

**4/02488/16/FUL - CONSTRUCTION OF DETACHED HOUSE (AMENDED SCHEME).
THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ.
APPLICANT: Mr & Mrs Garfarth.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for refusal. The application proposes the construction of a detached dwelling of contemporary design in a rural location adjacent to the original walled garden of Stocks House, Aldbury.

The proposal is considered to be inappropriate in principle in the Rural Area. The site is not considered to constitute previously developed land. However, even if it were, in accordance with NPPF, it should not be assumed that the whole of the curtilage should be developed. In this case the site is undeveloped and further development would harm the character and appearance of the countryside, contrary to point (i.) of CS7. Furthermore, as the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore, in accordance with NPPF, little weight can be given to the argument that development should be encouraged here.

The applicant has argued that if the Council is satisfied that the design of the dwelling is of exceptional quality or innovative nature, as provided for in para. 55 of the NPPF, planning permission can be granted for a new dwelling in the countryside under special circumstances. The 4 relevant tests set out in para. 55 have been considered in detail.

Whilst the Conservation Officers consider the proposed dwelling to be of a high standard and to make a positive contribution to the area's architecture, they nevertheless consider that in the location proposed, the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. There would be harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the slips wall and development in the setting of the walled garden. There would also be harm to the natural beauty of the Chilterns AONB.

In accordance with NPPF, the harm to the heritage assets in this case should be balanced against the public benefits of the proposal. Weighing up the benefits of the proposal in terms of the landscape and ecological enhancements, it is considered that these do not outweigh the substantial harm to the walled garden in terms of its setting and the removal of part of the Slips wall. The removal of the Slips wall is described as substantial in the Conservation Officer's assessment and should be given considerable importance and weight in terms of a presumption against the granting of permission. The loss of part of the wall in terms of the setting of the walled garden is described as moderate.

In terms of the construction of the new dwelling, the applicant's heritage report notes that there will be harm. The Conservation Officer has considered the harm to the setting of the walled garden in the context of whether the proposal would enhance the immediate setting and be sensitive to the defining characteristics of the local area (para. 55 tests). His view is that the proposal would not significantly enhance its immediate setting and concerns are raised not only with the loss of part of the Slips wall, but also to the height of the dwelling and the degree of domestication that would be introduced which would conflict with the rural character. These concerns extend additionally to the scale, width and hemmed in appearance of the building on the site which would be considered to detract from the setting of, and compete visually with, the walled garden to its detriment. It is considered that this harm would be significant and is not outweighed by the proposed landscape / ecological enhancements that are not considered to require the erection of a new dwelling to support.

The garage and driveway would impact further on the setting of the heritage assets. The harm to the setting of the designated heritage asset (Stocks House) is considered less than substantial in the Conservation Officer's view, but nevertheless adds to the overall concern about the impact on the heritage assets in this case. In addition, there are concerns regarding the removal / lowering of the front wall to Stocks Road to create a wider visibility splay, and to the blocking up of the pedestrian gate in the walled garden, both of which would further harm the non-designated heritage asset. Added to this, there is the harm to the AONB given the proposal does not meet the criteria for contemporary or innovative architecture set out within the Chilterns Buildings Design Guide.

In conclusion, although accepting that the proposal would on balance satisfy the first two tests of paragraph 55 (be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture) given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth tests. As such, it is concluded that the proposal does not pass all the paragraph 55 tests and that special circumstances therefore do not exist to allow an exception to the normal requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. The circumstances do not outweigh the inherently unsustainable location of the site, contrary to Policies CS1 and CS7 of the Core Strategy.

It has been mentioned in pre-application advice that, as a proposal for a para. 55 house, the form of the building would be better suited to a more open and perhaps isolated location rather than this relatively narrow enclosed site adjacent to a heritage asset which is considered important to its setting.

Site Description

The application site is a rectangular plot of land on the east side of Stocks Road, opposite the northern entrance to Stocks House. The site lies immediately to the south of a walled garden which was the original kitchen garden to Stocks House. The application site comprises part of the "Slips" which originally ran around the east, west and southern sides of the walled garden, together with the orchard land to the south of this). The site lies to the north of the village of Aldbury in an open countryside location, and comprises an area of primarily rough grass, together with a few orchard trees understood to have been planted by the present owners. The site of 1.1 ha is bounded by native hedgerows and trees to its southern and eastern boundaries. Its frontage with Stocks Road is defined by a low brick and flint wall and small gate whilst its northern boundary is defined by a high brick wall that encloses the adjacent "walled garden" proper. The walled garden (plus the Slips and orchard land) once provided a productive fruit and salad garden to Stocks House, a Grade II listed building, situated in extensive grounds on the opposite side of Stocks Road. However, that usage and close link has changed over time and the ownership connection is understood to have been severed prior to the listing of Stocks House in 1973. A separate residential property "The Walled Garden" was constructed within the bounds of the 4 walls comprising the "walled garden" in the late 1990's in replacement of an existing dwelling. Access to the site is from Stocks Road via a large gateway entrance serving "The Walled Garden". There is a smaller gated access through the low wall fronting Stocks Road.

The site falls within the Rural Area and the designated Chilterns AONB.

Proposal

Permission is sought for the erection of a 4-bed detached house on the area of the Slips and orchard land to the south of the wall of the walled garden.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Stan Mills.

Planning History

- 4/01037/16/FUL CONSTRUCTION OF A 4 BED DETACHED HOUSE
Refused
12/08/2016
- 4/01956/97/4 AMENDED INNER WALL ENTRANCE
Granted
20/03/1998
- 4/01662/97/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 7 OF
PLANNING PERMISSION 4/0495/97 (DEMOLITION OF EXISTING
HOUSE AND OUTBUILDINGS, REPLACEMENT DWELLING AND
ALTERATIONS TO EXISTING ACCESS)
Granted
29/12/1997
- 4/00994/97/4 SUBMISSION OF DETAILS OF BRICKS AND ROOF TILES PURSUANT
TO PLANNING PERMISSION 4/1101/91 (DEMOLITION OF EXISTING
HOUSE, OUTBUILDINGS AND GREENHOUSE, REPLACEMENT
DWELLING HOUSE AND ALTERATIONS TO ACCESS)
Granted
30/07/1997
- 4/00495/97/4 DEMOLITION OF EXISTING HOUSE & OUTBUILDINGS,
REPLACEMENT DWELLING & ALTERATIONS TO EXISTING ACCESS,
Granted
11/08/1997
- 4/01132/96/4 VARIATION OF COND.1 (TIME PERIOD FOR COMMENCEMENT) P/P
4/1101/91 (DEMOLITION OF HOUSE, REPLACEMENT DWELLING ETC.)
Granted
06/11/1996
- 4/00319/95/4 VARIATION OF COND.6 RELATING TO RESTORATION OF OUTER
WALL ATTACHED TO P/P 4/1101/91 (DEMOLITION OF EXISTING
HOUSE ETC. REPLACEMENT DWELLING HOUSE & ALTS TO
ACCESS)
Refused
24/04/1995
- 4/01101/91/4 DEMOLITION OF EXISTING HOUSE, OUTBUILDINGS, GREENHOUSE.
REPLACEMENT DWELLINGHOUSE AND ALTERATIONS TO ACCESS

Granted
15/06/1992

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005
Manual for Streets

Hertfordshire Highway Authority

Roads in Hertfordshire, A Guide for New developments, June 2011

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS7 - Rural Area
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS24 - The Chilterns Area of Outstanding natural Beauty
CS25 - Landscape Character
CS27 - The Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 51, 54, 58, 61, 62, 63, 97, 99, 100, 111, 124
Appendices 3, 5 and 8

Supplementary Planning Guidance/Documents

Chilterns Buildings Design Guide
Landscape Character Assessment for Dacorum
Environmental Guidelines Sections 3, 7, 10, 12
Water Conservation & Sustainable Drainage
Energy Efficiency and Conservation

Advice Notes

Sustainable Development Advice Note (March 2011) Note: *This is in the process of being updated to reflect changes in Government Policy*
Refuse Storage Guidance Note February 2015

Summary of Representations

Conservation Officer

We have reviewed the new scheme which would appear similar to the previous scheme. We note that the detailed heritage appraisal has not been updated since March and so would appear to relate to the previous proposal which was refused and has not been appealed. We would be concerned the heritage statement does not relate to the current application and therefore fails to show that the proposed development would protect the heritage asset or its setting. We would therefore be concerned that the submission does not provide an appropriate assessment to understand the potential impact of the proposal on the significance of the heritage assets.

The site is located adjacent to and within the slips of the walled garden. This is the area of open space between the main walled garden and the low secondary walls. The walled garden including the slips originally formed part of the estate of the Stocks which is located to the south west beyond the road and wood. It is located on sloping land on the eastern side of the valley and to the South and East beyond the fields are the woods which form part of the Ashridge wood. The nearby Ashridge Estate which is a grade II* designated park and garden of the estate is not impacted by the proposal as it is located beyond this woodland to the south.

The walled garden and the slips with associated walling add to the wider significance of the Stocks House estate site and also contribute to its wider setting. At the other side of the adjacent larger field is an 18th century dovecote which is also listed. As such the proposal can be seen within the wider functioning landscape of the country house.

The walled garden would appear be 18th century, in the historical record as it is shown on the 1776 Dury and Andrews Map and this confirms the physical evidence pointing to an 18th century date. It is thought that this could coincide with the construction of the new house at the Stocks. The walled garden is constructed of brick of varying different bonds. The slips which would appear later and probably date from the 19th century are bordered by walls constructed of flint with brick detailing and add to the setting of the garden. It is understood that this conforms with the evolution of walled gardens where 19th C walls were added to 18th C gardens. In general it tended to include less exotic crops such as potatoes and rhubarb. As in this case they sometimes bordered orchards. The walled garden in its entirety is not a listed building but would be considered a non-designated heritage asset which adds to the wider setting of the listed house due to it forming part of the function and historic interest of the listed building.

Impact:

There are a number of impacts in relation to the construction of the new dwelling. This is the demolition of the slips wall adjacent to the proposed dwelling, construction of the dwelling and construction of the new road and garage. These would be assessed as follows:

Demolition of the Slips Wall:

The demolition of the wall to the slips adjacent to the proposed house would cause harm to the non-designated heritage asset of the walled garden. Another section adjacent to the access is noted on the drawings as being lowered or moved. Whilst part of this is of modern construction the length adjacent to the roadside appears to be historic. This harm would be significant in that it would result in the loss of a length of the original fabric which helps to understand the uses, function, and historic interest of the walled garden. The wall also makes a positive contribution to the character of the garden and its setting. The loss of this wall is not assessed or noted in the heritage statement despite being highlighted as part of the previous refusal. The proposed dwelling would cut across this feature and sit within and outside of the slips element

of the walled garden. We would assess the impact of this demolition as substantial to the character of the walled garden given that it would result in the demolition and loss of a length of wall which makes an important contribution to the walled garden. This is a non-designated heritage asset and as such should be given the relevant weight as per the NPPF guidance.

It is noted in the proposal that there would be an impact on the setting of the listed building of Stocks within the heritage statement ("The kitchen garden complex is considered to be within the setting of Stocks House as there is historically a functional relationship between the two and the kitchen garden contributes to the significance of the main house.")

When considering the impact the Planning (Listed Buildings and Conservation Areas) act 1990 states that the decision maker "shall have special regard to the desirability of preserving the building or its setting". The NPPF notes that the setting is "The surroundings in which a heritage asset is experienced...may affect the ability to appreciate that significance" and the Good Practice Guide from Historic England advises that setting is not a heritage asset "its importance lies in what it contributes to the significance of the heritage asset."

The garden and associated features make a positive contribution to the significance of the designated heritage asset due to it aiding the understanding of the use and development of the historic Stocks House. The loss of the wall and development within the land adjacent would harm the significance of the garden as the undeveloped nature of the site reflects the historical and functional use of the walled garden. Harm thus gives rise to a strong presumption against the granting of permission and as such it should be given considerable importance and weight. We believe that the harm to the significance of the designated heritage asset would be low as it would impact on the setting of the asset and not the physical fabric of the designated asset itself. The impact is also acknowledged in the applicant's heritage assessment which states that the impact will be of a "moderate degree" (P16 Heritage Assessment). It also discusses mitigation measures. The harm to the setting would be less than substantial, however less than substantial harm does not lead to a less than substantial objection.

When weighing the impact on the significance of the non-designated heritage asset the framework recommends that "a balanced judgement will be required". The construction of the new dwelling would have an impact on the slips wall, the setting of the walled garden and wider site. The building is to be constructed adjacent to the 18th century walled garden and partially on the site of the outer slips in the Victorian walled garden and as noted above this would impact on the wider setting of Stocks House and that of the walled garden. The harm to the significance of the non-designated heritage asset of the walled garden would be to a moderate level due to the demolition of the slips wall and the impact on the setting of the asset.

Construction of the new dwelling:

The proposed new dwelling has not followed a traditional form of design but has adopted a contemporary style. It has been designed to integrate into the natural landscape of the valley and therefore appears cut in with a grass roof and courtyard spaces to the front and rear. The grass roof would project above the adjacent 18th century wall of the walled garden and thus be visible within the space. The glazed frontage with the large fins to prevent overheating of the property could add visual interest to the façade. The courtyard elements to the front and rear whilst introducing the feeling of a more domestic curtilage would have an impact on the wider setting although it does help to provide some level of enclosure and limitation upon the domestication of the wider garden. Having had a detailed presentation from the architect there has clearly been much thought which has gone into the design. However the Framework sets out in paragraph 55 four phrases to assist in the consideration of the whether a dwelling exhibits the exceptional quality or innovative design two with regards to design and two with regards to landscape.

With regards to the first points the design should be truly outstanding or innovative helping to

raise standards of design more generally in rural areas and reflect the highest standards in architecture.

The dwelling is clearly contemporary but it would not be possible to state that the design is truly innovative. Grass roofed dwellings built into the landscape have been applied for over the last number of years. The Big Idea Science Centre in Irvine North Ayrshire has similar elements to the design using a curved arched façade with glazing below and a grass roof to allow it to blend into the wider landscape. Although this was for a leisure use rather than a domestic dwelling similarities can be seen. Other more local developments can be seen at Stags End in Dacorum where partially curved a grass roof and natural stone were used to blend into the landscape although it should be noted that this was a replacement dwelling.

However we believe that it would help raise the design generally in rural areas and it does reflect the highest standards in architecture. It has clearly been carefully considered and the use of both the curved grass roof, courtyard spaces to define the domestic away from the more open areas and the use of blocks using materials from the site are most welcome. We note from the discussions and the additional submitted information that the issues around sustainability have been partially addressed. Local materials are to be used (although stabilised with cement) but the amount of embodied energy required to construct the building and excavate the foundations may take a substantial number of years to offset. We would also be concerned that the cladding and chimney stack is reconstituted stone which is not a local material. Whilst a good match can be obtained from companies such as Haddonstone the traditional stone used in the area is generally Totternhoe Stone. The local materials noted in the Chiltern design guide either tend to be brick or flint and we would welcome the revised walls within the courtyard are to be constructed in flint to tie in with locally available materials. The vernacular however tends to support a mix of materials usually brick with the flint. One concern that we would have is that there could be a need for a fence/ safety feature to prevent people and in particular children from falling off the front or rear of the building given the access to the roof would be straightforward. This issue may need to be addressed but could impact on the landscape of the finished building. Overall we believe that it would pass the quality of architecture tests as noted in the framework on paragraph 55.

The second part of the framework discusses the landscape impacts. It states that the site should also “significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”. The proposal would impact on the immediate area but we would be concerned that it would not “significantly enhance” its immediate setting. It would result in the loss of one of the walls of the slips, appear low / blend into the landscape although still be higher than the adjacent 18th C wall and thus impacting on its setting. The character of this part of the former estate is essentially of a rural character the nearby dwelling within the walled garden being the exception. A degree of domestication would be introduced which would conflict with the existing rural character. We note that the proposed building is located to the rear of the plot and additional planting is proposed to the orchard area. In essence this would help conceal the building in the summer months. However the garage building adjacent to the road would be highly visible within the streetscape. Within the applicants heritage report it is noted that there will be harm. It could therefore not be said to significantly enhance the immediate setting. The adoption of more appropriate planting to the site and within the slips area may be considered an enhancement but would not in our view comprise of a significant enhancement.

Garage and road:

The proposed garage has now been designed to be in keeping with the architectural form of the dwelling. It is constructed in local materials to a contemporary design as more traditional design would tend to have a different material to break up the flintwork into smaller panels and support it at the corners. However overall the low level of the garage and use of local materials would reduce its impact and allow it to sit relatively comfortably when considered with regards

to the design of the dwelling. As noted previously we would have concerns about the proposed garage doors and would recommend that they be timber. It may also be more beneficial to continue the access track to the garage rather than only to the dwelling.

Overall we believe that there would be a low level of harm to the significance of the designated heritage asset (Stocks House) and a moderate level of harm to the non-designated asset (The Walled Garden). Taking this into account we do not believe that the proposal can satisfy paragraph 55 of the framework as due to this impact it would not make a significant enhancement to the immediate area.

Recommendation:

There would be harm to the setting of the designated heritage asset (Stocks House), the walled garden due to the demolition of part of the slips wall and the setting of the walled garden a non-designated heritage asset. The harm needs to be weighed as per the guidance in the framework.

The proposed dwelling is of a high standard and makes a positive contribution to the areas architecture. However as it would cause harm to the setting of the locally listed building and reduce the open undeveloped setting of the walled garden and wider estate. We therefore do not believe that it would significantly enhance its immediate setting and as such does not appear to pass the paragraph 55 test.

Chilterns Conservation Board (in summary)

The Chilterns Conservation Board has provided pre-application advice on this proposal and made comments on the original application. These comments recognised the merits of the scheme but also raised some concerns and recommended amendments to meet the high bar for an exceptional para 55 house. The changes in the new application are fairly minor, but do improve the scheme to the extent that the Board can offer qualified support for the application.

Principle:

The Board recognises that the applicants are seeking to build an exceptional house under paragraph 55 of the NPPF. All four tests must be met to successfully make the case for a dwelling that is of exceptional quality or innovative nature and to justify setting aside normal policies of restraint for new dwellings in the countryside. Since this site is in the Chilterns Area of Outstanding Natural Beauty, as well as meeting the para. 55 tests, the proposal also needs to conform with national and local plan policy on development in AONBs. The decision maker should give 'great weight' to conserving and enhancing the landscape and scenic beauty of the AONB (NPPF para 115).

The Chilterns Buildings Design Guide contains advice on 'one off' designs which are innovative and meet the principle of being in harmony with their site and the surrounding buildings and countryside (see paras 3.31 to 3.32). It is pleasing to see an application which incorporates innovative ideas and designs. This proposal has merit in the curved grass roof, the courtyard form, the siting to the rear of the plot, using the slope, and the informal style of landscaping with planting of orchard trees among mown grass paths. Having walked the footpaths the site does not appear visible in longer range views and is enclosed by some existing features (walls, planting) so has some advantages as a site for a paragraph 55 house. The hillock form of the building echoes the natural landscape from some directions.

Detail:

1. The current scheme provides better materials for the driveway with reinforced grass and gravel strips. However, our recommendation remains that the best solution would be to re-

route the driveway and reposition the new double garage. An access around the back of the Walled Garden would be significantly preferable, fitting between the existing high wall and the hedgerow (which could be bolstered with additional native planting). The garage could then be hidden to the rear. The angle to turn at the Walled Garden northern corner would appear to be no more challenging than the right angle turn currently proposed at the western corner. This solution would provide a rural green foreground to the house in the main view from Stocks Road, allow better appreciation of the house and for the house to sit better in the landscape. As it stands almost half the frontage view of the house from Stocks Road will be obscured by the large garage and space for two parked cars. Since appreciation of the house is mostly from Stocks Road, and is an important part of the para 55 justification, it does not make sense to impede this view by looking over cars parked and past a large new garage building.

2. The materials now make some reference to local traditional materials with the use of flint in ancillary buildings and walls, although not the main house. The reconstituted stone of the house would need careful consideration by the officer.

3. The large and high areas of glazing could cause glint and glare in the daytime and cause light to spill out of the development into the landscape at night. Protection of dark skies is important in this location. Special glass, louvres and blinds should be specified to avoid light spill. Absolutely no floodlights or security lights should be used. External lighting could be dealt with by condition.

4. The Board welcomes the proposal to use local raw earth and develop new techniques with one of remaining Brickworks in the Chilterns (which could help pass the para 55 test of being *“innovative and helping to raise standards of design more generally in rural areas”*) but this aspect is sketchy and appear tokenistic: there are no guarantees it will be used (the documents state they will ‘consider its use’), the earth blocks are to be stabilised by cement (is this sustainable?) and used only for a small element of the build (ground floor internal partitions).

5. The proposed house appears high and should be reduced to no more than the height of the existing Walled Garden wall to reduce the visual impact and be subordinate to the wall as a local heritage asset. There may be potential for making better use of the slope and setting the building into the ground further.

HCC Ecology

1. The key changes from the previous submission are outlined within the Design and Access Statement. None of these will have a significant ecological impact other perhaps than the extension of vegetable garden, although this use may subsequently change anyway as part of the estate management in due course. Consequently my comments remain largely the same and are repeated below. The principle issue I raise relates to the proposed pond and orchard.

2. We have no data for this site but have been aware since the Orchard Initiative surveys that at least half of the application site was once (1870s) an orchard, and that one or two the trees may survive from this period.

3. The Ecology report

3.1 A Phase 1 Habitat survey was undertaken in January 2015. This is a very poor time of year to undertake such surveys given the full quality of a habitat such as grassland cannot be determined with any confidence as so little of the grassland community will be growing or visible other than a few dominant vegetative species with basal leaves and some seed heads – none if it is cut. However, since my previous comments I have no further reason to consider that the survey does not reflect the general grassland quality of the site in that it is unlikely to be of considerable existing interest, as determined from what survey results there are.

Nevertheless a grassland supporting Cuckooflower and meadow buttercup is unlikely to be wholly improved in nature, as is suggested. Neither should a hedgerow including at least 5 woody shrubs be considered species-poor as described - it is only two short of being 'Important' in the Hedgerow Regs and a survey in summer may indicate this is met. It is clearly on an old boundary but this may not in itself be ancient. However, there is no intention to remove the hedgerow.

3.2 Notwithstanding the presence of badgers, other than birds and bats, the site is considered unlikely to support other protected species, and I have no reason to question this view. In this respect, recommendations 1 & 2 provided in the ecological report are suitable.

3.3 In respect of enhancements, recommendations 3, 4 and 5 are appropriate.

4. Badger report

4.1 An active badger sett was identified; considered to be a subsidiary sett due to one well used and 7 partially / disused holes. I consider this may under-estimate the relative significance of the sett given the survey period (January) is not going to reflect high levels of activity associated with spring or summer. Although I have no reason to consider this to be a main sett, the nearest badger records are between 400 – 500 m from this site. It is highly unlikely that the development as present will avoid disturbing this sett as it is very close to the proposed house and patio area. It will certainly be disturbed by the building works which will be well within 30m if not directly affecting the sett area. Consequently I am of the opinion that a licence will be required. Therefore following recommendation 1 is acceptable and is essential should disturbance be likely to occur. In any event the close proximity of a badger sett to the building should be avoided unless the applicant is content with the implications of badgers so close to the development. Monitoring of the remainder of the site during development in case displaced badgers attempt to re-establish a sett on the site is also sensible, and so Recommendations 2 and 3 are also acceptable.

5. Ecological enhancements

5.1 The ecological enhancements primarily consist of the planting of an orchard, establishing rough grassland areas and now two small ponds. The potential benefits of these in supporting a range of species have also been described. The proposed bulb planting will detract from a more 'natural' environment by introducing what are most likely to be garden species. Whilst this is appropriate for the building environment it should be avoided in other areas of the grounds if a more natural character is sought.

In contrast to the previous scheme, the current proposal places a pond close to Stocks Road at the expense of what was previously proposed as a formal orchard with regularly spaced trees. It now will appear more of a forest garden with randomly ordered tree rather than a traditional orchard which will change the character of the site, particularly given that historically it was all previously formal allotment or orchard. However given it seems the same amount of trees are proposed the ecological impact will be enhanced with the pond, this is not a reason for any objection on ecological grounds.

The scene from Stocks Road is likely to be dominated by the car parking area and garage rather than the open land currently present, although this is not an ecological issue and is the same as was proposed previously.

5.2 The details are limited; there is no information on:

- Fruit tree numbers or cultivars;
- Species-mix for the wildflower grassland and management;
- Species-mix for the pond.

5.3 I would suggest the previously proposed 12 bird boxes and 8 bat boxes are rather excessive. The ecology report above recommends 3 bird and 3 bat boxes, which seems more reasonable.

5.4 The underplanting of the hedgerow is unlikely to succeed without significant cutting back of the existing hedgerow to enable more light to reach the base of the hedge. Any planted whips would simply grow tall and spindly to reach the light.

5.5 To maintain the grassland as a species-rich sward, seasonal sheep grazing is supported if a source of local sheep can be found. Otherwise a hay cut will be required, and the practicalities of this may need further consideration given the need to access the site, cut, turn and bale cut grass for this purpose.

6. Whilst it is argued the site should be regarded as developed land by virtue of the plots of the walled garden which haven't changed for perhaps 150 - 200 years, the recent house and the associated boundary features, the proposed plot itself is clearly undeveloped and has never been developed as far as the historic record provided suggests. Whilst the environmental benefits of the proposed landscaping elements are recognised and welcomed, as DBC have stated, they are not dependent upon a new dwelling on the site as the land could be managed as such now, with no impact on the badger sett either. However, I accept this is entirely dependent upon the landowners willingness to do this, which is unlikely given the current proposals.

7. The ecological benefits of the new orchard and wildflower grasslands will enhance the site and the local area in the context of otherwise intensive farming, golf course and horse grazing, all of which do not contribute much if anything to the traditional rural character or its ecology. However it is essential that if these benefits are expected to be derived from the development, the LPA needs some assurances that the plans will be implemented if it is to approve new development in this location on open land.

8. On the basis of the above, I have no reason to consider that there are any fundamental ecological constraints associated with the proposals. However, given the need to ensure any such landscaping benefits are implemented, I advise that any approval should only be on Condition that a suitably detailed ecological enhancement and management plan is submitted to the satisfaction of the LPA, the implementation of which should be secured for at least 5 years to ensure the proposals are delivered.

Herts Highways

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to conditions covering car parking and surfacing, and informatives covering road deposits and storage of materials.

HCC Fire & Rescue

Seeks the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Thames Water

Notes that there are public sewers crossing or close to the development.

Recommends informative regarding the need for separate approvals from Thames Water with regards to foul and surface water drainage.

Herts Property Services

Does not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions.

Strategic Planning and Regeneration

Does not wish to comment

Trees and Woodlands

Any comments received will be reported at the meeting.

Affinity Water

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

Nettleden Lodge, Nettleden Road, Nettleden - Supports:

110% in support of this application and think it is mad that such a forward thinking project would be rejected.

2 Malting Lane - Supports:

My wife and I are very much in favour of this project. The house has been sympathetically designed to unobtrusively fit in with the landscape. It will be an excellent example of both the best of 21st century architectural design and of considerate planning that respects the ANOB in which it will be located. In our view the project will an interesting addition to the environs of Stocks House (unlike the nearby golf clubhouse that was built a few years ago)!

Church Fm Hse - Supports:

This is an opportunity to support a building of architectural merit that will be a lasting example of a 21st century domestic building. It sits in an unobtrusive spot and will fit in well with its surroundings. I understand a very similar application was refused, in part, because of its proximity to Stocks House, itself an impressive building. That objection was extraordinary given the carbuncle that is Stocks Golf Club (and I speak as a member) that lies much close to Stocks House and which was allowed by Dacorum very recently. Please, please see sense and positively support this application.

Considerations

Background

Members should note that permission was refused for an almost identical scheme on this site in August this year on grounds that the proposal was contrary to Rural Area Policy CS7, would cause harm to the setting of a designated heritage asset (Stocks House), harm to a non designated heritage asset (the walled garden), harm to the natural beauty of the Chilterns

AONB and that special circumstances were not therefore considered to exist in the terms of paragraph 55 of the NPPF to allow an exception to the normal policy requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. Furthermore, the proposal failed to provide evidence to back up the claim of being an innovative, low carbon, sustainable development that would offset the inherently unsustainable location on a green field site, and involving significant energy in the excavation of the basement and the removal of waste from the site.

The application is a revised proposal with minor changes relating to the following:

- Access track adjusted
- Turning area by house amended to car drop off only
- Turning area by house changed from gravel to reinforced grass
- Lawn boundary to garden area softened
- Vegetable garden extended further along slips wall
- Design intent illustrated on CGI view from house terrace
- New courtyard walls constructed of flint
- Provision of Sustainability Statement

None of these changes go to the heart of the reasons for refusal relating to the impact of the residential use and building on the heritage assets.

Policy and Principle

The site lies within the Rural Area wherein, under Policy CS7 of the Dacorum Core Strategy September 2013, only small-scale development for the uses listed in the policy will be acceptable. The list of uses does not include use for residential purposes. The proposal is therefore contrary to Policy and in principle is not acceptable.

The site falls within the designated Chilterns Area of Outstanding natural Beauty (AONB) where, under saved Policy 97 and Policies CS24 and CS27, the prime consideration is the conservation of the natural beauty of the area.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies that seek a high quality of design in all development proposals.

The site adjoins a walled garden that originally formed part of the Stocks House complex which is a Grade II listed building. The walled garden is considered to be a non designated heritage asset. Therefore saved Policy CS27 is relevant.

The site lies within close proximity of a Grade II listed building (Stocks House) wherein, under saved Policy 119, every effort will be made to ensure new development liable to affect the character of an adjacent listed building is of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

The main considerations in this case are whether the proposed dwelling is appropriate to the Rural Area, the impact on the heritage assets and the impact on the natural beauty of the AONB.

Impact on Rural Area

In line with Adopted Core Strategy Policy CS7, a limited number of uses are acceptable within the Rural Area, and within these, residential development is not identified as being appropriate. Therefore, based on Policy CS7, the proposal to develop a 4 bedroom detached dwelling on the site, which lies well beyond the defined Aldbury village envelope, is unacceptable in principle.

Policy CS7 does allow small-scale development such as the replacement of existing buildings for the same use, limited extensions to existing buildings, the reuse of permanent, substantial buildings, and the redevelopment of previously developed sites. However, the proposal is not considered to fall under the above categories.

It is argued that the site is previously developed land (PDL) based on a recent High Court case that confirmed that land within the curtilage of a previously developed site but not in a built-up area fell within the definition of PDL within the NPPF. However, it is not considered that the site falls within the curtilage of the existing house (The Walled Garden). The site falls outside its defined curtilage which in accordance with case law, is defined as a matter of fact and degree in any particular case. Although the site may be in the same ownership as the existing house, it is functionally and physically separate from the existing house, given that the land is not intensively maintained or tended for purposes essential to the enjoyment of the dwellinghouse, and there is a clear intervening high wall that separates the land physically from the immediate area around the dwellinghouse.

Even if the land were considered to be PDL because of the Slips wall, the definition clearly states that it should not be assumed that the whole of the curtilage should be developed. In this case any development of the site with a 4 bedroom dwelling as proposed would clearly have a greater impact on the open character of the site, extending built development into the countryside and would therefore cause significant harm to the character and appearance of the countryside, contrary to point (i.) of CS7. In addition, although para. 111 of the NPPF states that "*planning policies and decisions should encourage the effective use of land by re-using land that has previously been developed (brownfield land)*" it nevertheless clarifies that such land should not be of high environmental value. As the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore little weight can be given to the argument that development should be encouraged here.

There remains therefore an objection in principle to the proposed scheme in this general location.

Paragraph 8.35 of the Adopted Core Strategy states that the Rural Area must control development in a very similar way to that of the Metropolitan Green Belt. Therefore taking this approach such development would not normally be supported. The site is an isolated location and is clearly separated from the village edge, some 1 km away. Therefore, the development is, prima facie, unsustainable in terms of proximity to local amenities and services and would require greater use of private transport. Such development would not accord with the sequential approach to the distribution of development as set out in Policy CS1.

Paragraph 55 of the NPPF 2012 states that "*Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances*". It is noted that the proposed scheme is being promoted under the "new country house" clause as justifying special circumstances for a new dwelling. This issue is considered below.

NPPF Para 55 Case for Exception

The applicant has argued that if the Council is satisfied that the design of the dwelling is of exceptional quality or innovative nature, as provided for in Para. 55 of the NPPF, planning permission can be granted for a new dwelling in the countryside under special circumstances. Para 55 states that:

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are

special circumstances such as:

- ...
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

It is noted that there is no clear guidance to local authorities on what constitutes innovative or exceptional quality in design. An assessment of the innovative or exceptional quality of the design is clearly down to a matter of judgement. However, the expert views of the Council's Conservation and Design Officer has been taken into account in this case.

The applicant's Planning Statement refers to examples of para. 55 houses that have been granted in AONB and walled garden contexts. However, as these are all very different to the current scheme, both in their individual design and particular landscape setting, they are not particularly helpful in determining the current proposal which should be considered on its own merits having regard to the particular design merits of the scheme and the surrounding context in which it would be set.

Turning to the 4 tests of para. 55, the following assessment is made:

1. Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

It is noted that for this test to be satisfied, any dwelling should not just be outstanding or innovative, but should be truly outstanding or innovative. It is clear that the bar is set very high and quite rightly so given that the general requirement under para. 55 is that *"housing should be located where it will enhance or maintain the vitality of rural communities ... "* and that *"Local planning authorities should avoid new isolated homes in the countryside ..."* Exceptions should therefore only rarely be made.

The new dwelling, set back from the Stocks Road frontage, would be of a contemporary style, whilst the new garage building set at the frontage of the site is said to take its design cue from the nearby dovecot of traditional brick and pitched tiled roof form. However, it is noted that the elevations for the garage outbuilding are at clear odds with this statement as the design with its flat roof does not appear to closely reflect the traditional form and materials of that building. It is accepted however that it would reflect the contemporary design of the main house with its grass roof.

With regards to the main house, as noted above this would be of contemporary design, with an arched roof sweeping across the site from one side to the other and finished in grass that would merge with the surrounding garden. It has been designed to integrate into the natural landscape of the valley rising to a height of two storeys with glazing and deep timber vertical fins to front and rear to help prevent overheating and limit light pollution to the sides. These fins would also provide an element of articulation and design interest to the building. The dwelling would have sunken courtyard spaces to the front and rear contained within an overall circular plan form. The use of the sunken courtyard form would help define and partly conceal the domestic areas away from the more open areas which is welcomed and arguably an innovative concept for the UK. The Architect has stated that:

"The design makes use of a number of innovative strategies but in regards to Para 55 strategy 'innovation' is not our primary driver. Our focus is on the value of the design and architectural merit and ensuring this is achieved within a strong commitment to the sustainable development Triple Bottom Line of - Economic, Social and Ecological balance. As mentioned previously carbon emissions and energy efficiency are one component of this agenda and to this extent we will be delivering a dwelling to Passive Haus standards - The first in Dacorum we understand. It is anticipated that the design will become an exemplar within Chilterns AONB."

The Conservation Officer has commented that the dwelling is clearly contemporary but it would not be possible to state that the design is truly innovative as grass roofed buildings over a curved form have been designed and built in recent years, e.g. The Big Idea Science Centre in North Ayreshire, "Stags End" in Little Gaddesden or Ladyman Barn in Aldbury. That said, on balance, the Conservation Officer believes that the scheme would help raise the design generally in rural areas and that it does reflect the highest standards in architecture. *"It has clearly been carefully considered and the use of both the curved grass roof, courtyard spaces to define the domestic away from the more open areas and the use of blocks using materials from the site are most welcome."*

The above notwithstanding, the following negative points are noted:

1. For a dwelling to really benefit in para. 55 terms from its exceptional quality or innovative design, the proposal should have a reasonable level of public visibility otherwise it would fail to demonstrate that it is raising standards of design more generally in rural areas. However, as acknowledged in the Planning Statement, the proposal would only be visible in limited views from the frontage; views from the sides and rear being obscured by walls / hedges or otherwise too far distant from public rights of way. It is stated that the public view from Stocks Road will provide the important view to ensure the landscape and architecture can be enjoyed by passing traffic (walkers and others). However, given that the dwelling would be sited towards the back of the site, a significant distance from Stocks Road, on private land, and screened by fruit and other trees, the design, materials and appearance would be difficult to fully appreciate in public views. In addition, the use of raw earth in the construction, being hidden within the internal structure of the roof, would not overtly demonstrate that it is raising standards of design. In the above respects the proposed siting fails to satisfactorily demonstrate the exceptional quality or innovative nature of the design and could just as well be a less innovative, more standard design of dwelling.

2. With regards to innovation, whilst noting the submission that some local materials will be used (raw earth dug on site for the roof and chalk or cement stabilised earth blocks for some of the partition walls) which appears to be a relatively innovative material, it is unfortunate that these will be stabilised with cement (less sustainable than lime). However, more than this, the details submitted are still vague with regards to the extent and placement of this material. Therefore the amount of weight to be given to this aspect must accordingly be more limited. The Chilterns Conservation Board also considers this to be tokenistic.

3. It is stated in the DAS that the house will provide a low carbon new house as an exemplar within the Chilterns AONB. Further details of the sustainability measures to be incorporated have been submitted as part of this amended application wherein it is proposed to achieve Passivhaus standards and a zero or low carbon design. However, the measures have not been fully designed and there remain vague and generalised references to the use of raw earth and SUDS, and no details of construction waste recycling have been mentioned. Moreover, there are also concerns about the amount of embodied energy required to construct the building and excavate the foundations and whether the overall energy balance would outweigh the inherently unsustainable location, using a greenfield rather than a brownfield site, and involving significant energy in the excavation of the

basement and the removal of waste by lorry from the site.

Indeed, it is questionable whether the sustainability credentials of the proposal will really be so innovative or exceptional given the general approach to achieving higher sustainability and the aim for all housing to meet certain levels of sustainable construction. 2016 was the year at which the Council had anticipated Zero Carbon Homes (Level 6) being required under Table 10 of its Core Strategy, albeit the pace of change has reduced under recent Government administrations which have also removed reliance on the Code for Sustainable Homes. Therefore, although the requirement is now only to meet Building Regulations, nevertheless there are many examples in the Borough of dwellings that have been designed as low carbon.

If, as stated, the scheme can achieve zero or very low carbon in its use and construction over the lifetime of the development, then this aspect would weigh in favour of the development as being an exemplar within the Chilterns. Further information has been requested.

4. Whilst the proposal may have the potential to provide an exemplar development within the Chilterns AONB given that there are no other similar examples of "para. 55" houses in this designated area, it is stated that the proposal would provide the potential for public access and use as an educational resource tied to the grant of planning permission. However, whilst public access could clearly be tied into a legal agreement, it is questionable whether the dwelling would be of such innovative design or of such outstanding architectural quality, that it would be of interest other than to a very small minority of the public and to a limited handful of architectural students, no more than might be expected for any other architectural genre. Therefore, the weight that can be given to the overall public benefit of the proposal is considered limited.

In conclusion on this matter, subject to the sustainability aspects being demonstrated, the proposal would satisfy this test.

2. Reflect the highest standards in architecture

It is stated that the Design and Access Statement and visualisations submitted provide an indication of the extremely high standard of architecture in the proposal and the extent to which this test is met.

The Conservation and Design Officer considers that the proposal would overall pass the quality of architecture test, but with reservations regarding the use of reconstituted stone (see also point 4 below).

It is accepted that the appearance of the dwelling would be of a high standard in itself and provide an interesting curved form and courtyard layout with good choice of materials in the use of flint. It is also accepted that the design is creative and imaginative. However, to answer the question as to whether the design would be an "exceptional response to its site and heritage interest", the proposal must be considered in the context of its surroundings. This is considered below in the context of the defining characteristics of the local area (point 4).

With regards to a consideration of how closely the design arises from (1) a rigorous design process, (2) responds to the client's brief, these aspects are to an extent self-fulfilling so it is considered that little weight can be given to these matters.

In conclusion on this matter, the proposal would on balance pass this test.

3. Significantly enhance its immediate setting

The Conservation Officer has considered this test in his comments. He raises concerns that the proposal would not significantly enhance its immediate setting.

It is important to be clear that the site in its open undeveloped state forms an important part of the setting to the adjacent walls of the walled garden which is considered a heritage asset. The character of this part of the former estate is essentially of a rural character, the nearby dwelling within the walled garden being the exception, but nevertheless visually contained within it. As a matter of background, that dwelling was granted in 1991 as a replacement for an existing 1960's dwelling on the site. Although it was larger, material circumstances in its favour were considered to exist in respect of:

- (1) Overall floorspace traded in would be greater than the new dwelling
- (2) The restoration of the walls of the kitchen garden which was secured by a s106 agreement.

In the Planning Statement, it is stated that the new house would visually enhance the landscape and reference is made to a number of examples to demonstrate that the Planning Inspectorate and local authorities have responded positively to houses which are prominent in the landscape. These are noted but are not comparable. The proposed house would not be prominent in the landscape (as is clear from the applicant's Landscape Considerations document) and nor would it be seen in isolation of a heritage asset. In contrast the application site is well contained and seen in intimate relationship with the adjoining heritage asset. It is contained by the wall of the walled garden to its north and the mature native boundary hedges to its south and east. As such it would not be prominent in the wider landscape in the terms of the above examples. Moreover, any enhancement to the landscape would it is contended be more than outweighed by the harm to the heritage asset in this case. The fact that the house would be low down / sunken does little to mitigate that harm, particularly given that it would still be higher than the adjacent C18 wall and of significant size, scale and bulk when compared with the adjacent house.

The proposal cannot be said to enhance the immediate setting for the following reasons:

- It would result in the loss of part of the Slips walls;
- It would adversely impact on the setting of the walled garden, introducing a dwelling and curtilage clearly out of context with the open setting and competing not only with the wall for prominence, but also with the existing dwelling 'The Walled Garden';
- It would introduce a degree of domestication which would conflict with the existing rural character - s106 and conditions restricting PD would provide limited control over parked cars and domestic paraphernalia, manicured lawns and trees, etc.;
- The garage building / cars at the frontage would be a visible and unsympathetic feature of the streetscape, further conflicting with the rural character and the Chilterns vernacular and, as mentioned by the Chilterns Conservation Board, would impede and harm views of the house;
- The Heritage Statement intimates that there will be harm to the setting of the walled garden as a result of the driveway, notwithstanding the proposals to mitigate this through materials / layout. Indeed the proposal would result in the introduction of a large area of hardstanding to the right of the existing entrance gates, drawing attention to the driveway and, together with the loss of two trees, resulting in a loss of continuity to the setting of the wall.

It is stated that the *"creation of Slips House and the provision of landscape masterplan around it is considered to provide an enhancement which goes beyond the visual."*

It is accepted that *"the slips area of the walled garden has a historic use for the production of food which has now been lost."*

However, whilst the adoption of more appropriate planting to the site and within the slips area may be considered an enhancement, the proposal overall with the introduction of a house and domestic curtilage is not considered to constitute a significant enhancement to the immediate setting, and on balance would result in harm to the setting of the walled garden.

Furthermore, it is not considered necessary to build a house in order to achieve these landscape enhancements. It would be quite possible for the occupants of The Walled Garden at present to introduce fruit trees adjacent to Stocks Road and espaliered fruit trees to the Slips area. Therefore these landscape enhancements are not considered to justify a new dwelling, garage and driveway with the attendant overall harm to the walled garden setting.

A number of ecological enhancements are proposed, viz: planting of an orchard, establishing rough grassland areas and a small pond, together with bird and bat boxes. Whilst these are all welcomed, the Ecology Advisor has advised that the proposed bulb planting will detract from the natural environment by introducing what are most likely to be garden species. However, more than this, it is not considered necessary to build a house to achieve these enhancements as the site could be managed as such now, with no impact on the badger sett either, which would need to be closed under licence. Therefore on balance, only very limited weight can be given to these enhancements.

Repairs to the Slips wall is put forward as an enhancement of the scheme. However, whilst accepting that there is some repair work needed to this wall and that this could be secured ad infinitum by a s106 agreement, the erection of a house every time some repair work is needed to a wall cannot be considered to be a very sustainable way forward, and the level of benefit achieved is considered disproportionate to the scale of the development. In any event, there would be overriding harm to the Slips wall and wider walled garden as a result of the development.

In conclusion on test 3, the proposal is not considered to significantly enhance its immediate setting. Indeed, the opposite would be the case as any enhancement would be more than outweighed by the harm to the heritage asset as a result of the introduction of a dwelling and domestic curtilage in the setting of the walled garden and resulting in loss of part of the Slips wall.

4. Be sensitive to the defining characteristics of the local area

It is stated in the Planning Statement that the *"defining characteristic of the immediate area surrounding the site is the walled garden."* and that *"sensitivity to the defining characteristics should be displayed in the size, siting, building materials and landscape treatments of proposed dwellings."*

We would not disagree with this statement, although would add that an integral part of the walled garden is also the open setting provided by the slips and orchard land surrounding the walled garden.

The walled garden is a non-designated heritage asset. It has a high sense of isolation within the surrounding context with the wall being the prominent feature in an otherwise open, pastoral setting. Its heritage value stems greatly from this open, green setting and the rough grassed area alongside the walling is considered to contribute positively to the setting and prominence of the walling to this heritage asset.

In consideration of the above, the introduction of a dwelling in the open setting provided by the site would it is considered intrude significantly on the character of that open setting, both

physically because of the structure, but also because of the change in nature of the land to a domestic curtilage. The harm would be more so because of the size, scale and height of the new dwelling, notwithstanding the fact that it is set back from the frontage.

In this respect the proposal is not considered, *prima facie*, to be sensitive to the defining characteristics of the surrounding area.

With regards to the change in nature and appearance of the land, the site comprising the Slips and orchard area would have originally comprised an area of more extensive horticulture lying beyond the more secure and sheltered zone of the walled garden itself where intensive horticulture would have been practiced. As such, it is contended that its character would have been quite open and ruderal in comparison to that within the confines of the walls, even if less so than currently. In contrast, whilst accepting that the immediate impact of the dwelling would be mitigated by its siting to the back of the site, the proposal would nevertheless introduce, by its nature, a very different kind of land use, having a much more intensive, domesticated appearance overall, with various different mowing regimes, walled terraces, driveways, car parking areas, lawns, etc. notwithstanding the impact of the dwelling itself on that character. In addition, whilst accepting that the design of the dwelling would allow for domestic paraphernalia to be contained within sunken courtyards to front and rear, in practice it would not be possible to prevent vehicles from parking on driveways and hardstandings nor prevent spillage of other domestic paraphernalia onto open areas to the frontage, further detracting from the walled garden setting. Furthermore, it is submitted that any such incidental use would be impractical to control even if a s106 agreement were signed to such effect. The use and character of the use would not therefore be sensitive to the setting of the walled garden.

With regards to the size of the dwelling, it is stated that the top of the curved roof would be at a lower level than the top of the highest part of the wall of the garden. However, this is a misleading statement as the roof would nevertheless still be higher (approx. 3 m excluding chimney) than the immediately adjacent part of the walled garden, against which the dwelling would naturally be compared. In this respect, the height of the new dwelling is considered to compete with the walled garden for prominence.

Furthermore, notwithstanding the grassed roof, at 2 storeys and 28 metres wide, the proposed dwelling would be a large, wide and bulky structure that would appear as a dominant and over-assertive feature in the context of the wall and its setting. The proposed new building would also appear cramped in view of the relatively narrow width of the site and its siting hard up against the hedgerow on the south-eastern side of the field. The proposal in this respect is considered to result in the dwelling appearing hemmed in without the clear sense of space around it that might be expected for a 'new country house', let alone that which would maintain a comfortable setting to the walled garden. It should be noted that the CGI's are somewhat misleading in this respect.

It is stated that the grassed roof is intended to ensure a muted visual impact from public receptors, while the organic design of the house is intended to ensure it sits 'quietly' within the site. However, given that the main public viewpoint is from the Stocks Road frontage, it is not considered that the grass roof would be a significantly visible element of the scheme overall in comparison with the fenestration and glazing details of the front elevation which would present a much harder and therefore less 'muted' impact than suggested.

With regards to the organic design, it is accepted that a curved roof form has the potential to blend into the natural form of the landscape. However, the curved form is tall and accentuated in this case and therefore does not blend into the natural contours of the site or surrounding topography so as to sit 'quietly' as suggested. The curved form of the new building is artificial and not considered to compliment the form and appearance of the walled garden, but rather would grate with the established structure and its setting,

appearing as an incongruous feature. In this respect it is noted that other examples of walled garden dwellings (Walled Garden Precedent Developments) not only seem to form an integral part of the walled structure itself, but also adopt design forms and materials that draw closely from the host structure. The host structure in this case is a clearly defined rectilinear structure with sharp edges, local red / orange brickwork and elements of flint, set within a clear and contrasting wide, flat, margin of grass and trees. In contrast, the proposed arched and curved form would neither reflect the existing host structure, nor would it sit quietly in its midst so as not to disrupt the important open, flat setting of the walled garden.

With regards to the materials, it is stated that these have been chosen to respond to the defining characteristics of the locality. However, the use of reconstituted stone in significant elements of the structure is not a local material. Totternhoe Stone would be the local material of choice for the area if using stone. But the local materials that really define the characteristics of the area (brick, flint, and clay plain tile) are not proposed at all in the dwelling, despite being a prevalent material in the construction of the walls and in 'The Walled Garden' building itself. It is noted that one of the amendments on the current application relates to the introduction of flint into the new courtyard walls. Whilst this is welcome, it is considered somewhat of a tokenistic change given that these walls will not be visually apparent except from within the courtyards themselves and close quarter views. Further its use in the absence of the brick would be a notable departure from the local vernacular. Whilst the introduction of the chimney is a welcome feature that does respond to the local vernacular, the opportunity has not been taken to use local materials in its construction. Therefore it is still questionable whether the development can really be considered sensitive to the defining characteristics of the locality. With the materials and design being broadly unspecific to the locality, the new dwelling could as well be at home in any other part of the country.

The use of flint in the garage construction is noted, but the flat roof construction (as opposed to the hipped roof previously) is not considered to reflect strongly the local vernacular of the nearby listed dovecot in design or detail, as suggested in the Planning Statement. However, whilst the change in design to a flat roof would limit its prominence, and the green roof would arguably reflect the contemporary design of the house, nevertheless the design (in particular the wide span garage doors) and the unconventional use of materials would appear insensitive to the Chilterns vernacular.

In conclusion on test 4, the proposal is not considered to be sensitive to the defining characteristics of the local area, in particular in respect of the setting of the heritage asset and the form and materials of the locality.

In overall conclusion on the paragraph 55 assessment, we accept, with some reservations, that the proposal would on balance satisfy the first two tests of para. 55 (be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture). However, given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth tests. As such, it is concluded that the proposal does not pass all the para. 55 tests and that special circumstances therefore do not exist to allow an exception to the normal policy requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. The circumstances do not outweigh the inherently unsustainable location of the site, contrary to Policies CS1 and CS7 of the Core strategy which restrict new residential development in the countryside.

Impact on Heritage Asset and Chilterns AONB

The site is an undeveloped field within the Chilterns AONB and adjoins a historic garden wall

which, with the enclosed garden, is considered to be an important heritage asset forming part of a wider setting of the Grade II listed building at Stocks House. Although not within the curtilage of Stocks House now, the wall and associated garden clearly formed part of the former estate to the house, and is considered of historic social and architectural note and visually contributes in a positive manner to the character of the area even in light of the addition of a large brick built dwelling "The Walled Garden" having been built in the 1990's within it.

The site is therefore sensitive from both a landscape aspect and a conservation aspect. Any development will therefore both need to ensure that it does not detract from the natural beauty of the landscape and ensure that it does not harm the significance of the heritage asset concerned.

NPPF confirms that nationally designated areas such as AONBs have the highest level of protection in relation to landscape and scenic beauty and states that the conservation of wildlife and cultural heritage are important considerations in these areas.

In relation to heritage assets, NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site falls within the Chilterns Area of Outstanding Natural Beauty where, under saved Policy 97 of the Dacorum Borough Local Plan 1991-2011, and Policy CS24 of the Core Strategy, the prime planning consideration is that the beauty of the area will be conserved and enhanced.

The Chilterns Buildings Design Guide is a material consideration in the design of buildings within the AONB.

Under Policy CS27 'Quality of the Historic Environment' of the Core Strategy there is an expectation that "the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced." Furthermore, Policy CS25 (Landscape Character) of the Adopted Core Strategy requires that "all development will help conserve and enhance Dacorum's natural and historic landscape."

Policy CS12 is an overarching policy which seeks high quality design in all development proposals and sets out a number of criteria to be satisfied.

Design & Setting - A Heritage Assessment has been submitted in support of the application and the Conservation Officers have considered the impact of the proposal in terms of the heritage asset and the Chilterns AONB.

Whilst they consider the proposed dwelling is of a high standard and makes a positive contribution to the area's architecture, incorporates innovative materials and passive solar gain features, they nevertheless consider that in the location proposed, the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. There would be harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the slips wall and development in the setting of the walled garden.

Given it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that it would significantly enhance its immediate setting and as such does not appear to pass the paragraph 55 test (test 3 above).

Key concerns in this regard relate to the following:

- Urbanising effect - The scheme is on an undeveloped site adjoining open fields. However, it would also adjoin an existing isolated development in the countryside, 'The Walled Garden', and there is concern that any development here would have an urbanising effect on the countryside. Clearly this is a matter for consideration in the balance between Policy CS7, which prima facie does not support residential development in the countryside, and Para 55 of the NPPF which allows exceptions if the tests therein are met.
- Impact on the setting of the walled garden, a non-designated heritage asset - The walled garden has a high sense of isolation within the surrounding context with the wall being the prominent feature in an otherwise open, pastoral setting. Its heritage value stems greatly from this open, green setting and the rough grassed area alongside the walling is considered to contribute positively to the setting and prominence of the wall. The height and scale of the new dwelling is considered to compete with the walled garden for prominence. The orientation of the new dwelling with the main aspect fronting Stocks Road would also be a very visible feature within the site as viewed from the road and does not allow the grassed roof to soften this impact significantly as suggested. As such it is considered that there would be harm to the overall setting of the walled garden.

Furthermore, the arched form of the new building is not considered to complement the form and appearance of the walled garden, but rather to grate with the established structure and its simple open setting.

- Impact on the street scene - The proposed new building would appear somewhat cramped in view of the relatively narrow width of the site and its siting hard up against the hedgerow on the south-eastern side of the field and the walling on the north western side. The proposal in this respect is considered to result in the dwelling appearing hemmed in without the sense of space around it that might be expected for a 'new country house', let alone the setting of the walled garden in this case. The concern here is that the walled garden demands a reasonably wide margin for its proper appreciation but the proposed dwelling would significantly interrupt that margin in both height and size/width. It is not considered to be a comparable situation, as suggested (Appendix 2), to other dwellings on linear plots as they are not seen in the context of the setting of a walled garden and are not trying to be "country houses".
- Driveway - the proposed gravel driveway and hard surfaced access, which would run along the front of the walled garden would have an adverse visual impact on the setting of the walled garden. The rough grassed setting and trees to the front of the wall along this highly visible aspect to the site is considered to positively contribute to the setting of the walled garden and its rural character. The access road would disrupt the appearance of this simple rural setting and furthermore would be an overly long and convoluted feature as a consequence, thereby urbanising and domesticating this area and detracting from the rural character of the site. The resultant loss of two trees would further disrupt the continuity of the setting of the wall. The Chilterns Conservation Board has also raised this as an issue and suggested that the driveway, along with garage, should be rerouted around the back of the walled garden, thereby providing a rural green foreground to the house, allowing the house to sit better in the landscape.
- Domesticated appearance and paraphernalia - The proposed planting / garden would introduce a degree of formality and domestication to the walled garden contrary to the present rural nature of the site which would further detract from the simple rural setting of this heritage asset. In addition, as already mentioned, it would not be possible to prevent spillage of domestic paraphernalia onto open areas to the frontage, thereby further harming the walled garden setting.

- Garaging - This was originally to resemble the close-by listed dovecot to the south, with a pyramidal roof, but no elevations had been submitted. A subsequent change of plans to a flat roof design means this is no longer the case. The Conservation and Design Officer had concerns regarding the visual impact that such a structure in this location would have on views along Stocks Road. However, whilst the change in design to a flat roof would limit its prominence, nevertheless the flat roof and untraditional application of flint and other 'bug hotel' materials, whilst welcome in principle, would appear insensitive to the Chilterns vernacular, and the wide span garage doors would further emphasis the unsympathetic scale and form of the building as being out of context with the Chilterns. Omission or reduction in the size of the triple garage would have addressed the visual concerns better than the flat roof design.

Furthermore, given the distance of the proposed garaging from the new dwelling there remains some doubt as to whether it would be used for that purpose with the consequence that cars would be likely to be parked further up the site, thereby detracting further from its open character and having the effect of domesticating the land to the detriment of the heritage asset, the AONB and the Rural Area.

- Alterations to wall to form visibility splay - It is noted that about 18m of the wall to the frontage is to be lowered/ rebuilt. Whilst some rebuilding may be necessary to create the new access and would not be contentious due to it being rebuilt for the existing dwelling, there is concern at the loss of a substantial length of wall for a visibility splay. This would be harmful to this part of the heritage asset and the wider setting of the walled garden.
- Blocking up of pedestrian gateway - the blocking up of the gateway through the main wall would cause harm to this feature and consideration needs to be given to the method of blocking up this gateway to ensure that a metal gate can be expressed as part of the opening so that the character of the connection can be expressed as originally conceived as part of the earlier permission.
- Enhancements - The matter of enhancement by the development has already been discussed in relation to the relevant para. 55 test above and, on balance, considered not to enhance its immediate setting due to overriding harm to the heritage asset and existing rural character of the area. The applicant has acknowledged that human settlement within landscapes is an inherent part of the natural beauty of designated AONBs and that the reason for their designation relates to the enhancement as well as conservation of this beauty. The applicant has argued that enhancements to the ecology of the area and the cultural heritage of the slips through reintroduction of horticulture and provision of wild flower meadows, bulb planting, bug hotels and the like should be weighed in the balance as an overall benefit of the scheme that enhances the immediate setting. It is accepted that the reintroduction of horticulture into the slips and the addition of orchard trees into the outer field may, in itself, be considered to enhance the ecology and cultural heritage of the immediate area. However, the impact must of course be balanced against the wider context of the overall proposal for a dwelling.

The introduction of a dwelling and its domestic curtilage would disrupt the natural open appearance of this field and as already mentioned, would harm the setting of the walled garden, both of which are an integral part of the beauty of the AONB. Therefore in this context, it is considered there would be no overall enhancement, but rather a detraction from the natural beauty of the area. Furthermore, the ecological enhancements do not require the enabling development of a house as they could be carried out now. Indeed the erection of the 'The Walled Garden' dwelling was already justified on the grounds of enabling enhancements to the walled garden.

- Defining characteristics - One of the tests of para. 55 is that it should be sensitive to the

defining characteristics of the local area. In this respect it is stated, inter alia, that the proposal would make use of local materials and that the garage would strongly reflect the local vernacular in design and detail. Reference is made to the use of reconstituted stone for the new dwelling. However, stone would not be considered to be a defining characteristic of the Aldbury and surrounding area which is located within the Chilterns AONB. The typical and defining characteristics of this area relate to the use of brick and flint and plain clay tiles, the clay for which is locally mined and kilned and gives the characteristic red/orange glow to its buildings. It is these materials, amongst other aspects, that give the Chilterns its distinctive and defining character, and this is clear from the surrounding buildings, including the walled garden. The use of reconstituted stone, in the absence of other key defining materials to the area, would not help provide a strong vernacular link with the locality. Whilst it is noted on this latest application that flint has now been introduced into the courtyard walls, this is considered to be no more than a tokenistic change given the walls will not be visually apparent from outside the site. Furthermore, its use in the absence of brick is a further departure from the typical vernacular of the area.

Furthermore, with the change in design of the proposed garage, and its unorthodox use of flint in the absence of brick, it is no longer possible to say that this would strongly reflect the local vernacular in design and detail, in particular the nearby dovecot referenced by the applicant. The scheme should have special regards to the quality of the Chilterns AONB in terms of location, design and materials, etc. and in this respect only token reference appears to have been made to the Chilterns Buildings Design Guide.

Impact on AONB - The proposed landscape enhancements are, on balance, considered to conserve the natural beauty of the AONB whilst the wider natural beauty of the designated landscape will not be harmed as a result of the development due to its well screened and enclosed nature. It is also accepted that the arched form and green roof would help soften the appearance of the building in the wider landscape and reflects to some extent the surrounding topography.

The Chilterns Buildings Design Guide is primarily concerned with reinforcing the locally distinctive building traditions of the area, but it does allow exceptionally for contemporary and innovative architecture, subject to similar criteria as the NPPF, viz:

- Be in harmony with the site and surrounding buildings and countryside
- Enhance landscape and immediate setting rather than detract from local character
- Incorporate highest principles of sustainability in terms of design, use of materials and renewable energy provision
- Should have the ability to be repaired and renewed when necessary
- The design should be truly outstanding and ground-breaking, for example in its use of materials, methods of construction or contribution to protecting and enhancing the environment
- Be sympathetic to their surroundings and the defining characteristics of the local area
- Demonstrate the appropriate use of local building materials wherever possible.

For reasons discussed in the previous sections, the proposal is not, on balance, considered to accord with the above criteria.

The Chilterns Conservation Board has also raised concerns with the proposal, in particular in regards to the height of the proposal and the impact of the access and parking / garaging arrangements on the appreciation of the house and how it sits in the landscape. Although arguably the proposal would be truly outstanding and ground-breaking in its design and use of some of its materials (raw earth), the proposal would not be in harmony with the site and surroundings and its defining characteristics, would detract from local character and gives only token support to the use of local building materials. For the above reasons, the proposal is

considered harmful to the Chilterns AONB and would fail to preserve the integrity, setting and distinctiveness of the walled garden, which is a heritage asset. The proposal is therefore considered contrary to the policies for the protection and enhancement of the AONB.

Landscaping and Trees

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings. Section 3 of the Environmental Guidelines is also relevant.

The site is bounded on three sides by mature native hedgerows and features a number of trees within the site. These are said in the Tree Statement to be ornamental trees and not to conform to the way in which the orchard planting would have historically taken place. Whilst this is not disputed, this fact does not diminish their contribution to the visual amenities of the area.

Whilst none of the trees are preserved, the site is sensitive from a landscape point of view given its siting in the Chilterns AONB. The Chiltern Society is not supportive of the proposals and has mentioned the history of the site as an orchard, noting that it has a strong sense of history and beauty about it. Indeed, much of the beauty arises out of the simplicity of the field, its uncomplicated natural field enclosures and the relationship and setting it provides with the Walled Garden.

It is noted that four trees are to be removed from the site (two to the south of the walled garden and two to the west to allow for the access) although a significant number are to be planted, comprising a mix of traditional orchard trees and mixed native species. In addition, wild flower, long grass and bulb planting is to be planted together with espaliered fruit trees to the slips walls.

Whilst the landscaping proposals relating to the small copse of trees to the frontage and to the slips walls are supported in principle, this is only a small part of the site and there is concern that the remaining treatment will appear overly domesticated and manicured which would harm the simple, natural appearance of the field and the setting of the walled garden as well as the inherent natural beauty of the AONB. Related to the issue over the cramped setting, it is noted that the southern edge of the building would appear to encroach into the existing hedgeline. However, it seems unlikely that the basement and sunken courtyards could be constructed without impacting adversely on the existing hedgeline, thereby resulting in its local removal at best. This aspect is not even acknowledged let alone mitigated through protective fencing in the arboricultural report, although the architect has since advised that the method of excavating and piling etc. will need careful consideration and would be happy to submit details from an arboricultural consultant to ensure protection and proper methodology. If permission is granted details of how the continuity of the southern hedgeline is to be maintained would need to be conditioned.

There is also concern at the loss of two trees from the existing avenue trees along the frontage, in order to form the access. Their loss would disrupt the continuity of this feature which is considered important to the formality of the Walled Garden and its setting at this point. Furthermore the introduction of a driveway and access along this frontage would result in the loss of the broad natural green setting, not only to the wall, but to the general landscape of the AONB in this location. As mentioned above, the Chilterns Conservation Board has also raised this as an issue. Moreover, it is considered that the potential long term introduction of non-native herbaceous plants, shrubs and trees, together with varying mowing regimes, to the site in association with a residential use would be highly out of keeping with the natural beauty of the area and could not in practice be controlled by the LPA.

On balance, it is not considered that the landscaping of the site or the impacts on the existing planting from this development would conserve, let alone enhance, the natural beauty of the site. The proposal is therefore contrary to Policy CS12, 13, 24 and saved Policy 97.

Impact on Ecology and Wildlife

A Phase 1 Habitat Survey (Preliminary Ecological Appraisal) did not identify any protected species other than badgers, birds and bats. The Ecology Advisor has agreed that recommendations 1 and 2 are suitable in regards to inspections before removal of trees. In respect of enhancements (native species, bat boxes and bird boxes), he has also agreed that recommendations 3, 4 and 5 are appropriate.

An active badger sett was identified in the south east corner of the site and the Ecology Advisor has advised that it is unlikely that the development at present will avoid disturbing this sett as it is very close to the proposed house and patio area. It will certainly be disturbed by the building works which will be well within 30m if not directly affect the sett area. Consequently he considers that a licence will be required and that recommendation 1 in the Badger Report is acceptable, as are recommendations 3 and 4 with regards to monitoring during the development phase.

Ecological enhancements primarily comprise of the planting of an orchard, establishing rough grassland and a small pond. Whilst these are welcomed and would enhance the site, the Ecology Advisor has stated that the proposed bulb planting will detract from the more natural environment by introducing what are most likely to be garden species which should be avoided if a more natural character is sought.

There are considered to be no fundamental ecological constraints associated with the proposed development, but any permission should be subject to details of the enhancements and a management plan by condition, the implementation of which should be for a minimum 5 years. This could be secured indefinitely by a clause in the suggested s106 agreement. The recommendations in the reports should also be secured by condition.

Impact in terms of Highway Safety

Whilst a Design and Access Statement has been submitted, this curiously does not consider access. A separate plan (Development Access Proposals) details the proposed access.

Access to the new dwelling is to be shared with the existing dwelling access serving The Walled Garden. Part of the existing (modern) brick return wall between two pillars would be demolished to enable a new driveway to be formed between the walled garden and the Stocks Road frontage. It is noted that part of the existing (original) brick and flint boundary wall directly fronting Stocks Road would be either lowered to 1 m in height or realigned behind the visibility splay for a length of some 18 m.

The Highway Authority has raised no objections on highway grounds subject to conditions.

The proposed removal of part of the front wall to form visibility would be detrimental to the heritage asset and therefore contrary to Policy CS27, but it is unclear why this alteration should be required in any event given that it is an existing access that serves an existing relatively recently constructed dwelling. Saved Policy 54 does state that at the discretion of the planning authority, normal standards may be relaxed in order to meet wider environmental, transport, safety, design and conservation objectives. In this case the marginal benefits to visibility on a road where traffic does not reach high speeds are not considered to outweigh the harm to the heritage asset. Any permission should therefore exclude this alteration.

In terms of car parking, in accordance with saved Policy 58, standards are set down in Appendix 5 of the Dacorum Borough Local Plan 1991-2011, including provision for cycle

storage. Provision for refuse disposal should accord with the Council's Refuse Storage Guidance Note February 2015, in particular with regards to ensuring its inconspicuous siting.

The site would provide sufficient off-street space for car parking to serve the use. As regards bicycle storage, given that garaging and other storage space is available, separate secure cycle storage would not be required.

With regards to bin storage, it is unclear where this would be accommodated on the site as no details are shown. However, provided this can be accommodated within the compost and utility area at the rear of the site, this would be considered suitably concealed and would not significantly impact on the setting of the walled garden.

The proposal overall would be acceptable in car parking and access terms and would comply with Policy CS12 and saved Policies 54 and 58.

Impact on Neighbours

In general, it is not considered that there would be any material harm to neighbouring residential amenities given the location of the application site although it is noted that the introduction of the grassed roof which would inevitably require access for mowing purposes could result in overlooking of The Walled Garden. However, given the distance of over 23 metres it is considered that the harm to amenities would be within acceptable limits.

The proposal would comply with Policy CS12 and Appendix 3.

Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy and saved Policy 129 of the Borough Plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

The application should be accompanied by a Sustainability Statement as required by para. 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement, a template checklist for which is available on the DBC website.

The previous application was refused on grounds that details of SUDS, waste recycling and water efficiency were lacking and no details were provided to demonstrate what level of carbon emissions reduction would be met or targeted.

The development is in an inherently unsustainable location, using a greenfield rather than a brownfield site, and on the face of it involving significant energy in the excavation of the basement and the removal of waste by lorry from the site. All of these are unsustainable and it is therefore considered important that it should be demonstrated how these affect the overall energy balance of the development and what weight can be placed upon the claims of being a low carbon exemplar development for the Chilterns.

The current application is now supported by a sustainability statement which is considered to demonstrate that it would comply with key sustainability principles even if certain details such as SUDS, construction waste recycling, use of raw earth and other aspects are either missing or generalised. It is stated that the proposal would seek Passivhaus standards and target zero carbon emissions through such measures as solar gain through orientation of the building, thermal massing, air tightness, ground source heat pumps, 'A+' rated white goods, energy efficient lighting and heat recovery ventilation. Other sustainability measures include low VOC materials, rainwater harvesting, low water use sanitary fittings, permeable paving, tree

planting, and lime mortar for the flint walls.

There remain concerns about the amount of embodied energy required to construct the building and excavate the foundations and whether the overall energy balance would outweigh the inherently unsustainable location, using a greenfield rather than a brownfield site, and involving significant energy in the excavation of the basement and the removal of waste by lorry from the site. If, as stated, the scheme can achieve zero or very low carbon in its use and construction over the lifetime of the development, then this aspect would weigh in favour of the development as being an exemplar within the Chilterns. Whilst further information has been requested the applicant has not provided satisfactory additional information that clearly demonstrates a favourable energy balance to the scheme. It is therefore not considered that significant weight can be given to the claims of being an exemplar of low carbon development in the Chilterns.

Subject to conditions seeking further details of SUDS and rainwater harvesting and construction waste recycling, the proposal would comply with Policy CS29. A condition securing compliance with Passivhaus standards would also be recommended should permission be granted.

Physical and Social Infrastructure

There is no requirement for contributions to physical and social infrastructure for a single dwelling. Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the Core Strategy.

Other matters

Policy CS12 is relevant in respect of achieving secure, crime free development and Policy CS11 is relevant in respect of incorporating natural surveillance. No details have been submitted. However, the absence of these features would not be considered a matter that could justify refusal.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 **The site lies within the Rural Area wherein, under Policy CS7 of the Dacorum Core Strategy September 2013, only small-scale development for the uses listed in the policy will be acceptable. The list of uses does not include use for residential purposes. The site is not considered to constitute previously developed land, However, even if it were, in accordance with NPPF, it should not be assumed that the whole of the curtilage should be developed. In this case the site is undeveloped and further development would harm the character and appearance of the countryside, contrary to point (i.) of CS7. Furthermore, as the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore, in accordance with NPPF, little weight can be given to the argument that development should be encouraged here. Special circumstances are not considered to exist in the context of Paragraph 55 of the NPPF that would be considered sufficient to set aside the Rural Area policy of restraint on new building in the countryside. The proposal is therefore contrary to the above policy and Policy CS1 of the Dacorum Core Strategy September 2013.**
- 2 **Whilst accepting, with some reservations, that the proposal would on balance satisfy the first two tests of the last bullet point of paragraph 55 of the NPPF**

(be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture), nevertheless in the location proposed the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. The proposal would cause harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the 'Slips' wall and development in the setting of the walled garden. There would also be harm to the natural beauty of the Chilterns AONB. Given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth bullet tests of paragraph 55 of the NPPF. As such, special circumstances do not exist to allow an exception to the normal policy requirement under paragraph 55 that local planning authorities should avoid new isolated homes in the countryside. The proposal is therefore contrary to Policies CS7, 12, 13, 24 and 27 of the Dacorum Core Strategy September 2013, and saved Policy 97 of the Dacorum Borough local Plan 1991-2011.

Article 35 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraph 188 of the NPPF. Pre-application advice indicated that whilst there may be scope to make a special case for a new dwelling under Para 55 of the NPPF, a detailed case would need to be set out to demonstrate why an exception to Policy should be made, noting that there were concerns from a conservation and design aspect to the impact on the adjacent heritage asset and to the natural beauty of the AONB. The local planning authority considers that the case for an exception has not been demonstrated in this case. The Council has sought to engage with the applicant with a view to making changes to the proposal at the application stage in order to address some of the objections to the proposal. However, only minor changes and clarification has been received and fundamental objections cannot be overcome. Since no solutions can be found at this stage the Council has complied 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.