

**4/00524/16/FUL - CONSTRUCTION OF A NEW DETACHED DWELLING AND NEW ACCESS TO FIELDWAY.
25 HALL PARK GATE, BERKHAMSTED, HP4 2NL.
APPLICANT: Entasis Ltd.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would not have any adverse implications on the character and appearance of the street scene and surrounding area including the Hall Park character area, when taking into consideration the recently allowed appeal for two dwellings at No. 27 Hall Park Gate.

The development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site forms part of the rear garden of the dwelling at No. 25 Hall Park Gate. The site has a frontage to the western side of Fieldway and is located within the Hall Park character area. The immediate streetscene to Fieldway features an approximately 4m high hedge with interspersed trees up to the road frontage. This vegetation forms the rear boundaries of four consecutive dwellings. Evidence has been provided to demonstrate that the entire site is within the ownership of the applicant.

The surrounding area is suburban in character. Further north are detached one to two-storey dwellings fronting Fieldway. On the opposite side of Fieldway (east) are two-storey detached dwellings. Immediately south is a corner property at No. 27 Hall Park Gate, which has been cleared to accommodate two recently approved detached dwellings to front Hall Park Gate and Upper Hall Park.

Proposal

The proposal is based on amended plans. The amended plans include the following changes:

- Roof lights have been moved from the front to the rear elevation;
- Internal reconfiguration so that Bedroom 3 / study has been moved to the back of the house;
- Ground floor side window (previously serving Bedroom 3 / study) facing No. 23 Hall Park Gate has been removed;
- Front window (to the right hand side of the front door) now only serves the bathroom and not a habitable room;
- Climbing planting shown to the front wall.

Planning permission is sought for a detached dwelling fronting Fieldway and involves the subdivision of 25 Hall Park Gate. The proposed dwelling would be part single part two-storey with habitable roof space. The main part of the dwelling would feature a hipped roof with smaller forward gable projection and hipped side projection. The side projection would extend rearwards of the main building with a small area of crown roof.

The proposed dwelling would contain three bedrooms. Private open space would be located to the rear, a depth of 11.5m. The front garden would be predominantly soft landscaped, with a brick paved driveway leading to an integral single garage. A total of three car parking spaces would be provided on site.

Referral to Committee

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

Planning History

Application 4/01841/15/FUL for new 3 bedroom detached dwelling and creation vehicle crossover was refused for the following reasons:

1. *The proposal would fail to preserve attractive streetscapes nor enhance spaces between buildings contrary the Core Strategy policy CS11, integrate with streetscape character or respect adjoining properties in terms of layout, scale and height contrary to policy CS12 by virtue of its awkward relationship with 27 Hall Park Gate and placing a visually intrusive building which would appear excessively tall given the topography and isolated position in Fieldway exacerbated by the removal of verdant hedging which contributes to the overall positive character of this part to Fieldway.*

2. *The proposal would fail to respect adjoining properties with respect to garden layout and amenity space by virtue of neighbouring properties having far larger garden sizes being immediately characteristic and failing to maintain average garden depth of 11.5m contrary to Core Strategy policy CS12 and saved DBLP appendix 3 - Layout and Design of Residential Areas.*

Furthermore the development would fail to respect adjoining properties in particular 27 Hall Park Gate and 14 Fieldway causing harmful loss of privacy contrary to Core Strategy policy CS12 and saved DBLP appendix 3 - Layout and Design of Residential Areas. The development would fail to respect the 23m distance minimum relationship between front to back and back to back relationship between properties. In the case of 27 Upper Hall Park Gate there would be approx. 17m between facing habitable room windows and the immediate patio area behind which considered the most private element of the garden would be even closer. This harm is repeated for 14 Fieldway the front to rear elevation relationship is approx. 20m with harmful loss of privacy caused by first floor windows and the rooflight at second storey level from habitable room windows views into the rear garden and intervisibility with habitable room windows and direct views into the garden area.

Also of relevance is a subsequent appeal decision, associated with application 4/03613/14/FUL at No. 27 Hall Park Gate (adjacent property to the south). The appeal allowed the demolition of existing house and replacement with two detached

dwellings with associated access arrangements. The area of the approved House 2 would be located adjacent to the application site. As mentioned above, works have appeared to have been commenced on this site (which shall keep this permission extant).

Also of relevance is 4/03492/15/FHA which approved a rear extension and raised roof ridge to create loft conversion at No. 13 Fieldway.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted 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
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 57, 58, 63, 99, 100, 101
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA1 - Hall Park
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Neighbours

Several items of correspondence were received from Nos. 23 and 21 Hall Park Gate, Nos. 78, 82 and 84 Upper Hall Park, Nos. 1, 11, 12, 14, 16, 17, 18 and 40 Fieldway and an unknown address on Fieldway. All were in objection to the proposal and can be summarised as follows:

- Impact on streetscene and character of the area noting that existing dwellings on same side of Fieldway are small bungalows with shallow roofs, dug well into the hillside;
- Development with three levels would dwarf the neighbouring bungalow;
- Out of scale with development in streetscene in terms of height and mass, this would further draw the eye to this incongruous form of development and be visually overbearing to pedestrian users of Fieldway at street level;
- Overdevelopment of site;
- Crown roof would be out of character and visible from neighbouring properties;
- Proposed dwelling would be isolated with high hedges either side of its frontage to Fieldway and therefore would not form a coherent pattern of development;
- Proposal would set precedent for buildings of similar design;
- Although House 2 at No. 27 Hall Park Gardens has planning approval, until it is built this must serve only as a notional comparator;
- Development would result in loss of vegetation which was considered a key issue in previous application;
- Previous Highways comments required further hedging to be removed to achieve the required vehicular visibility splays;
- As there is no footpath in front of the application site, pedestrians will need to cross Fieldway to use the footway opposite or worse walk in the carriageway up to Upper Hall Park;
- Insufficient garden size and does not comply with space standards;
- PV panels would be east-facing which is unsuitable;
- Due to its height the proposed development would be visually intrusive to properties on Fieldway as well as Nos. 23 and 25 Hall Park Gate;
- Potential overlooking from approved House 2 at No. 27 Hall Park Gate to proposed dwelling;
- Loss of privacy and overlooking to rear of Nos. 23 and 25 Hall Park Gate and dwelling and rear garden of No. 14 Fieldway;
- Impact of amenity of rear garden room at No. 21 Hall Park Gate;
- Overshadowing to neighbouring properties;
- Access steps to main entrance would not be suitable;
- Proposed parking would be close to road and would need to be reversed in or out of with no turning circle within plot;
- Access to garage is also unclear;
- Parking along the road frontage of the application site with no footpath could be hazardous to traffic coming from the Upper Hall Park junction;
- Visitors would need to park on the road which has blind spots;
- Proposal fails to comply with Policies CS11 and 12 of the Core Strategy, guidance in the Local Plan, saved Policies 51 and 58 and saved Appendix 3;
- Fieldway is not gritted in winter and residents cannot use their cars when it is icy or in snow;
- No mention of owners of ransom strip between properties in Hall Park Gate and

Fieldway.

Comparisons have been made with the appeal scheme granted at the adjacent site No. 27 Hall Park Gate where the following is noted:

- New access serving dwellings is from Upper Hall Park and not Fieldway;
- Retention of the 4m high, dense hedges bordering Fieldway and extending around the corner to the Upper Hall Park frontage required;
- Only the roofscape of the proposed House 2 would be visible above the hedge from Fieldway;
- Current proposal is for a dwelling fronting Fieldway and access from Fieldway and will have a different impact on the character of the area;
- Proposed garden area would be smaller than adjacent gardens at No. 27.

Consultation was carried out in relation to amended plans. The following additional grounds of objection were received:

- Relocation of roof lights from front to the rear elevation is immaterial;
- Relocation of roof lights would normally be resisted as the occupants would lose the enjoyment of morning sun from the east;
- Application will soon follow for additional fenestration;
- Bedroom in basement features window proximate to highway;
- Objections previously raised by Highway Authority have not been overcome;
- Visibility splays require extensive elimination of existing verdant hedges providing privacy to rear gardens;
- Application has been granted to add another floor to bungalow on Fieldway despite restrictive covenant.

Berkhamsted Town Council

It was resolved to suspend standing orders to allow Mrs Lightfoot and Mr Dyke to speak. Mrs Lightfoot, who lives in Hall Park Gate, stated that unlike no 27, her property was not shielded by high hedges and the proposal would be visually intrusive and at odds with the streetscene. Privacy would be affected and there are also highways safety concerns because vehicles would be reversing in and out of the new property at a point where visibility is extremely poor. Mr Dyke, who lives opposite the proposed site, stated that the new plans did little to overcome previous concerns about size and bulk, incompatibility with the streetscape and loss of amenity (overlooking and overshadowing). Vehicular access is dangerous and because of limited parking on site visitors to the property would have to park on a narrow road with no pavement. The development did not comply with the Core Strategy.

The meeting was reconvened.

Object.

Although minor changes have been made to the landscaping concerns remain around the effect upon streetscape, amenity, height of building, and proposed scale of the property. It is purported to be 1.5 storeys but is really 2.5. It would be out of place in comparison to other properties in Fieldway and may also impact on traffic flow in the area. BTC concurs with neighbours that there could be a danger to pedestrians,

parking will be problematic and No 14 will be overlooked.

Contrary to Core Strategy CS11 (a, b), CS12 (c, f, g), Appendix 3 (3.1, 3.3, 3.5).

Hertfordshire Highways

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.

If the planning authority resolves to grant permission I recommend inclusion of the following advisory notes to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a Construction Management Plan for the LPA's approval in consultation with the highway authority.

AN4. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.

Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Details:

The planning application: The planning application is for erection of new detached dwelling and a new access from Fieldway.

Site and Surrounding.

Application site is along Fieldway in Berkhamsted. The site is approximately 1.5km to

the southwest of main town centre of Berkhamsted which provides access to various facilities. Fieldway is an unclassified local access road serving few properties.

Accessibility

Berkhamsted railway station is 2.0KM to the north east of the application site. The site is located close to public transport facilities with regular bus services serving both local and wider area.

Parking:

The applicant's proposal is to provide 2 on-site car parking spaces and the vehicular access is to be constructed from Fieldway. In constructing the parking spaces the applicant should make satisfactory arrangements for surface water from the site to be intercepted and disposed of separately so that it does not discharge on to the highway.

Conclusion:

Additional trips associated with the development are unlikely to have a material impact on the local road network. The Highway Authority does not wish to restrict the grant of consent subject to inclusion of the advisory notes listed above.

Hertfordshire Highways - footpath matters

Further advice was sought from the Highway Authority in response to concerns about the lack of a footpath immediately in front of the application site. The following response was provided:

This is a typical back land development with address 25 Hall Park Gate with the access from Fieldway. There is already a planning consent for House no 2 application no 4/03613/14. When you suggested a footway, are you seeking a piece of footway in front of the application site or are we expecting the single dwelling to provide the footway to the full length. There is footway opposite side and around. The road is a mixture of Cul-de-sac and low traffic area serving few properties. Previous years I would have secured financial contribution to put in a pot for future delivery of full length footway. I hope LPA is seeking money based on CIL for infrastructure improvement. It is very difficult to justify piecemeal pieces of footways.

Further comments regarding the footpath were provided:

The proposed site is at the end of a through road which a low traffic area. If there are few houses then there is justification for securing a continuous footpath. As part of this application a small piece of footpath in front of property is not helpful. The additional residents are likely to and from the development. May be one or two a day and need to take extra care.

Trees and Woodlands

Comments awaited. No comments were reported under the previous application.

Contaminated Land

I have no comment to make regarding this application.

Hertfordshire Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns and large villages, including Berkhamsted; and within established residential areas, where the application site is located. Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan.

In summary, the principle of residential development is acceptable in this location. Further, there is strong policy support for the provision of new housing.

Density and layout

The proposal would result in a density of 33 dwellings per hectare (based on one dwelling on a plot of 300m²). This would be higher than the existing density range of 15 dwellings per hectare as noted in the BCA1 - Hall Park area. Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against others in area policies.

The above-mentioned appeal decision (at No. 27 Hall Park Gate) granted two dwellings in the place of one. Paragraph 6 of the appeal decision is relevant where the Inspector stated:

Policy CS11a of the Dacorum Core Strategy (2013) (CS) states that development should respect the typical density of the area. Whilst the appeal scheme would increase the density of built form on the plot, in contrast to the larger neighbouring plots of Nos 21, 23 and 25 Hall Park Gate and of other nearby properties, there are also numerous examples of smaller plots associated with more recent developments in Upper Hall Park and Fieldway. In this regard, the appeal scheme would not therefore be unacceptably at odds with the overall density of the residential area.

Additionally, the proposed development accords with the layout guidance under BCA1 - Hall Park as it would adopt the existing subdivision pattern where dwellings are sited on regular shaped plots and front the road. The guidance also states that spacing should be within the wide range (5m to 10m). A 7.5m separation would be achieved between the flank wall of the proposed dwelling and the dwelling at Plot 2 of No. 27 Hall Park Gate. The development would also be sited over 1.5m from the northern side boundary (shared with the rear garden No. 23 Hall Park Gate). These distances

are similar to existing gaps between dwellings on Hall Park Gate.

The previous refusal on the application site related to garden area size. It is noted that both the proposed dwelling and the resultant curtilage of No. 25 Hall Park Gate would achieve garden depths of 11.5m taken from the main rear wall of the respective dwellings. It is also noted that the garden width for both properties at approximately 16m gives a sufficient garden area for these family dwellings.

The appeal decision at No. 27 Hall Park Gate notes the following justification for a smaller sized rear garden within the Hall Park area (under paragraphs 6 and 7):

The appeal proposal would split the plot into two and erect a two-storey house (house 1) and a chalet type dormer bungalow (house 2). Policy CS11a of the Dacorum Core Strategy (2013) (CS) states that development should respect the typical density of the area. Whilst the appeal scheme would increase the density of built form on the plot, in contrast to the larger neighbouring plots of Nos 21, 23, and 25 Hall Park Gate and of other nearby properties, there are also numerous examples of smaller plots associated with more recent developments in Upper Hall Park and Fieldway. In this regard, the appeal scheme would not therefore be unacceptably at odds with the overall density of the residential area.

House 1 would be similar in size, scale, bulk and mass to others in Hall Park Gate. Whilst house 2 would occupy a large part of its plot, the garden area would be broadly similar to other plots in the north western part of Fieldway and with the smaller than average corner plots in the older parts of the estate.

The following is a relevant extract with respect to layout (paragraph 8):

Further, the layout of house 1 and the size of its plot would be broadly similar to the layout of the opposite plot (No 32). In this respect the proposed development would be respectful of its surroundings in conformity with adopted policy CS12 that deals with amongst other things, the integration of new development into its surroundings.

The Inspector goes on to state (under paragraph 9):

I have had regard to the Council's argument that the proposed garden depths, although meeting the minimum standards set out in Appendix 3.6 (ii) of the Dacorum Borough Local Plan, would nonetheless be out of keeping with the larger, more spacious gardens within the area. However, as aforementioned, the plot of house 1 would be similar to that opposite and there are many examples of smaller plots within the area.

When considering the adjacent development allowed on appeal, the residential pattern along Fieldway and Upper Hall Park, and how the development performs against the BCA1 - Hall Park character area appraisal; the proposal would not conflict with the objectives of Policy CS11(a) of the Core Strategy.

Impact on street scene

The allowed appeal at the adjacent property No. 27 Hall Park Gate for the development of two dwellings is a material consideration in the assessment of the current application. In particular, this appeal allowed a dwelling at the Upper Hall

Park and Fieldway corner (previously referred to as house 2). This appeal also allowed the opening up of the previously dense tree line to Upper Hall Park (forming the side boundary of the adjacent appeal site). As such, this allowed appeal weighs in favour of the current application.

The Hall Park residential area is suburban in character, however there is a small stretch of Fieldway (length of four properties) which has not been developed and forms a long and thick tree line to the street. The application site forms a part of this and is one property removed from the corner with Upper Hall Park.

The previous reason for refusal noted a visually intrusive building which would appear excessively tall given the topography and isolated position in Fieldway. Since this refusal, the appeal at No. 27 was allowed and works have commenced on this property. In light of the approved house 2, it is no longer considered that the proposed dwelling would be isolated within Fieldway.

In terms of assessing the scale and height of the proposal, the form and appearance of surrounding buildings are taken into account. Development opposite the application site on Fieldway is two-storey (No. 14). Dwellings to the north on Fieldway are part single part two-storey.

Reference is made to recently approved roof additions to No. 13 Fieldway to facilitate a loft conversion with roof openings facing the street.

The construction of house 2 at No. 27 would be oriented to front Upper Hall Park, however it would be visible from Fieldway. House 2 is a chalet type dormer bungalow (as described in the appeal decision), featuring a two-storey gable element to Upper Hall Park. The part of house 2 that would be seen within the Fieldway street scene would be a side projection with gable and catslide roof, the roof which would be visible from Fieldway.

The height of house 2 from the perspective of Fieldway would be approximately 7m in height. The proposed dwelling would be 6.5m to 8m in height noting the slope of the road. It is not considered that the difference in height between the two buildings would be noticeable noting the drop in levels and the distance between them.

When considering these existing surrounding buildings and the chalet bungalow style of house 2, the proposed dwelling is considered to respect adjoining properties in terms of scale and height. The proposal is not considered to be excessively tall when viewed in this context.

The submitted proposed street scene for the proposed dwelling shows that there would be a gentle transition in height from the approved house 2 to the proposed dwelling as the land steeply falls to the north down Fieldway. The proposed development is also considered to achieve an appropriate transition in scale and height between the two-storey dwellings on Upper Hall Park and the lower pitched split level bungalows further north on Fieldway.

It is noted that the roof lights have been relocated from the front to the rear elevation, which simplify the appearance of the roof and no longer give it the appearance of a third storey when seen from the street.

Additionally, the proposed dwelling would be suitably balanced and the width of the dwelling would be broken up with projecting and recessed elements from the perspective of Fieldway. The half hip and sloping sides of the gable ensure that the proposed development would not be overly bulky. The two-storey element comprising the garage and kitchen and dining area would be recessed over 3m from the main front wall of the dwelling and would not appear prominent in Fieldway, particularly from the approach from Upper Hall Park.

External materials proposed include red facing brickwork and dark brown concrete plain tiles to the roof. Windows would be white upvc. The schedule of materials to the proposed dwelling would not raise any objections.

Impact on trees and landscaping

The loss of vegetation to Fieldway to accommodate the vehicle crossover and associated visibility splays is unfortunate. The balance between tree retention and provision of access and on-site parking to serve the new dwelling must be carefully considered. Comparisons from the appeal proposal at No. 27 can be made, as the former dwelling at No. 27 also featured a tall tree line to Upper Hall Park. With respect to vegetation removal, the Inspector noted (under paragraph 12):

I accept that the appeal proposal would result in a change to the current spaciousness of the site. However, the majority of boundary vegetation would be retained including the most prominent trees. Where vegetation would be removed, the appeal scheme proposes appropriate replacement planting.

Similarly, the current application proposes the retention of the side and part of the front

However, there are no significant trees on the front boundary (as confirmed by Trees and Woodlands). Replacement planting is proposed to help assimilate the development. If planning permission is granted, a condition would be attached requiring details of landscaping and planting to offset the loss of vegetation. Landscaping details would also include boundary treatment and block paving finish to be used for the driveway to ensure a satisfactory appearance to the development under Policy CS12 of the Core Strategy, and saved Policy 99 of the Local Plan.

Impact on neighbouring properties

The application site has four directly adjoining properties at Nos. 23 and 25 Hall Park Gate. The two new dwellings (house 1 and house 2) approved at No. 27 Hall Park Gate also adjoin the application site. The impact on No. 14 Fieldway must also be considered, this dwelling is located directly opposite the application site. Each will be discussed in turn.

No. 25 Hall Park Gate is the donor property and would share a rear boundary with the new dwelling. The rear elevation would directly face the development. A minimum 23m distance would be achieved between first floor windows of No. 25 and the rear windows and roof lights of the proposed dwelling, therefore the development would accord with saved Appendix 3 to avoid overlooking. At this distance the development would not have an adverse impact with respect to loss of light or visual intrusion, and no concerns were raised regarding these matters under the previous application.

Similarly, there were no issues raised relating to the impact on the residential amenity of the neighbouring dwelling at No. 23 Hall Park Gate with respect to visual intrusion, overlooking or loss of light. The amended plans show the removal of the ground floor side-facing window towards No. 23 to further limit any overlooking opportunities.

No. 27 Hall Park Gate had been demolished at the time of the site visit associated with the current application. The impact of the development on approved houses 1 and 2 shall be considered.

A minimum distance of 23m would be achieved between the rear openings of the proposed dwellings and those of house 1. There would be a sufficient separation between the two buildings so that there would be no adverse impacts with respect to visual intrusion, overlooking or loss of light.

House 2 at No. 27 Hall Park Gate would have an elevated siting relative to the application site. The proposal performs satisfactorily when assessed against the 25° line taken from ground floor windows of house 2. This demonstrates there would not be an adverse loss of light, also noting the proposed dwelling would be located due north of this neighbour. The lower position of the application site, together with an approximately 7.5m separation, would ensure there would be no negative effects on house 2 with respect to visual intrusion. There are no upper-level windows facing towards house 2, therefore no adverse overlooking would occur.

With respect to No. 14 Fieldway, the previous application was refused on the grounds of overlooking. These concerns have been overcome by the relocation of the front roof lights to the rear of the dwelling, and internal alterations such that the front window (to the right of the front door when viewed on the front elevation) serves a bathroom and would be obscure-glazed. There remains two clear-glazed windows within the front elevation which would exceed a 23m distance from the nearest windows of No. 14. It is also important to note that No. 14 does not directly face the application site, it would have an angled relationship with the proposed dwelling. Given these circumstances the development would not result in any adverse overlooking.

No issues with respect to visual intrusion or loss of light were raised relative to No. 14 Fieldway under the previous application.

It follows that the proposal would not have an adverse impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.

Impact on access and car parking

The proposal proposes three parking spaces for a three-bedroom dwelling. A dwelling of this size would require a maximum of 2.25 parking spaces under saved Appendix 5 of the Local Plan. Provision above the maximum requirement can be justified given local concern with regard to parking and highway safety. The additional provision of 0.75 parking spaces will act flexibly as a visitor parking space for occupants of the proposed dwelling and will not cause harm to highway safety, noting the Highway Authority have not raised any objections relating to car parking. The proposal therefore accords with Policies CS8 and CS12 of the Core Strategy and saved Local Plan Policy 58.

The proposed vehicle crossover and visibility splay have not raised any objections from the Highway Authority.

Concerns relating to the lack of a footpath in front of the application site have been raised. Advice has been sought from the Highway Authority that given the nature of the road, a residential street with cul-de-sacs and serving few dwellings, it would not be reasonable to raise an objection on the lack of footpath. The number of additional pedestrian movements created by the development is likely to be limited (as noted in Highways comments above). It is noted that a continuous footpath is located on the opposite side of Fieldway. On this basis a request for a footpath across the application site would not be justified.

Sustainability

The application has been accompanied by a Policy CS29 sustainability checklist. The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is considered the application meets the objectives of Policy CS29 of the Core Strategy. The sustainability checklist shall form part of the approved plans if planning permission is granted.

The bins for the proposed development can be contained on site.

Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. 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 1 within which a charge of £250 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.

Affordable housing

The application does not trigger any affordable housing contributions and the pooling of collections by Section 106 agreements is not considered appropriate in this instance.

Contaminated land

No issues have been raised with regards to contaminated land.

Other matters

Due to the garden size and the impact that further development may have on the amenity of neighbouring properties, permitted development rights of Classes A (extensions and alterations) and C (roof lights) would be removed by condition if planning permission is granted.

RECOMMENDATION – That the application be DELEGATED to the Group Manager of Development Management and Planning with a view to approval subject to the expiry of the notification period.

- 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 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 Dacorum Core Strategy 2013.

- 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;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

All hard and soft landscape works shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted or in accordance with a programme agreed with 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

4 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

5 **The dwelling hereby approved shall not be occupied until details of the disposal of surface water from the new parking areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the dwelling is occupied.**

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 Core Strategy 2013.

6 **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 and C.

Reason: To enable the local planning authority to retain control over the

development in the interests of safeguarding the residential amenity of the locality and retaining sufficient private amenity space in accordance with Policies CS12 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

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

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

**ENT 173 SUR 001 Rev A (site location plan);
ENT 173 PA 001 (proposed block plan);
ENT 173 PA 100 (proposed floor plans, elevations, section and street scene); and
Energy and Sustainability Statement Rev A prepared by MSquare Architects Ltd).**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively 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) Order 2015.

Hertfordshire Highways Informatives

Advisory notes as follows to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a Construction Management Plan for the LPA's approval in consultation with the highway authority.

AN4. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.

Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>