

**4/00738/16/FHA - VEHICULAR ACCESS TO WESTERN BOUNDARY FROM SERVICE ROAD.
13 COBB ROAD, BERKHAMSTED, HP4 3LE.
APPLICANT: Mr P Byrne.**

[Case Officer - Briony Curtain]

Background

The application is recommended for approval.

Given the site's location within a town and residential area, the principle of residential development is acceptable in accordance with Policy CS4 of the Core Strategy. Furthermore there is some question as to whether planning permission is actually required for the development. An application has been submitted for the avoidance of doubt.

The proposed development would not have any adverse layout implications, and would not detract from the character or appearance of the street scene.

The development would not have a detrimental impact on the residential amenity of neighbouring properties.

The new access and car parking arrangements to the rear would be satisfactory and not give rise to an adverse impact on the safety or operation of adjacent highways. There are numerous similar examples in the immediate area.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18 and 21 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site is currently occupied by a two-storey mid-terrace dwelling located on the western side of Cobb Road. The application property was until recently one half of a semi-detached pair but an attached two storey, 3-bedroomed dwelling has been constructed immediately to the north.

The site is located within an established and regularly planned residential neighbourhood forming part of the BCA16 - Durrants character area and on a valley slope where levels fall in a northerly direction. Dwellings in the street are predominantly semi-detached with a row of terraces to the north at the end of the court bowl of Cobb Road, and are otherwise similar in terms of design and materials.

Proposal

Planning permission is sought for the insertion of vehicular access gates to the rear of the site and the formation of a single parking space. The access would be created via the introduction of inward opening timber gates whilst the parking area would comprise a terran membrane with pea-shingle topping.

Referral to Committee

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

The application is also referred to the Development Control Committee as a previous application was refused by the committee.

Planning History

4/00476/15/DR C DETAILS AS REQUIRED BY CONDITIONS 6 (PEDESTRIAN VISIBILITY), 7 (CAR PARKING), 9 (LANDSCAPING) AND 10 (PROTECTION OF TREES) OF PLANNING PERMISSION 4/001970/14/FUL (DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-BEDROOM DWELLING)
Granted
02/04/2015

4/03013/14/FU L DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE BEDROOM HOUSE
Refused
04/12/2014

4/01970/14/FU L DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-BEDROOM DWELLING
Refused-allowed on appeal
06/10/2014

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy (September 2013)

Policies NP1, CS1, CS4, CS11, CS12, CS17, CS18, CS25, CS29, CS31 and CS35

Dacorum Borough Local Plan 1991-2011 (saved policies)

Policies 13, 18, 21, 58 and 99
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA16 - Durrants

Summary of Representations

Comments received from local residents:

None Received

Hertfordshire County Council Highways

Formal comments awaited

Berkhamsted Town Council

A discussion took place and following a vote it was agreed to record a

Concern.

The proposals would effectively create a car park in the rear garden although there is already parking for two cars at the front. In this context a precedent might be set. Additionally, there were concerns about increased traffic movement in a narrow service road and the consequent potential hazards.

Furthermore, the proposals are contrary to Core Strategy policies 11 (a) and 12 (e, g).

Trees and Woodlands

There are trees opposite the proposed access but nothing that would be adversely affected by the works.

Considerations

Policy and Principle

The application site is located in the residential area of Berkhamsted town wherein in accordance with Policy CS4 of the Core Strategy, the proposed development would be acceptable.

Furthermore it is important to note that the provision of a parking pad to the rear garden and the introduction of vehicular gates would not normally require formal planning permission. These would be lawful under Part 1, class G and Part 2 class A of the GPDO 2015 and would not require planning permission.

In this instance, however, the current proposal would be different to an approved landscaping scheme (4/0476/15/DRC) associated with the construction of an attached new dwelling which was allowed at appeal (No. 13a 4/01970/14/FUL). Whilst the inspector required details of the hard and soft landscaping, and the means of enclosure be submitted to and approved by the Local Planning Authority, the condition did not require the approved details be thereafter maintained as such. There is thus some question as to whether or not permission is actually required as the LPA could not control the proposed development via the wording of that condition alone. The relevant classes of permitted development were not removed. For the avoidance of doubt an application has been submitted.

The main considerations in the determination of the current application are thus; the visual impact of the development; its impact on residential amenity; and its impact on the safety and operation of the adjacent highway.

Effects on appearance of site / street scene

The proposal would not have an adverse impact on the character or visual appearance of the site or the wider street scene. From public vantage points, the visual impact of the proposal would be negligible, the existing timber pedestrian gate merely being widened to facilitate vehicular access. The rear of the application site is only visible from a narrow access track to the west, which itself serves the rear of only 8 dwellings and a garage court. Given the number of properties it serves, and the fact it provides rear access only, the lane is not widely used.

The Town Council have expressed concern and consider the proposal contrary to Policy CS11 (a) and CS 12 (e & g) of the Core Strategy. These policies are concerned with the Quality of Site Design and requires amongst other things that (e) plants trees and shrubs to help assimilate development and softly screen settlement edges; (g) respect adjoining properties in terms of layout, site coverage, scale, landscaping and amenity.

Despite the town councils comments, the proposal **is** considered to comply with the policies for the following reasons;

- Layout and Site Coverage - at least 3 out of the 8 properties along this side of Cobb Road already exhibit garages / parking areas to the rear, within their garden areas and are accessed via the same track. The current proposal seeks consent for a modest, single parking space, which in layout and site coverage terms is therefore either identical to other sites in the immediate vicinity or in fact lesser in terms of the amount of hard standing / development.
- Plants / shrubs / landscaping - the rear of the application site currently comprises a hedge with a pedestrian gate set mid way along. The proposal seeks to amend this to a wider timber gate to facilitate parking. As a result only a very small section of the existing hedge would be removed to facilitate the double inward opening vehicular gates. The remainder of the hedge would remain and would soften the overall appearance of the rear of the application site. This is considered acceptable and would ensure an acceptable assimilation into the area. The rear boundary of most of the sites to this side of Cob Road are enclosed entirely by close boarded fencing, and no soft landscaping at all. The proposal would thus assimilate far better than other existing examples which have no soft landscaping at all.

The proposal would comply with all the requirements of Policy CS11 and CS 12.

Impact on Neighbours

The proposal would not have a significant adverse impact on the residential amenities of surrounding properties. The parking area would be situated to the rear of the existing garden, some distance from the adjacent neighbours and would merely consist of the laying of a hard surface in place of the existing lawn. The existing close boarded fencing between the sites would ensure no privacy or overlooking issues and despite being visible from the first floor of neighbouring properties, there would be no significant visual harm. With regard to noise and disturbance associated with the

development, given the scale of the proposal, a single parking space, the use of the land would not significantly intensify and no significant harm would be caused. Moreover there would be no further noise and disturbance than that associated with the similar adjacent parking areas already referred to.

Highways and Parking

Berkhamsted Town Council has expressed concern about increased traffic movements in this narrow lane as a result of the development. These concerns are not shared by the LPA or the Highways Authority. The proposal seeks consent for a single parking space associated with an existing residential dwellinghouse. The scale of the development means the use of the existing access would not significantly intensify to such a level as to adversely affect its safe use or operation.

The gates open into the site and as such would not pose a danger to pedestrians or other users of the lane.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

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

No. 1 - LOCATION PLAN 1:1250
No. 2 - BLOCK PLAN

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

Article 35

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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 No. 2) Order 2012.