

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

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Local Plan

APPENDIX 3 – Layout and Design of Residential Areas
APPENDIX 7 – Small Scale House Extensions

Supplementary Planning Documents/Guidance

Area Based Policies – Residential Character Area HCA22: Adeyfield South
BRE - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Parking Standards SPD (2020)
Place and Movement Planning and Design Guidance for Hertfordshire (2024)

9. CONSIDERATIONS

9.1 Main Issues

9.1.1 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.

9.2 Principle of Development

9.2.1 The application site is located within the town of Hemel Hempstead, where in accordance with Policy CS4 of the Core Strategy (2013), the principle of residential development is appropriate and therefore acceptable subject to compliance with the relevant national and local policies.

9.3 Quality of Design / Impact on Visual Amenity

9.3.1 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013), and the NPPF (2024) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.3.2 The Area Based Policies SPG (2004), specifically HCA22: Adeyfield South, sets out the requirements for development within a residential area in the north-east of Hemel Hempstead. Therefore, development should be subordinate in terms of scale to the parent building and curtilage buildings should not be positioned forward of the front wall of a dwelling fronting the highway.

Pergola

9.3.3 The proposed pergola adjacent to the rear elevation of the dwelling is considered acceptable and appropriate by virtue of its modest size and scale, and appropriate positioning away from either common boundary. The nature of the structure is such that it has limited mass and bulk and will not detract significantly from the character and appearance of the dwelling. Moreover, the structure would not be visible from any public vantage points, however; even if it were visible, it is not considered to impact upon the visual amenity of the area. The structure would be constructed in

steel and finished in anthracite/charcoal grey and this would be considered acceptable in this instance.

Outbuilding

9.3.4 The garden room outbuilding is considered acceptable and appropriate by virtue of its size, scale, mass, bulk and positioning. Due to 9A New Park drive being a new build, it does not have its permitted development rights intact, however; the size of the garden room has been assessed against permitted development conditions, and it is found that it meets all but one of the criteria. Its height, cumulative of the 0.10 metre decking, would equate to 2.575 metres (with a flat roof) which is only 0.075 metre taller than permitted development allows given it is located within 2 metres of the curtilage. As such, the marginal increase in height is not expected to have adverse impacts upon the character and appearance of the site and surrounding area. Moreover, the site visit affirmed that there are several other outbuilding structures along the street, further emphasising that this type of development is acceptable in this location.

9.3.5 Additionally, due to the very limited visibility of the outbuilding from the public realm, it is not considered to impact upon the visual amenity of the area. The adopted materials, namely, timber panels clad in grey composite cladding, black EPDM roofing, and Anthracite Aluminium windows and doors, are considered acceptable and appropriate and do not raise concerns in terms of character.

9.3.6 Overall, the proposed development is not considered to lead to adverse impacts to the character and appearance of the area due to its appropriate size, scale, mass, bulk and positioning, and considering its limited visibility from the public realm.

9.3.7 As such, the application is considered to adhere to Policy CS11 and CS12 of the Dacorum Borough Core Strategy; Saved Appendix 7 of the Dacorum Borough Local Plan and the Area Based Policies SPG.

9.4 Impact on Residential Amenity

9.4.1 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

Pergola

9.4.2 Due to the limited mass and bulk of the lightweight pergola structure, it is considered that it would not give rise to significant concerns pertaining to loss of light, or visual intrusion, of the adjoining nor surrounding neighbouring properties and is thus acceptable in this regard. Similarly, the pergola would not lead to any significant overlooking of neighbouring windows or garden amenity space and so privacy amenity is retained as a result of its completion. The pergola would stand upon four pillars and as such, would not impact upon the available garden amenity space for the application site. No further discussion is required.

Outbuilding

9.4.3 The garden room outbuilding is positioned to the rear of the garden, and away from any neighbouring windows, such that there are no concerns pertaining to light loss. For similar reasons, in conjunction with its limited height, the outbuilding is not expected to cause significant visual

intrusion such that a refusal decision would be warranted in this case. The only openings proposed are to the front elevation of the outbuilding, which would face back toward the main dwelling. Due to the separation distance between the outbuilding and the adjoining neighbours' - number 7 and 9 - rear facing fenestration, approximately 26 metres and 27 metres, respectively, it is not expected that adverse impacts to privacy amenity would arise. Additionally, sufficient separation distance to development at the rear (approximately 20 metres) and also garden amenity depth (approximately 21 metres) for the site would be retained as a result of the completion of the outbuilding. Overall, there are no significant concerns relating to the impact of this element on residential amenities in this instance.

9.4.4 The application is therefore in accordance with the NPPF (2024), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2006-2031).

9.5 Impact on Highway Safety and Parking

9.5.1 The NPPF (2024); Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and the Parking Standards SPD (2020) all seek to ensure that development provides sufficient and safe parking.

9.5.2 The proposed development would not have an impact on net parking requirements as no additional bedrooms would be added to the property, similarly no changes of access or alterations to the public highway are assumed as a result of the construction works.

9.5.3 The application is therefore in accordance with the aims of the NPPF (2024); Policies CS8 and CS12 of the Core Strategy (2006-2031), and; the Parking Standards SPD (2020).

Other Material Planning Considerations

9.6 Response to Neighbour Comments

9.6.1 The occupant of 71 Leverstock Green Road voiced their concerns in respect of the proposed development at this site; they outline concerns relating to land levels, the height of the outbuilding, landscaping, and the integrity of their rear boundary fence which runs adjacent to the proposed outbuilding.

9.6.2 No excavation work of the upper portion of the garden has been carried out, the patio area (closest to the dwelling) was lowered as part of the excavations for the footings of the new dwelling – which was agreed with the planning department. Additionally, the planning enforcement team has been contacted by a neighbour relating to concerns surrounding the height of the decking area to the rear of the garden, however; this element was approved in the grant of permission for the construction of a new dwelling and does not warrant concern in this instance. Moreover, the enforcement officer outlined that the neighbour to the rear has a boundary fence which is somewhat lower than standard, which could be the reason for the perceived rising of the land levels.

9.6.3 The height of the outbuilding cumulative of the height of the decking has been addressed within the bulk of this report – please see Character and Appearance section above.

9.6.4 The tree privacy screen shown on the Landscaping Plan was secured via the Hard and Soft Landscaping Condition (3) on the decision notice for the construction of the new dwelling. This condition outlines that if any of the trees/shrubs are to fail within 5 years of the first planting season, then suitable replacements of similar species must be planted in the following planting season. Additionally, the proposed site plan shows that some space will be retained between the boundary fence and the outbuilding which is sufficient to provide basic maintenance.

9.6.5 The use of steel pile foundations are recognised as causing minimal disruption to the earth/ground and are unlikely to have an impact on the neighbours boundary fence provided they are not directly next to the concrete posts which support the fence. In the event that the integrity of the fence is disrupted by the construction of the outbuilding, then this would constitute a civil matter rather than a planning matter.

10. CONCLUSION

10.1 To conclude, it is not considered that the proposed garden room outbuilding, and pergola would result in adverse impacts to the visual amenity of the site and wider street scene. The residential amenities of the adjoining neighbours, and residential development to the front and rear, have been considered within this assessment and it is concluded that there would be no detrimental harm to them such that a refusal would be warranted in this instance. Additionally, this report has demonstrated that there is sufficient parking provision to facilitate the development and there would be no changes of access or alterations to the highway as a result. Overall, the elements proposed under this application are considered appropriate and acceptable in this location and would not cause harm to character, residential amenity or highway safety and car parking.

10.2 Therefore, the proposed development is acceptable in accordance with the aims of the National Planning Policy Framework (2024); Policies CS4, CS8, CS11 and CS12 of the Core Strategy (2013); Saved Appendix 3 and 7 of the Local Plan (2004), and; the Supplementary Planning Documents and Guidance.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to following conditions:

Condition(s) and Reason(s):

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

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

Site Location Plan - Uploaded 16.01.2025
Landscape Plan and Pergola V2 - 04.03.2025
Landscape Plan and Garden Room V2 - 04.03.2025
Proposed garden Room and Pergola Plans - 20.01.2025
Final Elevations Plan – Uploaded 26.03.2025

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
Environmental And Community Protection (DBC)	<p data-bbox="517 822 794 853"><u>ECP Pollution Team</u></p> <p data-bbox="517 891 1452 1151">With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However, I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p data-bbox="517 1200 1452 1346">Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p data-bbox="517 1395 1452 1498">As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p data-bbox="517 1547 1452 1807">Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p data-bbox="517 1856 1452 2002">Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p>

Construction Dust Informative

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

Waste Management Informative

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

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

ECP Contamination Team

Having reviewed the application submission and the Environmental and Community Protection Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	1	0	1	0

Neighbour Responses

Address	Comments
71 Leverstock Green Road Hemel Hempstead Hertfordshire HP2 4HL	<p>The ground in the area of the proposed garden room has already been raised from the original level, add on a proposed decking as well as a 2475mm (over 8ft) garden room and this will tower over the existing fencing, being very imposing. The original plans for the development (as well as this one) indicate that tree privacy screens will be installed as part of landscaping to the rear of the proposed garden room. One concern is how these will be maintained if there is a huge structure in front of it. How will they get adequate light and water in order to grow? Which type of tree will be being used? Will it be one which will grow out of control and then need us to look after it when it encroaches onto our property? How will the new owners access the trees in order to keep them in a good and safe condition with a huge garden structure in front of them?</p> <p>We also note that there will be steel pile foundations used to secure the structure; as we own the current boundary fence, what reassurances do we have that the foundations needed for such a garden structure will not negatively affect and weaken the structure of our existing fence?</p> <p>We are seeking more reassurance and answers to our questions over the new proposal.</p>