

**4/01420/16/FUL - PROPOSED NEW ATTACHED 3-BEDROOM HOUSE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO EXISTING DWELLING AND NEW FRONT PORCH.  
85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE.  
APPLICANT: MR & MRS RULE.**

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[Case Officer - Elspeth Palmer]

## **Summary**

The application is recommended for approval.

The site is within the urban area of Markyate where residential development is encouraged. The proposed development will not be harmful to the character of the area or the overall street scene. The proposal will not result in a significant loss of amenities to neighbouring properties. The proposal will provide a safe vehicular access to and from the highway.

## **Site Description**

The site is located on the southern side of Buckwood Road in a residential area of Markyate. The site comprises a two storey brick semi-detached dwelling with off street parking to the front of the dwelling.

The site abuts a public footpath and is on the edge of the town adjacent to the Chilterns Area of Outstanding Natural Beauty.

## **Proposal**

The proposal is for:

- construction of a part single storey and part two storey rear extension and front porch to the existing dwelling;
- a new attached 3 bedroom house with off street parking; and
- new wider vehicular access.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

## **Planning History**

None.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21.  
Appendices 1, 3, 5.

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Markyate Parish Council

The Parish Council object as follows:-

- The site is infill.
- Its adjacent to a public footpath with possible ancient hedge.
- Children cross at this point.
- Concern to be noted some work has started already.

#### Strategic Planning

The proposal is to extend the existing two bedroom house to the rear of the property creating a third bedroom and enlarged living area together with a new attached 3 bedroom dwelling to the side. The site falls within the Residential Area of Markyate (Policy CS4) and adjoins open countryside on its western boundary that lies within the CAONB (saved Policy 97 and Policy CS24).

#### **(i) General policy considerations**

It should be noted that Policy CS4 (The Towns and Large Villages) states that “*in residential areas appropriate residential development is encouraged.*” Therefore, the general principle of residential development in this broad location is acceptable subject to achieving a satisfactory form of development, particularly its impact on the neighbouring property (Policy CS12c).

Saved Policy 18 (The size of new dwellings) of the DBLP particularly point (a) to (c) and bullet point 2 of point (ii) is of relevance.

Saved Policy 57 (Provision and management of parking) point (c) and Policy 58 (Private parking provision) of the DBLP in accordance with Appendix 5 are also relevant considerations. 4 spaces are to be provided which is a very slight shortfall compared against the standard of 4.5 spaces (i.e. 2 x 2.25 spaces). We believe that the Local Highway Authority should be given an opportunity to comment upon the scheme.

## **(ii) Impacts upon the Area of Outstanding Natural Beauty**

It should be noted that when performing any functions which may affect land in these areas, an authority must “have regard” to the purposes of the AONB which are designated to conserve and enhance the natural beauty of the area. It is important to note that this guidance goes on to say that *“the duties apply to any decisions or activities an authority may take affecting land in these areas; not just to those that relate to narrowly-defined environmental or ‘countryside’ issues.”* It would seem prudent that the scale of development, the design, proposed materials and prominence of the proposal is considered in relation to the impact upon the surrounding landscape.

It is for the case officer to give some consideration to whether the proposal might have an impact on the setting of, and implementation of, the statutory purposes of the AONB.

The potential for wider local impacts is also emphasised by Policy 21 (Density of Residential Development) of the DBLP which states that: *“for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside.”*

Policy CS24: The Chilterns AONB, Policy CS12 (Quality of Site Design), and Policy 97: The Chilterns AONB of the DBLP are relevant in this regard. If deemed relevant, regard should be had to the Chilterns Buildings Design Guide and associated technical notes.

## **(iii) Conclusion**

In principle we do not have any objections to the proposed development, subject to the case officer giving consideration to impacts on neighbouring property and the setting of the Chilterns AONB.

### Hertfordshire Highways

The Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Decision: Hertfordshire County Council as Highway Authority has no objection to the proposed new attached 3-bedroom house and construction of two storey rear extension to existing dwelling and new front porch, subject to a s278 Agreement and the following conditions and advisory notes.

Section 278 Agreement: Any work within the highway boundary (widening and amendment to vehicle access) will need to be secured and approved via an s278 Agreement with HCC.

Condition 1: Vehicle Access: Prior to commencement of works, details of the proposed vehicular access arrangement shall be submitted in writing to the Local Planning Authority and subsequently approved in consultation with the Highway Authority.  
Reason: In the interests of highway safety.

Condition 2: Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Advisory Note 1: Construction standards for amended vehicle access: The Highway Authority requires the construction of all works in the highway to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advisory Note 2: 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.

Buckwood Road: Is an unclassified local access road. It is subject to a 30mph speed limit, although it is within 55m of the start of a de-restricted speed limit. There has been 1 collision resulting in slight personal injury within the last 5 years. Public footpath / Right of Way number 17 runs alongside the side boundary of the development site.

Impact on the Highway: The application includes a proposal for the existing access to be widened on the eastern side to serve both the new and existing properties. Whilst the existing access serves the existing property, it serves its garage to the side of the house. The proposal is for the widening to serve the existing property and for the proposed new property to be served by the position of the existing access.

The sightline to the west, afforded by the existing access is below the standard found in Manual for Streets. It measures less than 2.4m x 20m. The required sightline for an approach speed of 30mph is 2.4m x 43m. Whilst the sightline from the new access is still less than the required 43m, it is nonetheless greater than the sightline from the existing access.

Although the sightlines are less than the distances indicated in MfS, the Highway

Authority would find it difficult to defend a decision to refuse based on lack of visibility as the existing access has been in place for many years without apparent harm, and seemingly approved in the past. However there is an intensification of use of the access. To mitigate this increase, a slightly non-standard vehicle access is required (subject to Condition 1). With use of full height kerbs (and / or bollards), the access will be off-set to the east and constrained on the western side such that it will require vehicles to exit both properties further from the boundary hedge, and hence to maximise the visibility of on-coming traffic from the west.

This access arrangement has yet to be designed and not currently approved. Whilst slightly non-standard, it will nonetheless be limited to 6 dropped kerbs as shown in Roads in Hertfordshire Figure 4.1.14.1

The proposed constraint to the western-side of the access will also help separate the access from the footway. There is a grass verge currently separating the two, which is gradually being worn away. Kerbing (or bollards) would provide constraint for vehicles and hence protection for pedestrians.

Conclusion: The highway authority has no objection to this application subject to satisfactory access arrangement being approved. (A site meeting is suggested).

#### Trees and Woodlands

The hazel hedge is very nice, not sure about ancient, but either way should escape the attentions of this proposed house if it goes ahead.

The hedge is on the other side of the path and so has 2 / 3 metres of mainly footway between it and the proposed dwelling, this is ample distance.

#### Rights of Way

No affect to the PRoW as detailed in the application. So no problems from my point of view.

#### Thames Water

##### Waste Comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed

building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

#### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### 83 Buckwood Road - Objects

Whilst in principle I have no objection to development at 85 Buckwood Road, I do object to this application for the reasons set out below.

#### **Loss of Light and Overshadowing**

The proposed extension at the rear of the property comes virtually right up to the boundary. If built, the rear building line will be 3.6 metres beyond the existing one, which represents approximately 50% of the existing depth of the house. This is a significant increase in proportion to the current dimensions of the property. At the boundary the proposed extension will be single storey, 2.1 metres from my boundary it becomes two storey. The scale of this extension, if built, is such that it will have a major adverse impact on my house. Light into the garden and the rear windows will be reduced and visually an extension of this size will be very intrusive and dominate the space. Having a two storey brick wall and roof structure 2.1 metres from my boundary and a structure 3.6 metres in length along my boundary where neither currently exist will seriously reduce the amenity of my home.

The development would cast what is currently a very sunny area and well lit windows into shadow during the later part of the afternoon and evening. During winter months the shadow effect is likely to be greater.

#### **Traffic and access**

The proposal is for two houses and four parking spaces. There is a bend in Buckwood Road at this point and trees marking the edge of the adjoining fields. Cars leaving the two houses will have poor visibility in terms of the access onto Buckwood Road. There are already traffic problems in the road and more cars using a narrow, poorly sighted access will just exacerbate the current situation.

If the Council is minded to grant permission for a rear extension, I would request that it is single storey only and is less than 3.6 metres in depth so that it is of a scale more in keeping with the size of the original house and those in close proximity to it. I would not object to an extension at the side or front of the property.

### 80 Buckwood Road – Objects

- The proposed construction will cause upheaval and damage;
- This road is very busy at certain times of day as it is a cut through for traffic trying to get to the motorway;
- The road is also used at this point by parents of small children crossing the road to access the local school as the pathway from the estate is next to No. 85. It can be a nightmare dodging the traffic some days; and
- The family at 85 already have a number of vehicles of their own.

### 11 High Street - Objects

I have known this property for many years. The thick, ancient hedge to the side of the footpath further up the slope used to extend down to Buckwood Road. The occupants of 85 Buckwood Road have encroached on the public footpath and site of the hedge so that the proposed new property would be built on the land of the footpath and hedge and not on land owned by the applicant. I am seeking photographic/documentary proof from a former occupant.

Following my earlier opposition, Mr & Mrs William Church occupied the property as Council tenants until 1980. On their deaths, their son surrendered the tenancy to DBC. It was let and soon after sold to the occupants. Mr Barry Church concurs with my comments, and suggests that the Borough Council should have details of the plot that was sold by them around 1984 and that the land registry too should have plans of the plot which we believe will show that the applicant is taking land from the footpath and seeking to grossly overdevelop the site. They are showing no rear access to either property, unless they plan to put a gate from the public footpath to gain such access. Mr Church is trying to find a photo of the house prior to 1980.

## **Considerations**

### Policy and Principle

Policy CS4 (The Towns and Large Villages) states that *“in residential areas appropriate residential development is encouraged.”* Therefore, the general principle of residential development in this broad location is acceptable subject to achieving a satisfactory form of development, particularly its impact on the neighbouring property (Policy CS12c).

### Density of Residential Development

Saved Policy 21 (Density of Residential Development) of the DBLP states that *“careful consideration will be given to the density of all new housing proposals to ensure that*

*they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net."*

The number of dwellings on the site is 2 and the site area is .056 hectare. The number of dwellings per hectare is 35.71 dwellings per hectare.

*"Proposals which have a density of below 30 dwellings per hectare net should be avoided."*

The proposed density is therefore acceptable.

Saved Policy 21 also states *"for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside."*

The site is at the edge of the urban area of Markyate. The proposed development will not impact on the footpath or hedge which forms the boundary between the urban area and the open fields to the west.

#### Impact on AONB

Saved Policy 97 Chilterns Area of Outstanding Natural Beauty states that the prime planning consideration will be the conservation of the beauty of the area.

The site is adjacent to the CAONB with a public footpath and hedge forming the boundary between the urban area of Markyate and the CAONB.

The dwelling will be in character with the surrounding houses in terms of design, scale and materials so will not have any more impact on the AONB than the existing dwellings.

#### Effects on appearance of building

The proposed development will be in character with the existing building in terms of design, scale and materials.

#### Impact on street scene

Policy CS12 states that development will integrate with the streetscape character.

The proposed development will be set in line with the existing houses along Buckwood Road which is characterised by semi-detached and terraced dwellings with parking to the front of the dwellings.

The proposal is of a similar scale, height, bulk and materials to the dwellings in the streetscene.

The proposed development will not project forward in a way that dominates in the street scene.

#### Impact on Trees and Landscaping and Public Right of Way



A two metre fence runs along the side boundary adjacent to the public footpath. The hedge which runs along the other side of the footpath will not be affected by the proposed development. There are no significant trees in proximity to the proposal.

The Trees and Woodlands Officer and Public Rights of Way Officer have no objections to the proposal.

#### Impact on Highway Safety

The Highways Authority had concerns regarding the proposed access for the site. A site meeting has taken place with the agent and the Highways Officer with a view to creating an access that complies with the concerns raised in the Highway's Officer's comments. Amended plans were prepared and approved by the Highways Authority. The plans show a widened vehicular access.

This plan will negate the need for condition No. 1 requested in the Highways comments.

Both dwellings will have 3 bedrooms and two parking spaces each. The maximum car parking standard in Appendix 5 of the DBLP for a 3 bed dwelling in this accessibility zone is 2.25 spaces. The provision is considered adequate in this case as its a sustainable location in a residential area of Markyate.

#### Layout and Design of Residential Areas

##### Amenity Space

The garden proposed for the new dwelling will be well in excess of the minimum 11.5 metres stated in the Appendix 3 of DBLP.

##### Spacing of Dwellings

There is sufficient space to the front and rear of the new dwelling. The rear garden is large and there are open fields to the west of the new dwelling. There will not be access around the side of either of the two dwellings but this is not unusual in the street scene.

##### Impact on Neighbours

No side windows are proposed in the side elevation facing the neighbour on the eastern side, 83 Buckwood Road. The western side faces the public footpath and open fields.

The two storey rear extension projects out to the rear by 3.6 metres but is stepped back from the side boundary by 2.4 metres. The single storey rear extension is at the same depth but set back from the boundary by .302 metres.

The proposed development will not breach the 45 degree line when assessed against the ground floor window of the attached neighbour.

##### 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 site is in CIL area 3 where the charge is £100 per square metre.

The applicant has claimed for a self-build exemption from CIL.

#### Ownership Issue

The agent has provided evidence demonstrating ownership of the site to address the objection made by a local resident. Ownership is not a material planning consideration but the applicant was prepared to provide evidence in order to clear this objection.

#### Sustainable Design and Construction

The applicant has submitted a Sustainability Checklist which addresses the issues covered in CS 29.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

- 3 **Prior to the first occupation of the development hereby permitted, the vehicular access shown on approved plan No. RULE/21607/PLANC shall be provided and thereafter retained. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 4 **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, C, D, E, F**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS11,12 and 24.

- 5 No development shall take place until details of the materials proposed to be used on the surfaces of the [roads/footpaths/driveways/courtyards etc], have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory development and to comply with CS 11 and 12.

- 6 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;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11,12 and 24.

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

RULE/21607/PLANF  
EIA Assessment Form  
CIL Document  
Design and Access Statement  
Sustainability Statement

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with CS 11 and 12.

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 led 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 2015.

**Highways Informatives:**

Section 278 Agreement:

Any work within the highway boundary (widening and amendment to vehicle access) will need to be secured and approved via an s278 Agreement with HCC.

Advisory Note 1: Construction standards for amended vehicle access: The Highway Authority requires the construction of all works in the highway to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advisory Note 2: 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.

## Thames Water

### Waste Comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.