

ITEM 5.08

**4/00221/15/FUL - CONSTRUCTION OF DETACHED DWELLING WITH INTEGRAL GARAGE. NEW DETACHED GARAGE TO SERVE 2 ST MARYS AVENUE, CLOSURE OF VEHICLE ACCESS TO DARRS LANE AND FORMATION OF NEW VEHICLE ACCESS TO DARRS LANE. DEMOLITION OF TWO GARAGES. R/O 1 COVERT ROAD AND 2 ST. MARYS AVENUE, NORTHCHURCH, BERKHAMSTED, HP4 3RR.
APPLICANT: JEVON HOMES (BURSTON) LTD.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The principle of residential development is considered acceptable in the site's location within a town and residential area. The proposed development would not have any adverse layout implications, and the proposed dwelling would be acceptable in terms of its appearance and would not detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. There would not be any significant harm to the important trees. 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 18,21,99 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site is located within the residential area of Northchurch, between St Marys Avenue and Covert Road, fronting onto Darrs Lane. The site comprises the two sections of the rear gardens of both number 2 St Marys Avenue and 1 Covert Road, both sections accumulatively providing the plot. The two existing gardens contains a detached garage with typical garden soft landscaping and there is an existing vehicular access from Darrs Lane to the site. The site is set in from the road by a landscaped strip and mature trees set between the road and a public footpath. The topography is such that it slopes from St Marys Avenue down towards Covert Road.

There is some variation of building types around the application site, including St Marys Avenue which is composed of bungalows, many of which have been extended and two storey semi-detached properties on Covert Road. The site directly faces onto two storey semi-detached properties on Darrs Lane.

Proposal

The application seeks planning permission for the erection of a new dwelling together with garden and parking. The scheme also comprises the creation of a new access and garage to serve 2 St Marys Avenue

Amended plans have been received for the scheme which lessened the size and siting of the dormer windows.

Referral to Committee

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

Planning History

None recently

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

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

CS29 - Sustainable Design and Construction

CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

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

Accessibility Zones for the Application of car Parking Standards (July 2002)

Planning Obligations (April 2011)

Summary of Representations

NorthChurch Parish Council

- Far too little amenity space
- Should the garage be developed, car parking will have to be either in the street or on the existing amenity space which is already inadequate
- Impact of drainage to neighbours garden should a blockage problem arise in the future(main drain runs through neighbours garden
- Safety issues regarding cars pulling out into Darrs Lane, this road is already a problem and will get worse when Durrants Lane development is completed
- Neighbours at the rear and at the rear will be overlooked.

- Another example of garden grabbing
- insufficient access at the rear should fire fighter need to fight a fire from the rear
- impact of the mature trees at the front, either the tree roots will be damaged or the property will be damaged by the roots.

Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new access from the vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: - To minimise danger, obstruction and inconvenience to highway users.

3) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

HIGHWAY INFORMATIVE: The highway authority requires the existing vehicle crossover that is not part of this scheme and therefore redundant, to be closed off and the kerbs raised to full height and the crossover reverting back to verge. Construction of the new crossover must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

Note Although the highway authority in principle has no objection to the construction of this house, the VXO works as detailed above need to be completed before occupation. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Trees and Woodlands

I make no objection with regard to this application to construct a detached dwelling at the rear of 1 Covert Road and 2 St Marys Avenue, Northchurch.

The site is formed of land currently divided into two sections of rear garden. Each section contains a detached garage with typical garden soft landscaping. No vegetation of note is located within the gardens.

A large Chestnut tree is located on a highway grass verge between two existing driveways, access points to the garages. The Chestnut is owned by Herts County Council but managed by DBC through an Agency Agreement.

The proposal seeks to minimise the effect of development to the tree by leaving the

existing driveways as is. One would be utilised as a driveway for the new dwelling whilst the other would be blocked off.

Landscaping around the new dwelling is indicated in submitted plans; details should be provided of plant species, planting sizes and locations for assessment.

The demolition and construction phases of the scheme have potential to physically damage the Chestnut tree and cause soil compaction, affecting tree roots. In order to maintain tree health it will be necessary to install protective fencing and ground boards in proximity of the tree and surrounding grass areas. Protective measures would be expected to exclude vehicles, machinery and materials from all areas under the tree canopy. The parking of vehicles within this area and on the highway verge should not be permitted.

A plan of tree protection measures should be submitted by the agent / applicant for assessment and, if approved, installed prior to any ground works. An Officer of Trees & Woodlands should be contacted in order to inspect protective measures prior to the commencement of ground works.

Hertfordshire Biological Records Centre

We do not have any known biological (habitats or species) records for the application site.

I do not believe that protected species will be a constraint to this development proposal and I have no reason to request any ecological surveys in connection with this application. Therefore, the application can be determined accordingly.

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

Considerations

Policy and Principle

Policy CS4 of the adopted Core Strategy supports the provision of new dwellings within the residential areas of Towns and Villages. The NPPF promotes good design and advises that local planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

Policy CS12 of the adopted Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Saved appendix 3 of the local plan should also be considered as it sets out good design practice for the layout and design of new dwellings in the residential area.

Area appraisal for Northchurch (BCA 19) states within this character area, that there are limited opportunities for plot amalgamation and infilling. In design terms, BCA19 recommends that in parts where there is a clear repetition of design styles of dwellings from the 1940s/1950s, the use of architectural themes and details on those buildings is strongly encouraged in new development. In particular, the use of angled front bays and tile hanging is encouraged. Also, the roof style should follow that of nearby and adjacent dwellings. Detached houses and bungalows are considered acceptable whereby the height should not exceed two storeys. Medium dwellings are encouraged. In terms of layout, the existing layout pattern should be followed and dwellings should front onto the road with gardens to the front and rear.

The scheme is considered to be acceptable in principle as it comprises a new dwelling within the residential area. There is no policy presumption against the redevelopment of gardens however the acceptability of this needs to be tested having regard to the impact of the proposal to streetscene, neighbouring properties, car parking provision etc. It is noted that there are a number of similar examples nearby in Northchurch which have been found acceptable for redevelopment of new dwellings including one recently at 45 Covert Road 4/00229/14/FUL.

Effects on appearance of building

The design, height and scale of the proposal is considered to be acceptable in design terms and indeed represents a good quality well proportioned property. The plans were amended as a result of discussions between the agent and the planning officer to realign the dormer windows in order to remove some bulk from the roof slope. As a result of this no objection is raised from a design perspective.

Impact on street Scene

One of the main considerations is the impact of the new dwelling to the character of the streetscene and area. The dwelling would sit at the rear gardens of number 2 St Marys Avenue and 1 Covert Road and comprises a chalet bungalow which fronts onto Darrs Lane. It is considered that the scheme has been designed with regard to the prevalent character of the area of which similar chalet bungalows can be seen. The siting of the dwelling is such that it fronts onto the road and it is not considered therefore to detract from the prevailing character of the area. The streetscene comprises both chalet bungalows and two storey properties and this scheme therefore would not depart in house type. Sufficient spacing is retained around the scheme to avoid a cramped development and whilst the dwelling is perpendicular to the properties on Covert Road and St Marys Avenue, it fronts onto the road, similar to the properties immediately opposite on Darrs Lane. Overall, it is not considered that the scheme would seriously detract from the character of the streetscene.

Impact on Trees and Landscaping

The site is formed of land currently divided into two sections of rear garden. Each section contains a detached garage with typical garden soft landscaping. No vegetation of note is located within the gardens. A large Chestnut tree is located on a

highway grass verge between two existing driveways, access points to the garages. The Chestnut is owned by Herts County Council but managed by DBC through an Agency Agreement. The proposal seeks to minimise the effect of development to the tree by leaving the existing driveways as is. One would be utilised as a driveway for the new dwelling whilst the other would be blocked off. No objection is raised to the new scheme in terms of impact on trees subject to conditions requiring protective fencing. The applicant has submitted a tree protection plan and method statement which has been submitted to the tree officer for comment.

Quality of Accommodation

Appendix 3 sets out guidance for residential development and states that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. Appendix 3 goes on to say that a reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. For infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

The proposal comprises a garden which is located to the side and front of the dwelling which is not normally ideal however, in this instance, it is considered that a practical and useable garden measuring approximately 100sq.m is being provided which is of a size proportionate to the chalet dwelling.

Impact on Highway Safety

No impact is raised from the Highway Authority on highway safety with the exception of requiring the access to be completed before development of the dwelling. A Grampian Condition will be imposed requesting this provision.

The site makes provision for two car parking spaces (one within the garage and one fronting the garage) which is considered sufficient car parking provision for 3 bedroom dwelling within this location. Northchurch have raised concern that should the garage not be used for car parking this could result in a lack of car parking provision and this point is supported and considered. A condition will be imposed removing permitted development rights for conversion of the garage to safeguard adequate provision of car parking.

Impact on Neighbours

The proposal has been designed to limit the impact of the proposal to the neighbouring properties. As such no objection is raised in terms of neighbouring amenity. There are not clear glazed windows on the first floor and as such it is not considered that there would be any significant overlooking to the neighbouring properties. Sufficient distances are retained between the rear elevations of 2 St Marys Avenue and 1 Covert Road to ensure that the new dwelling would not appear overbearing or visually intrusive and the scheme has also been designed with a low ridge height and eaves height to fit comfortably into the site without appearing overbearing to the neighbours. It is not considered that the scheme would result in any significant lost of light to the

neighbouring properties and overall no objection is raised on this basis.

Sustainability

A sustainability checklist has been submitted setting out sustainability measures to be incorporated into the design in order to accord with policy CS29 of the adopted Core Strategy. No objection is raised.

Other Material Planning Considerations

S106 - the scheme proposes 1 new unit and in November 2014, the Government announced changes to its Planning Practice Guidance. Among other things, those changes indicated that contributions for affordable housing and tariff style planning obligations should not be sought from small-scale developments of ten units or less.

Contamination

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. The standard contamination condition has been applied to this development in order to ensure that any contamination is re mediated before the building commences.

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 No development shall take place until 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 adopted Core Strategy.

- 3 The windows at first floor level in the north west and eastern roof slopes of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with policy CS12 of the adopted Core Strategy.

- 4 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new access from the vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with policy 58 of the local plan and policy CS8 of the adopted Core Strategy.

- 5 **The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority.**

Reason: - To minimise danger, obstruction and inconvenience to highway users in accordance with policy 58 of the local plan and CS8 of the Core Strategy.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety and to ensure adequate parking provision is retained for the dwelling in accordance with policy CS8 of the adopted Core Strategy and appendix 5 of the adopted local plan.

- 7 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**

- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 8 The trees shown for retention on the approved Drawing No. 2116-p1b shall be protected during the whole period of site excavation and construction in accordance with the plan protection plan.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with policy 99 of the adopted local plan.

- 9 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;**
- **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;**
- **proposed finished levels or contours;**

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 in accordance with policy CS12 of the adopted Core Strategy.

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

2116-P2B

2116-P1B

2116-LP1

2116-s1A

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

Note 1:

Highway Informative

The highway authority requires the existing vehicle cross-over that is not part of this scheme and therefore redundant, to be closed off and the kerbs raised to full height and the crossover reverting back to verge. Construction of the new crossover must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

Note 2: Article 31 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 2012.