

**4/00280/15/FUL - CONSTRUCTION OF FOUR 3 BEDROOM SEMI-DETACHED HOUSES.
52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ.
APPLICANT: Mr R Wittrick.**

[Case Officer - Briony Curtain]

Background

This application was deferred by Members at their meeting on 9th April 2015 for investigations to be undertaken in relation to the planning history of the site, including alleged refusals on this site.

A full history check of the application site; the rear of 52 & 54 Lockers Park Lane and that of the individual and adjacent sites, No.s 50, 52 and 54 has now been undertaken and is set out below;

Planning History

Application site

4/03183/14/PRE 4 NO. 4 BEDROOM SEMI DETACHED HOUSES
Unknown
18/12/2014

4/1552/94 – Two detached dwellings (Outline) – Granted

4/1669/91 – Two detached dwellings (outline renewal) – Granted

No. 52 Lockers Park Lane

4/01496/13/FHA SINGLE STOREY FRONT EXTENSION AND TWO STOREY SIDE EXTENSION.
Granted
27/09/2013

No. 54 Lockers Park Lane

4/00534/04/FUL DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF DWELLING
Refused
21/04/2004

4/00231/75/FUL CAR PORT
Granted
30/06/1975

No. 50 Lockers Park Lane

4/01537/92/4 DETACHED DWELLING
Granted
27/01/1993

4/01529/91/4 ERECTION OF 4 BEDROOM DETACHED HOUSE
Refused
02/01/1992

Considerations

At the last committee and in representations received, residents and the ward councillor drew Members attention to several refusals of planning permission at the

site. Planning permission was refused in 2004 for a single dwelling to the rear of No. 54 Lockers Park Lane. This is the only refusal of planning permission in the immediate area. All other applications for additional residential accommodation at this and adjacent sites have been approved. The remainder of the refusals referred to by residents appear to relate to land tribunal appeals (dealing with restrictive covenants) and not planning appeals. The applicants agent has confirmed that the restrictive covenant preventing the construction of additional dwellings has now been lifted from the site. This is not therefore a matter for consideration.

With regard to the planning history of the site, notwithstanding the 2004 refusal, the principle of additional residential accommodation at the rear of the existing dwellings has already been established through the granting of outline planning permission in 1994 and 1991. Furthermore as set out in the original committee report the principle of the development would be acceptable in line with Policy CS4 of the Core Strategy and Saved Policy 10 of the Local Plan.

The main considerations in the determination of the application are thus the visual impact of the new dwellings and their impact on the residential amenity of adjacent properties. These matters have been addressed in the original committee report. In addition, in line with Members previous concerns, it is necessary to compare the refused scheme to that currently proposed.

With regard to the refused scheme it is considered materially different to that current proposed in the following ways;

- it related to half the current application site only,
- it proposed a single large, detached, 4-bed single dwellinghouse of significant height and prominent design, which related (in design and form) neither to the one and half storey chalet style dwellings to the north of Park Hill Road, nor the terraced two and three storey properties to the south of Park Hill Road.
- the rear garden depth was far less than that currently proposed and below the minimum standard required by policies.

Conclusion

The current scheme seeks consent for two pairs of two and a half storey semi-detached dwellings, which, on balance, are considered to provide an acceptable transition in the street scene from the lower, large, detached dwellings to the north and the higher, terraced properties to the south. The site is situated in HCA 9; Hammerfield North wherein the development principles state that all types of housing are acceptable, however they should not exceed two-storeys in height unless they would adjoin three storey development and should be of a small to medium size. Variety in layout is acceptable, where a clear building line exists then this should be followed. The majority of these principles have been adhered to.

It is recommended that planning permission be granted in accordance with the details and conditions set out in the original committee report (below).

Summary

The application is recommended for approval.

The application site falls within the residential character area of Hammerfield North (HCA9) in Hemel Hempstead. Policy CS4 of the Core Strategy states in residential areas appropriate residential development is encouraged. The character study for Hammerfield North (HCA9) states all types of development are acceptable as long as they respect that of adjoining and nearby development.

The proposed development would be sited within the residential gardens of No. 52 & 54 Lockers Park Lane, and would front Park Hill Road. The proposed development would comprise of 4 semi-detached dwellings with two off road parking spaces each and a rear garden depth of 11.5m.

The proposal is considered acceptable in accordance with National Planning Policy Framework, Policy CS4, CS11, CS12 of the Core Strategy 2013 and Policy 10, Appendix 3 and 7 of the Dacorum Local Plan.

Site Description

The application site is currently the rear gardens of 52 & 54 Lockers Park Lane with the bottom of the rear garden occupied by detached garages. The surrounding area is characterised by a variety of dwellings with detached, semi detached and terraced properties found along Park Hill Road and the wider area of Lockers Park Lane. The surrounding area is within a residential area in the town and within character area Hammerfield North (HCA9).

The character study describes the surrounding area as: a wide variety of dwelling types found throughout with mainly two storeys and ranging from small to medium sized. On street parking is considered heavy throughout.

Proposal

Full planning permission is sought for the construction 4 No. semi-detached dwellings within the rear garden of 52 & 54 Lockers Park Lane and would front Park Hill Road. The proposed dwellings would be set back from the main road and would accommodate two off road parking spaces each.

Each dwelling would measure 11.4m in depth, 4.3m in width and would have a maximum height of 8.2m with the eaves set at 4.6m high. The dwellings would be characterised by gable ends with two rooflights to the front and a flat roof rear dormers and a rear garden depth of 11.5m.

Referral to Committee

The application is referred to the Development Control Committee due to the application being called in by Councillor Neil Harden who is a representative of Boxmoor Ward.

Planning History

4/01496/13/FHA – Single storey front extension and two storey side extension – Granted

4/1552/94 – Two detached dwellings (Outline) – Granted

4/1669/91 – Two detached dwellings (outline renewal) – Granted

Relevant Policy

National Planning Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

Policy NP1, CS1, CS4, CS11, CS12 and CS29

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21

Appendix 3, 5 and 7

Supplementary Planning Guidance

Area Based Policies (May 2004) Character Area HCA 9 – Hammerfield North

Summary of Representations

Comments received from Local Residents

Mr Stobie from 10 Parkhill Road (07/02/15)

- We live at 10 Parkhill Road which means our house faces directly onto the proposed site
- Our concerns relate to extra traffic, and the inexorable increase of on street parking with 4 new dwellings.
- I can already count 11 cars already parked on the pavement between my house and the proposed site.
- Park Hill Road is narrow and cars park on the majority of the pavement to allow cars to pass.
- Permission for 4 new dwellings would directly increase the risk of accidents to people on already a precarious road.

Mr Mogan from 8A Church Street (07/02/15)

- There is a covenant on the land to rear of Lockers Park Lane preventing a house from being built.
- This would not prevent permission but development will not start until the covenant is paid to be removed.
- Where the houses are proposed the road is quite narrow and would make parking into the new development difficult.

Mr & Mrs Bevan 22 Park Hill Road (15/02/15)

- Restrictive covenants prevent construction of housing on the site
- Although the properties are set 26m apart, no mention is made for the ground level for my property in Park Hill Road which is considerably lower than the site
- The separation between the existing houses in Park Hill road and those proposes is approximately only 18m. If the proposes houses are built, my property in Park Hill Road would suffer serious overlooking and loss of privacy.
- The proposed houses are 3 storeys high having the main bedroom and bathroom considerably higher than the ridge of the houses in Park Hill Road. The houses if built would dominate and be visually intrusive to the existing houses.
- The design and appearance of the house sis out of keeping with the existing houses and would be at odds with all the homes close by.
- New houses will further increase the level of traffic, and the road is simply not wide

enough for vehicles to be parked on both sides. Access for emergency and service vehicles would be jeopardised and unacceptable.

- New housing will increase the flooding issues as the existing garden soils, trees and vegetation will be replaced with driveways, pathways and buildings.
- There are lesser houses with big gardens and these need to be preserved.

Mr & Mrs Hunt from 26 Park Hill Road (16/02/15)

- Restrictive covenants prevent construction of housing on the site
- Residential gardens should not be treated as brownfield sites.
- Originally were only supposed to be 8 properties built on the site
- Any additional housing would cause intolerable parking for current residents, difficulties of access and increase in traffic that would raise the risk for pedestrians.

Mrs Simpson from 14 Parkhill Road – (17/02/15)

- Access/parking - insufficient width in the road to accommodate additional traffic and parking demand.
- Height of houses will obscure light, feel imposing on the road and is not in keeping with design of houses opposite who are in a lower position on the road and will look up to very tall buildings.
- Design not in keeping with houses in closest proximity - although 3 storey exist further along the road the design and use of materials on these houses is not in keeping with their nearest neighbours.

Mr & Mrs Snowball from 28 Parkhill Road (16/02/15)

- The new properties would cause a serious loss of privacy and natural daylight along with overshadowing and visual intrusion
- New houses will further increase the level of traffic, and the road is simply not wide enough for vehicles to be parked on both sides. Access for emergency and service vehicles would be jeopardised and unacceptable.
- Park Hill Road is narrow and cars park on the majority of the pavement to allow cars to pass.
- Permission for 4 new dwellings would directly increase the risk of accidents to people on already a precarious road.
- Restrictive covenants prevent construction of housing on the site

Mr Holland from 56 Lockers Park Lane (13/03/15)

- Great news will bring more homes and jobs to Hemel

Noelle Hunt 26 & 18 Park Hill Road (08/02/15)

- Restrictive covenants prevent construction of housing on the site
- Council has refused planning permission on these sites on a number of occasions, and therefore should be rejected again.
- Would like the application deferred to Development Control Committee
- A petition consisting of 21 signatures from residents of Park Hill Road was also submitted

Consultations

Thames Water (28/01/15)

Waste Comments

There are public sewers crossing or close to your 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 erection of a building or an 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 in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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.

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.

Considerations

Policy and Principle

Policy NP1 identifies areas where development will be concentrated with Hemel Hempstead being the focus for housing development within the borough, providing sufficient new homes to meet the natural growth of its population.

Policy CS4 of the Core Strategy states development will be guided to the appropriate areas within settlements. In residential areas appropriate residential development is encouraged. Making the most of underused land through new buildings is also encouraged by Saved Policy 10 of the Dacorum Borough Local Plan.

The application site is within close proximity to the town centre with many local facilities such as schools, shops, leisure centres, bus stations and main transport links such as the A414 and A4146.

Impact on Site Layout, Appearance of Building and Street Scene

The proposed 4 new semi-detached dwellings would be sited within the rear garden of 52 & 54 Lockers Park Lane and would front the road parallel at Park Hill Road. Appendix 3 of the Local Plan states the minimum distance of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. The rear wall of 52 & 54 Lockers Park Lane would be spaced approximately 26m apart from the rear wall of the proposed new dwellings and would therefore be considered appropriate in regards to spacing between the dwellings.

Residential development should provide private open spaces for residents and must have an average depth of 11.5m. Generally all gardens should provide a width, shape, and size to ensure the space is functional and compatible with the surrounding area. The proposed development proposes a garden depth of 11.5m with a small patio area and lawn, and would be in accordance with Appendix 3 of the Local Plan.

The proposed dwellings would be constructed from facing brick and slate roof tiles, would be two storeys high and comprise of 3 bedrooms including the loft accommodation. The Area Based Policy development principles state all types of dwellings are acceptable and new proposals should respect that of adjoining and nearby development. Dwellings should not exceed two storeys in height, except for cases where the proposal will adjoin three storey development and the character and appearance is not harmed, small to medium sized dwellings are acceptable and spacing should be at least within the medium range (2-5m).

The proposed development would measure a maximum height of 8.2m and would benefit from a bedroom within the loft. Along Park Hill Road a terrace row of 3 storey high dwellings can also be found and therefore the maximum height of the building would not be out of character with the surrounding area.

The proposed rear dormers would be set below the ridge line, pushed up from the eaves and set in from the flanks. These would be in accordance with Appendix 7 of the Local Plan.

The upper floor windows to the flank elevations of Dwelling No. 4 would either serve a bathroom/ en-suite or landing area. Although these would not look out onto any properties these would be conditioned to be obscure glazed so that the development does not prevent the land to the south east coming forward for development in the future in accordance with Policy 10 of the Local Plan.

The proposed development would respect adjoining properties in terms of layout, security, site coverage, scale, height and bulk therefore considered in accordance with Policy CS11 and CS12 of the Core Strategy.

Impact on Neighbours

All windows to the upper floor flank elevations of all four new dwellings that serve a bathroom would be conditioned to be obscure glazed, with the second window at first floor level serving a landing area.

The proposed development would be sited to the north east side of Park Hill Road and therefore the dwellings along the south west would not be adversely affected by the loss of sunlight as the sun would pass via the south from east to west. Furthermore the dwellings along Lockers Park Lane would be situated on a higher ground level.

Impact on Access and Car Parking

Each site would benefit from 2 off road parking spaces to the front and would fall outside of Residential Zone 1 & 2. Appendix 5 states 3 bedroom dwellings outside zone 1 & 2 require a maximum parking standard of 2.25 spaces. The Policy states the required number is a maximum number of spaces required and would therefore be in accordance with Appendix 5 of the Dacorum Local Plan. ample parking provision is

retained for the two existing dwellings off Lockers Park Lane.

Sustainability

The proposal would be built to modern building regulation standards therefore improving the overall sustainable performance and general improvement of the property. The proposal is considered acceptable with reference to Core Strategy policy CS29.

Planning Obligations

A written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the s106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPG.

It is noted that the proposal falls beneath the threshold of ten dwellings and would also have a gross floor space of less than 1000m² and would therefore fall beneath the threshold where the exemption from Section 106 affordable housing contributions and tariff style contributions applies. On this basis it is not justified to seek Section 106 contributions for this proposal.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance**

with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the Core Strategy.

- 3 The windows at first floor and second floor level on all flank elevations of the proposed development hereby permitted shall be non opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents and in accordance with Policy CS12 of the Core Strategy.

- 4 Visibility splays of not less than 2.4 m x 33 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety.

- 5 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

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 in accordance with Core Strategy policies CS11 and CS12, and saved DBLP appendix 7.

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

**[Wren naj 02a 2015 Rev A](#)
[Wren naj 02d 2015](#)
[Wren naj 02b 2014](#)
[Wren naj 02c 2015](#)
[Wren naj 02e 2015](#)**

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

Note 1: Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council

has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.