

**4/01933/16/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM ST JOHNS WELL COURT (REVISED SCHEME).
MERRICKS, 328 HIGH STREET, BERKHAMSTED, HP4 1HT.
APPLICANT: Mr & Mrs M Ingman.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site is subject to planning permission for a detached dwelling house (incorporating a basement) and a detached garage with vehicular access from St Johns Well Court. This permission followed an earlier allowed Appeal with access from the High Street and a garage adjoining the rear garden.

This current application is for an alternative to the latest approved scheme. The material differences include the omission of the basement and the dwelling in a different position - 2m from the common boundary with the adjoining dwelling at no. 330 High Street in contrast to the approved about 3.6m separation.

The principle of a dwelling at the site is acceptable. The proposal will be located within an existing cluster of somewhat uncoordinated residential development within the vicinity of St John's Well Close. The dwelling's design will be visually subservient to the main house due to its 'coach house appearance' and will introduce a building of high quality appearance which will respect the historic context at the existing edge of the Conservation Area. The building's appearance will 'visually coordinate ' with the modern building line established by the flats at nos. 25 to 30 St John's Well Court. It will also form an historic link between the High Street and the somewhat isolated nearby older cottages.

In overall terms no. 328's subdivision will respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement and creating commensurate residential curtilages.

There is no vehicular access or parking objections.

Subject to the imposition of conditions there will be no demonstrable harm to the residential amenity of the locality, with the most specific regard to nos 330 and 326 High Street and St Johns Well Court.

There are no fundamental contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction, exterior lighting and archaeological objections.

Site Description

Nos. 328 and 330 form part of a row of similar substantial distinctive gable roof Victorian semi-detached villa style dwellinghouses located on the north western side of the High Street, to the immediate north west of the junction with St John's Well Lane.

This steeply sloping road leads to a major public car park and St John's Well Court. It also serves the nearby Marks & Spencer retail development at the former Post Office site.

Most of the row of these High Street dwellings feature very elongated narrow linear rear gardens. The respective rear boundaries of these gardens adjoin St John's Well Court's two modern 3 three storey blocks of flats (1 to 12 and 13 to 24) and their associated parking area. There is grass verge and associated planting along the boundary.

A third smaller block (nos. 25 to 30) abuts the St Johns Well Lane- St John's Well Court right angled bend. This block appears to occupy the bottom parts of the former rear gardens of nos. 318, 320a and 322 High Street through 'part plot amalgamation'. There are a row of older cottages to the immediate north of the bend opposite nos 25 to 30.

Nos 25 to 30 are adjacent to the parking area within the bottom of the rear garden of no. 326 High Street. This parking facility is served by an elongated long established roadway/track which is located between the residential curtilages of nos. 326 and 328 and is linked to the High Street providing vehicular access for both dwellings. The track is owned by no. 328 and is not well maintained but has low level public use by pedestrians.

No. 328 is served by parking in its front garden with the access approved in 1966. Plans for the erection of a garage to the rear of 328 were approved in 1961.

The bottom of no. 328's garden features a nearly completed 3 bedroom brick built gable slate roof two storey dwellinghouse and gable roof garage. This part of no. 328's garden has been subject to permissions for a dwelling and garage (see Planning History)..

The existing dwelling and garage are subject to this application. The dwellinghouse is located 2 m from the common boundary between nos. 328 and 330. The boundary is defined by a close boarded fence.

For clarification the dwelling measures the following as compared with the most recent approved scheme:

	<u>Actual</u>	<u>Approved Scheme</u>	<u>Difference</u>
Depth:	7.35m	7.28m (approx.)	+0.07m
Width:	12.4m	12.25m (approx.)	+0.15m
Distance from Boundary with 330	2m	3.6m	- 1.6m

The additional depth and width are within acceptable tolerances for subsequently built development and considered to be de minimum.

The bottom of no.330's rear garden features a greenhouse, pond, play area and raised enclosed platform incorporating a basketball/ netball net.

Proposal

This is for the constructed dwellinghouse and garage with vehicular access from St Johns Well Court. It is designed as 'a lifetime home'.

As in the previously granted scheme no.328's curtilage will be 'roughly' equally subdivided, creating two commensurate rear gardens for the existing dwelling and the proposed unit. The dwelling will be served by the single garage and parking space between the dwellinghouse's north eastern elevation and its St Johns Well Court boundary. There is an associated turning area adjoining the pedestrian and disabled access. The garage will be linked to the dwelling by a short corridor.

The vehicular access for the dwelling will be from St Johns Well Court. It is understood that the applicants have a legal right of access, notwithstanding the objections from St Johns Well Court with associated utility service rights. There will be bollard control within the roadway between nos 326 and 328 restricting vehicular access between this proposed access in St Johns Well Court and the High Street.

The existing frontage parking at no. 328 will be retained for no.328.

Applicants Explanation for the construction of the building closer to the boundary with No 330 High Street

- The approved scheme incorporated a full basement which was to be wider than the house above on the side facing the neighbour by approximately 1.5m, to provide light wells. It was only after many months of investigation that we reluctantly decided to omit the basement on the grounds of cost.
- We believe that the abandonment of the basement may have created some confusion for the piling company. What happened was that the foundations nearest the boundary fence with 330 were set out following the build line of the original basement walls. Piling was still required, notwithstanding the removal of the basement. This was a genuine misunderstanding and believed by the site manager to be in accordance with the passed plans (copies of which he had).
- It was in no way an attempt to increase the size of the house, which remains in other respects as passed previously by the Planning Committee. The house is entirely within our land, and this change offers us no financial advantage.
- The flank walls of the property have been in place since March, so we are surprised that it has taken until now for this issue to be raised.
- The house is two metres away from the boundary with our neighbour at 330 and although we were unaware, it probably allows a slightly safer distance away from the lane to the front.

Recent Site Planning History

4/01555/12/FUL - Detached dwelling and garage with access from the High Street

This was refused by the DCC in December 2013 for the following reason:

The proposal will result in the development of a large garden area which acts as a green lung and contributes to the character and appearance of the Berkhamsted Conservation Area. The proposed development by virtue of its prominence and location on this back garden area, to the rear of a Heritage Asset (328 High Street) will fail to preserve or enhance the character and appearance of the Berkhamsted conservation area and is therefore contrary to Policies 11, 120 of the Adopted Dacorum Borough Local Plan 1991-2011, Section 7 of the associated Supplementary Planning Guidance-Environmental Guidelines and Policy CBS 12 and CS37 of Dacorum's Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).

Note: CS37 should read CS27.

The subsequent appeal was allowed with some conditions.

Planning Permission 4/01819/14/FUL Detached dwelling and garage

The material differences with the Appeal Scheme were:

- An enlarged basement (providing a studio, workshop and plant) ,
- A relocated garage, and
- The discharge of some conditions since the Appeal.

Planning Permission 4/00578/15/FUL Detached dwelling and garage

This was an alternative to Planning Permission 4/01819/15/FUL.

This included a detached garage between the dwelling and St Johns Well Court and vehicular access from this cul de sac as an alternative to the High Street.

Referral to Committee

The application is referred to the Development Control Committee due to a similar scheme previously being refused by the Development Control Committee.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS25, CS27, CS29, CS31 and CS32

Also : Berkhamsted Place Strategy

Dacorum Borough Local Plan

Saved Policies 10, 11, 12, 13, 51, 54, 55, 58, 61, 62, 63, 99, 100, 106 113, 118, 120 and 121

Saved Appendices 3, 5 and 8

Supplementary Planning Guidance

Environmental Guidelines

Conservation Area Character Appraisal and Policy Statement for Berkhamsted

Environmental Guidelines

Accessibility Zones for the Application of Parking Standards

Water Efficiency and Sustainable Drainage

Advice Note on Achieving Sustainable Development through Sustainability Statements

Note: The Conservation Area Appraisal proposes the extension of the Conservation Area to include land to the rear of the High Street (Extension 1) and the dwellings in the High Street to be locally listed. Nos 320 to 328 are subject to an Article 4 Direction for alterations.

Summary of Representations

Berkhamsted Town Council

No objection

Mrs P Ingman, the applicant, explained that concerns about the position of the house had arisen because of an unintentional misunderstanding and confusion with the piling company following the abandonment of plans to build a basement. She explained that the garage is in the correct position but the house has been placed slightly back from the side lane, this still gives two clear metres between the build and boundary fence to the rear garden of the neighbours.

Conservation & Design

A dwelling had consent granted in 2015 and construction has begun on site. However it has not been constructed in the position noted on the approved plans and therefore a new planning application has been submitted. On visiting the site it was noted that the building is near completion.

In 2014 the planning inspectorate approved the previous application although it has been amended. The inspector stated in the decision that the character and conservation area would be preserved and unharmed. On reviewing the design and materials from the aspect of the heritage of the site and conservation area the style and materials are in keeping with the character of the conservation area.

Although the structure has moved in position and the design detail has changed and there has been an increase in the mass we do not believe that these alterations have

taken place to such an extent that the proposal would appear incongruous with the character of the conservation area. The proposal would have an impact on the character of the conservation area. The harm to the significance of the conservation area would be less than substantial and having assessed the impact on the character of the conservation area the harm would be at a low level in particular when compared to the existing extant proposal. This is in part due to the similarities with the previous design and that the materials and detailing are appropriate and in keeping with the character of the area. There is a duty under the act for the decision maker to preserve or enhance the character of the conservation area. Given this the low level of harm caused by the scale and position of the proposed new building when compared to the existing we believe that this harm should be weighed against the public benefits as part of the balance as recommended in paragraph 134 of the NPPF.

Recommendation: We would not object to the proposal as it would not have a substantial impact on the character and appearance of the conservation area. The low level of harm caused due to the movement of position and increase in size of the existing building should be weighed following the guidance as set out in the NPPF.

Building Control

There are no issues – the proposal is satisfactory.

Trees & Woodlands

The amendments do not appear to affect the previous proposals on trees and landscaping. Please see the previous comments.

Hertfordshire County Council: Highways

Decision

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.

Comments

The proposed new vehicular access will be via St. John's Well Court, which the HCC road hierarchy states does not form part of the adopted public highway.

Hertfordshire County Council as highway authority therefore has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

Hertfordshire County Council: Historic Environment

The application site has already been investigated as part of planning application 4/00578/15/FUL and the revised scheme is unlikely to have further impact upon heritage assets of archaeological interest. Therefore there are no additional comments.

Thames Water

Waste: 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the construction or extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Sewerage infrastructure capacity. No objection.

Affinity Water

No response.

Comments received from local residents/ Response to Newspaper Advertisement/ Site Notice

• 330 High Street

1. Fully object to this RETROSPECTIVE planning application for a house that has already been built! The planning Inspectorate suggested I contact the council when it became obvious that the developer had built a house different in location and proportion to that of the permitted application. I am unsure of the legal implications of this gross misinterpretation, and wholeheartedly believe that Dacorum Council will take no action to address this. This new application is only happening because I noticed that the new house is only barely 2m from my boundary, and not the 3.7m as stated in their application.
2. Whilst Dacorum Borough Council failed to observe the construction of said new property, the developer built a house based on a flawed planning application, providing misinformation and inaccurate figures.
3. The proximity to my boundary now means that we have even less privacy than was originally anticipated. The house with many windows now fully overlooks my property.
4. Fundamental criticism of the approach of the Case Officer recommended permission for the first application at the site, despite large scale objection from local residents, Berkhamsted Planning, and a unanimous vote for refusal.
5. It is the same Case Officer for the current application. On this basis the neighbour confirms'... which does not lead me to be believe that there would be a fair and just process to address this huge misinterpretation. I believe in the face of transparency that you should remove yourself from this planning application process. I am actually embarrassed to think that I'm no doubt wasting my time with is, as the application is I'm sure, a foregone conclusion'.

6. The neighbour has no confidence in the Case Officer's involvement '... or the outcome of this farcical retrospective planning application for a building that has already ruined my children's enjoyment of our garden'.

7. The current dimensions and proximity to our boundary means that our neighbours can almost hang over our boundary fence and the quantity of Windows including two skylights mean full exposure.

8. Criticism of the Councils slowness to respond, with only reacting when no. 330 contacted the LPA following advice from PINS.

9. Would not wish to go through the objection process again with Dacorum, as it is fully believed that LPA '...can do nothing to change this grossly unfair situation. All the issues raised during the last application with regards to privacy, access, light, based on the previous application still stand, but... I won't fight a losing battle again. Utterly pointless and demoralising. I won't hold my breath'..

- 6 St Johns Well Court

Concern about the access from St Johns Well Lane to the new dwelling's garage. St John's Well court has 24 flats and the communal parking is already full with residents' cars. Often the access road has cars parked along it which are visitors or more recently the workmen involved in the new building works. This restricts access somewhat to the residents parking area.

Should access be granted from St Johns Well Lane to the garage, this will lead to increased traffic and there is concern is also where visitors to this new house will end up parking.

It is understood that the development will include a fence and hedge to hide the garage from the access road - currently this is very visible and with the proposed access it will not suffice in hiding the garage and its refuse area from the road.

- St Johns Well Court Residents Association Limited

Object, most strongly, to details in the proposal to allow changes to this new property.

When the applicants first applied for vehicular access to their new property via St Johns Well Court they assured the RA that the road would be closed by a gate and that pedestrian access would be allowed by a side gate, or a gap. This was important because there is a public footpath, which has been open for more than 30 years, along the track up to the High Street.

In contrast, vehicular traffic has been blocked for a similar or longer period. The applicants contend that they have rights to access their property via St Johns Well Court, the freehold of which is owned by our Residents Association, but clear rights of way and rights to lay services have not been proved. The owner of 326 High Street, however, clearly does NOT have this right.

The applicants now say that they will NOT place a gate across the access to their property, despite building solid supports for such a gate. Instead they propose to prevent vehicular access by putting in bollards across the road. Curiously, the two bollards shown on the planning application have been replaced by a single bollard much further up the lane. The problem with bollards is that while they can prevent access to motor cars they cannot prevent motor cyclist from using the track. Motor cyclists have previously been a problem in the area, with them conducting impromptu races around town from the 'Waitrose' car park.

Furthermore, the absence of a gate between the gate posts means that the owner of 326 High Street **and successors** will find it much easier to access their garage via St Johns Well Court rather than the High Street. The applicants are therefore effectively negating the legal rights of the St Johns Well Court Residents Association, despite declaring in their application form that they would not be modifying any rights of way.

If these plans had been submitted with the original application it would have been expected the Council to refuse the application and therefore this revised application should not be used to legitimise this.

They declare that the new access arrangements actually enhance the security of the area, but they do not appear to have considered that, if there is no gate to their property, it will be simple for a burglar to back a van up to the front door of their new house while the applicants area not at the property without it being obvious to outsiders. If they maintain a locked gate, however, it would be much more difficult for burglars to escape detection.

Furthermore, if there is no gate what is the function of an unsightly 1.8 metre high fence along the new front of their property?

The revised plans submitted under this application show a significant increase in the paved area around the new house – the patio has almost doubled in size and there is a new paved pedestrian access of around 15 square metres. Together these will contribute significantly to water run-off. The present alignment of these paved areas and the parking space is directly towards the access ramp from St Johns Well Court. Unless detailed plans are made to divert or accommodate this run-off it will surely flood St Johns Well Court and the centre car park. In icy conditions during winter this will result in particularly hazardous conditions to our residents.

The original application was for a house with garage and two parking places. The work has not yet been finished, but the garage has already been compromised by a stud wall built across the middle to turn it into a combination of utility room and storage space. We question whether this was the intention of the original approval?

Considerations

In considering the application in accordance with established planning practice **no weight** should be given to the development which has been carried out. The decision must be made upon the basis that there is no development at the site. However the application's determination/ consideration can take into account that there is a live/ extant planning permission for a house and garage on the land under Planning

Permission 4/00578/15/FUL with vehicular access from St Johns Well Court. **This is the fallback position and the LPA can compare the material differences between the proposed and approved schemes.**

Also the platform within the garden of no.330 has no recorded planning history- permission has neither been sought or granted and in officers views requires permission. The platform should not be taken into account in the LPA's decision.

The main issues are:

- The principle of accommodating a dwelling at the site,
- The effect upon the character and appearance of Berkhamsted Conservation Area ,
- The access / highway implications, and
- The effect upon the residential amenity of the locality.

Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of residential development is acceptable.

Design /Layout/Character and the Impact upon the Character and Appearance of the Conservation Area

The fall-back position is that the LPA has previously supported a dwelling and garage at the site with access from St Johns Well Court.

The issue is whether the modified position is compatible with the local environment with reference to the effect upon the character and appearance of the Conservation Area and the expectations of Dacorum Core Strategy Policies CS12, CS27, saved DBLP Policy 120 and the NPPF. This is with due weight to the fall-back position, site conditions and the Conservation Team's response.

It is concluded that there will be a compatible relationship with the Conservation Area.

Impact upon the Residential Amenity of 326 and 330 High Street and St Johns Well Court and the Layout Implications

As above the fallback position is that the LPA has supported a dwelling and garage at the site with vehicular access from St Johns Well Court.

PINS raised no objections to the impact upon the residential amenity of the locality in allowing the appeal for the dwelling. In subsequently considering Application 4/00578/15/FUL involving the garage and basement set against PINS previous decision there were no objections based upon the effect upon the existing residential environment. Report 4/00578/15/FUL noted amongst a range of matters the following referring to the earlier approach:

‘PINS raised no objections to the impact upon the residential amenity of the locality. This fully took into account the objections raised by the neighbour at no.330.

The introduction of a basement should not materially change the impact. The use of part of the basement as a workshop is not for commercial purposes and any associated noise would be 'contained' by the effect of the basement. The garage would not be detrimental to the residential amenity of nos. 328, 330 or wider area in terms of its impact. This is with due regard to privacy, physical impact, the use/receipt of light to the garden, noise and disturbance and the expectations of Core Strategy Policy 12 and the saved DBLP Appendix 3’.

The provision of the access from St Johns Well Court is a significant material change to consider. The flats in St Johns Well Court were not adversely affected by the previously approved schemes.

The current proposal’s resultant introduction of vehicular movements onto St Johns Well Court will create increased noise, disturbance and headlamp glare. Also there can be use of the vehicular access by no.326 and 328. The impact by further vehicles can be mitigated by the now bollard restrictions upon the use of the informal roadway. With this restriction, on balance, it is not considered that there would such a high level of harm to justify a refusal. As confirmed above if an application (s) are submitted for other similar proposals with separate vehicular accesses from St Johns Court each will need to be considered upon its/ their individual merits in terms of the effect upon on residential amenity.

No. 328 will environmentally benefit from the revised layout’.

This is the background context for considering the current application.

The dwellinghouse's position subject to this application is materially different to Planning Permission 4/00578/16/FUL , being 1.6m nearer to the common boundary with no. 330 High Street. This part of no. 330's rear garden is an important amenity area for its householder.

The additional depth and width are within acceptable tolerances for subsequently built development and considered to be de minimus.

The 2m separation between the dwelling's flank wall and the common boundary between nos. 328 and 330 is significantly less than that the approved scheme under 4/00587/16/FUL. This is the context of the relative narrowness of the respective gardens. The effect of the dwelling’s closer position is to accentuate its visual effect/massing in relation to the rear garden of no.330 with the flank wall windows being more assertive and significantly visible and causing a loss of privacy. The existing common boundary fence is totally ineffective in providing a privacy screen between the dwelling's windows and the bottom of the rear garden of no. 330.

Moreover, the dwelling's position is materially different in relation to the mid part of no. 330's rear garden. The first floor rear elevation bedroom window is much closer with a

further resultant loss of privacy. This is notwithstanding the acceptable level of separation (over 30m) between the dwelling and the rear elevations of nos. 328 and 330.

Overall there is harm to the residential amenity of no. 330 with regard to the expectations of Policy CS12 of Dacorum Core Strategy. This harm can be adequately mitigated, with the following robust (and not cosmetic) measures :

- The permanent installation of a close boarded 2m high fence (as measured from the immediately adjoining ground level at no. 330 High Street) along the whole length of common boundary between the northern corner of the garage and 4m beyond the dwellinghouse's rear elevation.
- The landing window within the western elevation of the dwellinghouse to be fitted with obscure glass with non-opening windows, other than a top hung component above 1.6m finished floor level.
- The whole of the north western part of the rear bedroom no. 1 window fitted with obscure glass and non-opening.
- The withdrawal of permitted development rights. In allowing the appeal PINS very surprisingly did not withdraw these, despite the LPA's view to the contrary.

The Applicant/ Agent have agreed the first 3 as shown by annotated additional drawings. It has not been considered necessary to reconsult the Town Council or neighbours as primarily the drawings reflect the need to precisely specify conditions to secure these important measures which is within the LPA's 'procedural remit' in making the decision without the need for further consultation. In this case it will be Committee's prerogative.

It is acknowledged that the provision of the fence will reduce light to the living room and the NPPF expects the living conditions of new development to be acceptable. In this case the original approach to the site's development did not feature a garage adjoining St Johns Well Court enabling a well-lit room. Also the approved scheme provided more light due to being further from the boundary with no. 330, even taking the effect of boundary fencing. The boundary fencing now recommended could also be carried out as permitted development and the room could be lit by high level windows.

On balance it is not considered that the reduction of receipt of light to the room could substantiate a refusal.

Highway Safety (Vehicle/ Pedestrian), Traffic Generation, Access and Parking

The provision of vehicular access from St Johns Well Court has been established through 4/00578/15/FUL. Notwithstanding the ongoing objections from St Johns Well Court Residents Association it is understood that the applicants have a legal right of access and the site is not 'access landlocked' from this section of private highway.

Hertfordshire County Council Highways has raised no objections.

With no identified highway safety/ access/ vehicular turning and the provision of bollards within the existing connecting access road, there are no apparent inbuilt highway objections.

The garage and second parking space provide adequate curtilage parking.

Access for persons with disabilities for this lifetime home is to be provided with no fire access objections, given the building's closeness to S Johns Well Court and Building Control's advice.

Other Material Considerations

There has been no need for an Environmental Impact Assessment for this application.

With due regard to the policies material to the application, site/ area characteristics, the background history and the responses from the technical consultees, there are no objections relating to the following with recommended conditions where relevant/ necessary:

- Ecological implications/ Biodiversity.
- Drainage.
- Contamination.
- Archaeological Implications.
- Crime prevention/ security.
- Sustainable Construction.
- Light Pollution.

Conditions and Informatives

A range of conditions are necessary.

As previously clarified in allowing the appeal for a dwelling at the site PINS did not support expected contamination conditions. The LPA is unaware of any fundamental land stability/ geological issues to preclude the carrying out of the development, recommending an informative with reference to the NPPF Paragraph 120.

Procedural Issue: Responses from 330 High Street

The owner of no. 330 has expressed fundamental concerns regarding the Council's approach to the site. This is with particular regard to the Case Officer's assessment and the lack of enforcement.

All decisions- other than PINS and the discharge of conditions - have been made by the Council's Development Committee. The Case Officer has approached all application's with full regard to the material considerations in an absolutely transparent robust way, involving detailed knowledge of the site conditions at no. 330 including appointments with its householder.

The breach of planning control has involved a separate enforcement investigation resulting in the submission of the current application.

Conclusions

The site's development remains highly contentious given the responses from both 330 High Street and St Johns Well Court Residents Association. However, with due regard to the fallback position and the imposition of conditions the development is acceptable.

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

1 Before the first occupation of the dwelling house hereby permitted the following shall be provided and thereafter retained at all times:

1. A close boarded 2m high fence (as measured from the immediately adjoining ground level at no. 330 High Street) along the whole length of common boundary between the northern corner of the garage and 4m beyond the rear elevation of the dwellinghouse hereby permitted as shown by Drawing Nos. 281 Revision A and 282 Revision B.

2. The landing window within the western elevation fitted obscure glass with non opening windows/ fixed as shown by Drawing No. 282 Revision B , other than a to hung component above 1.6m finished floor level.

3. The whole of the north western part of the rear bedroom no. 1 window fitted with obscure glass and non opening/ fixed as shown by Drawing Nos. 281 Revision A.

4. The ground floor shower room and first floor bathroom windows within the eastern elevation fitted with obscure glass with only a top hung opening at no lower than 1.6m above finished floor level.

Reason: In the interests of residential amenity of the No.330 High Street, No. 326 High Street and the application site to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

2 The development hereby permitted shall be carried out fully in accordance with the materials specified by Drawing No. 281 Revision B and all the windows and doors shown by this drawing (other than the aluminium patio doors) shall be of stained timber and all rainwater gutters and downpipes shall be of black painted metal timber.

Reason: In the interests of the character and appearance of the Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policy 120 of the Dacorum Borough Local Plan.

- 3 **The dwelling house hereby permitted shall not be occupied until the vehicular access shown by Drawing No. 282 Revision A is provided onto St Johns Well Court and thereafter the access shall be retained at all times. The access shall be of the same level as St Johns Well Court. Before the occupation of the dwelling house lockable bollards shall be installed within the access drive roadway between nos 328 and 330 High Street fully in accordance with Drawing No. 282 Revision B and thereafter the bollards shall be retained at all times.**

Reason: In the interests of highway safety and crime prevention in accordance with Policies CS9, CS12, CS29 and CS32 of Dacorum Core Strategy and saved Policies 51, 54 62, 63, 113 and Appendix 8 of Dacorum Borough Local Plan.

- 4 **The garage , permeable block paved parking space and turning area shown by Drawing No. 282 Revision A shall be provided fully in accordance with this drawing before the first occupation of the dwelling house hereby permitted and thereafter the garage, parking and turning area shall be only used for the parking and turning of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety in accordance with Policies CS8 & CS12 of the Dacorum Core Strategy and Policies 54 and 58 and saved Appendix 5 of the Dacorum Borough Local Plan.

- 5 **The dwelling house hereby permitted shall be provided at all times with an access for persons with disabilities fully in accordance with Drawing Nos. 280 Revision A and 282 Revision A.**

Reason: To ensure that dwellinghouse hereby permitted is served at all times with the access to accord with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 Dacorum Borough Local Plan. and

- 6 **All the close boarded 1.8m high fencing fronting the existing access road shown by Drawing No. 282 Revision A shall be retained at all times.**

Reason: In the interests of residential amenity of the new dwelling house and 326 High Street to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 7 **All the approved planting shall be planted in the first planting season following the first occupation of the dwelling house hereby permitted and for the purposes of this condition the planting season is from 1 October to 31 March . Any tree or shrub which forms part of the approved landscaping scheme within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the**

next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: In the interests of visual amenity and biodiversity to accord with Policies CS12 and CS29 of Dacorum Core Strategy.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the residential curtilage of the dwellinghouse hereby permitted:**

Schedule 2 Part 1 Classes A, B, C, D and E

Part 2 Classes A and B

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of nos. 330 High Street and 326 High Street, Street , character and appearance of the Conservation Area and to ensure the provision of adequate off street parking in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy .

- 9 The refuse storage area shall be provided at all times in the position shown by the Drawing No. 282 Rev B.**

Reason: To ensure that the dwelling house is served at all times by a refuse storage and in the interests of the character and appearance of the Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policy 120 of the Dacorum Borough Local Plan.

- 10 The bird and bat boxes shown by Drawing No. 282 Revision B shall be retained at all times.**

Reason : In the interests of biodiversity to accord with Policy C 26 of the Dacorum Core Strategy.

- 11 There shall be no additional exterior lighting installed at the site to serve the dwelling house hereby permitted.**

Reason: To ensure that the development is compatible with the Conservation Area and to safeguard the residential amenity of the adjoining dwellings to accord with the requirements of Policies CS12, CS25 , CS26 CS27 , CS29 and CS32 of the Dacorum Core Strategy and the saved Policies 113 ,120 and Appendix 8 of the Dacorum Borough Local Plan.

- 12 The development hereby permitted shall be carried out in accordance**

with the following plans subject to the requirements of the other conditions of this planning permission:

110 Rev A

280 A

281 Rev A attached to the Agent's e mail dated 16 September 2016

282 Rev B attached to the Agent's e mail dated 16 September 2016

Site Plan Model Comparison

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process 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 2015.

Informative

It is recommended that there are improvements to the visibility for the existing access serving the existing parking area serving no. 328 High Street by altering the boundary fence as previously approved.