

**4/00930/16/FUL - REPLACEMENT DWELLING.  
WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG.  
APPLICANT: Mr Turner.**

---

[Case Officer - Jason Seed]

### **Summary**

The application is recommended for approval. The proposed replacement dwelling is not materially larger than the existing dwelling. The proposed development complies with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy.

### **Site Description**

The application site comprises a detached two storey dwellinghouse which is situated on the eastern side of Frithsden Copse, Potten End. The existing dwelling, like those within the surrounding area, is located within a spacious plot. The surrounding area comprises detached dwellinghouses within the wider area, a large woodland area to the north and east and the neighbouring properties of Acrefield to the south and Woodstock to the north-west.

The site is subject to the following relevant planning designations: Green Belt, Chilterns AONB, Area of Archaeological Importance.

It should be noted that whilst the proposal site address is Potten End, it is situated outside of the Village Boundary as defined by the Proposals Map.

### **Proposal**

The application seeks full planning permission for the replacement of the existing dwelling. A number of revisions to the original proposal have been submitted since the application was made in response to consultation comments and Officer's concerns, although the focus of this assessment is on those plans which have been most recently submitted and are identified within Condition 2 which is provided at the end of this report.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the exercising of call-in powers by Ward Councillor Douris.

### **Planning History**

4/00785/16/LDP CONSTRUCTION OF AN OUTBUILDING TO FORM INDOOR  
SWIMMING POOL AND GAMES ROOM  
Granted  
17/06/2016

4/00314/16/FUL REPLACEMENT DWELLING  
Withdrawn  
04/04/2016

4/00500/94/FHA SINGLE STOREY CARPORT/PERGOLA  
Granted  
25/05/1994

## **Summary of Representations**

Due the number of revisions which have been submitted, the summary below refers only to those comments which were received from technical consultees and local residents in response to the consultation on the final set of submitted plans. The Chiltern's Society original comments have however been provided to illustrate how their initial objections were overcome.

Nettleden with Potten End Parish Council - No objection.

Trees and Woodlands - No objection, subject to conditions.

Strategic Planning and Regeneration - No comments to make.

Herts and Middlesex Wildlife Trust - Following the submission of an adequate bat survey HMWT is happy to withdraw its original objection and considers the issue of European protected species to be adequately considered.

Herts Ecology - I do not consider there are any other ecological constraints. The application may be determined having taken bats sufficiently into account. No further comments in respect of additional information provided.

The Chiltern Society - The Society does not object in principle to the replacement dwelling as numerous precedents have already been set in Frithsden Copse (Objected to the detached garage which was originally proposed and has since been removed).

Highway Authority - No objection.

Historic Environment Unit - No objection, subject to conditions.

Building Control - I have taken a look at the above application my comments are as follows: confirm width access to the property for fire department is within approved Document B.

Herts Infrastructure Officer - Herts Property Services do 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. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Castle Planning - We note that there have been amendments and clarifications in relation to this proposal which have responded to some of our previous comments. We do however retain concerns in relation to the proposed development and seek that your Authority carefully considers these and the most appreciate means of addressing these matters in your ongoing consideration of this planning application.

High Beech - The original size by these plans is no bigger than 250 sq m, whereas on the Dacorum site the developer has advised in April 2016 265 sq m, and then in September 2016, the latest application stated that the original dwelling was 346 sq m. The original dwelling size included 2 garages, the new property has NO garages, my personal opinion is that the original dwellings garages should be excluded from the calculations as they are not habitable spaces.

I also feel that the first floor of 119 sq m on the plans looks a similar size to the ground floor which is stated as 203 sq m, I assume you check these measurements are correctly stated and that they are external dimensions and not internal.

The latest scheme is more suitable for the site, and once the above original dwelling information is correctly stated I will not have any further comment, however I expect if you were to pass this application that you would condition it by taking away all PD rights, and ensure that the total current extended building is TOTALLY demolished.

Fordons - Although the amended plans for the proposed replacement dwelling at Winchwicks show a better relationship to the two neighbouring houses by proposing a location in the middle of the garden, similar to the location of the existing house, I would wish to see specific conditions attached to this proposed development, as follows:-

Condition 1: As the amended scheme includes the swimming pool/games building recently granted as Permitted Development, no further Permitted Development should be allowed. The total amount of new building within this site would be significantly greater than the size of the house as it was prior to 2016.

Condition 2: If replacement is granted, any part of the existing buildings not incorporated in the replacement building should be fully removed.

Condition 3: For the landscaping of the garden, the Planning Design and Access Statement states in Section 5.5 that "the development would not result in the loss of the existing mature trees which form part of the character of the site". To ensure that such trees are safeguarded, if the amended scheme were to be granted, a detailed landscaping plan should be part of a condition of the permission.

Unless such conditions form part of the proposed development plan, I request that consent is not granted for this amended scheme.

It should be noted that the various dimensions, floor area totals, and the comparisons between "existing" and "proposed" situations are very confusing and, in my opinion, require extra careful interpretation by the Council when considering the details of this application.

## **Considerations**

### Policy and Principle

Paragraph 89 of the National Planning Policy Framework (NPPF) states that local planning Authorities should regard the construction of new buildings as inappropriate in Green Belt. However, certain exceptions to this are permitted, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Core Strategy Policy CS5 concurs with this, stating that within the Green Belt, small-scale development will be permitted: i.e. the replacement of existing buildings for the same use, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

It is therefore considered that the principle of the replacement dwelling is acceptable, subject to the satisfying of the above criteria.

### Impact on Green Belt

In considering the impact of the proposal upon the Green Belt, it is important to assess a number of factors such as, footprint, floor area, volume, height and positioning. The calculations below provide details in respect of comparative footprints, floor area, volumes and heights. For clarity, the figures below do not include any dimensions / volumes associated with any of the outbuildings / other structures present at the site or the outbuilding approved under application reference 4/00785/16/LDP, although it is noted from the site layout plan that a number of existing structures are to be removed which will reduce the overall quantum of built development at the site and thereby increase openness generally.

### Existing Dwelling

<b>Footprint (m<sup>2</sup>)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Volume (m<sup>3</sup>)</b>
280	346	1320

### Proposed Dwelling

<b>Footprint (m<sup>2</sup>)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Volume (m<sup>3</sup>)</b>
226	322	1320

### Difference Between Existing & Proposed Dwelling

<b>Footprint (m<sup>2</sup>)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Volume (m<sup>3</sup>)</b>
-54	-24	0

### Percentage Difference

<b>Footprint (m<sup>2</sup>)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Volume (m<sup>3</sup>)</b>
-19	-7	0

### Heights

- Existing house height: 7.8m
- Proposed house height :7.5m
- Difference: -0.3m

On evidence of the figures above, the replacement dwelling would not be materially larger in any dimension than the one which it proposes to replace. The new dwelling is proposed to be located more centrally within the plot than the existing, although it is proposed to be set back from the build line of the properties immediately adjacent (as the existing property is) and as such, it is considered that its positioning will not result in any greater impact upon the Green Belt than the existing property.

The use of the site will continue as residential, and it considered that this, combined with the presence of a number of residential properties of a similar size within the immediate locality and the existing suburban character of the site and surrounding area, the proposal will not result in any adverse impact upon the character and appearance of the countryside.

The proposal will support the rural economy by providing opportunities for construction jobs and the procurement of goods and services from within the Borough.

It is therefore considered that the proposed development is considered to be an appropriate form of development within the Green Belt when assessed against the relevant criteria.

It should be noted that as the 'original' house has been extended, it is considered appropriate to remove permitted development rights for further extensions (including those to the roof) and porches to ensure that the objectives and requirements of the NPPF are met.

### Impact on Street Scene and Chilterns AONB

The Frithsden Copse street scene is characterised as spacious, tree lined and featuring large detached properties of varying architectural styles which are generally well set-back from the road adjacent.

The proposed two storey dwelling would not appear incongruent or damaging to this environment and is therefore considered not to adversely impact upon the street scene.

With regards to the site's Chiltern's AONB designation, Policy CS24 of the Core Strategy states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

Saved Policy 97 of the Dacorum Borough Local Plan does not prohibit the erection of new buildings, but states that every effort will be made to discourage development and operations that would adversely affect the beauty of the area. Colours and materials used for a development must fit in with the traditional character of the area.

The application forms state that the materials to be used in the construction of the new dwelling are to be 'as existing'. It is however considered that given the site's AONB designation, it is appropriate to require further details in respect of materials to ensure that the proposal accords with the objectives and guidance contained within the Chilterns Design Guide in so far as is practicable. The agent for the application has confirmed their acceptance of this measure.

#### Impact on Trees and Landscaping

The application site currently benefits from a substantial volume of trees which are located predominately around the site's perimeter although a large number of these trees are concentrated at the front portion of the site. Several trees are to be lost as a result of the proposal. As such, the application has been accompanied by a Tree Survey and Arboricultural Impact Assessment.

The Council's Trees and Woodlands Officer has been consulted on the application and has raised no objection to the proposal subject to the imposition of conditions relating to the protection of root protection areas of the retained trees as identified within the Tree Survey, the installation of special surfacing to minimise root compaction / encroachment and the requirement of a landscaping scheme to include tree planting proposals.

#### Ecology

As part of the applicant's submission, a Preliminary Roost Assessment has been undertaken followed by a presence / absence survey. No evidence of bats was found but a low roost potential identified. The subsequent re-entry activity survey found no evidence of bats using the building, and it was concluded that bats are not present in the building. Bats were confirmed as using the site. Bird droppings were present in the building but the report does not indicate any old nests were present. These may have simply reflected occasional roosting behaviour.

Hertfordshire Ecology has been consulted on the application and considers the surveys and conclusions to be sound and recommend informatives in respect of the following:

- Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.
- Nesting birds - constraint to timing of building demolition or check by suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

### Impact on Highway Safety and Parking

It is proposed that the access to the property will remain unchanged and this has been confirmed in writing by the applicant. The Highway Authority has been consulted on the application and has stated that they do not wish to restrict the grant of planning permission. Frithsden Copse is not a road maintainable at public expense. The replacement dwelling is not thought to impact on the highway network.

The proposal will not result in a demand for off-street parking due to the generous area which is situated to the front of the proposed dwellinghouse. It is therefore considered that the proposal is acceptable with respect to highway and parking matters.

### Impact on Neighbours

It is considered that the proposed dwelling will have no great impact on neighbouring properties than that which presently exists, with sufficient separation distances proposed between the new dwelling's flank elevations and the two closest neighbouring properties (Acrefield to the south and Woodstock to the north-west). There are no properties present at the rear of the site to consider.

The proposed dwelling does not contain any windows within its side elevation and as such, the privacy of neighbouring properties is maintained. It is noted that there is a large ground floor roof area which could potentially be accessed via the Master Bedroom and Bedroom Two within the first floor which may result in the creation of a roof terrace. Whilst it is considered that such terraces should not be encouraged within new developments, it is acknowledged that a similar arrangement already exists at the current property and as such, it would not be justifiable to refuse planning permission for such a reason due to the relatively similar degree of overlooking which already exists from both the existing terrace and windows above ground floor level.

### Archaeology

The application site is situated within an area designated as an Area of Archaeological Importance. As such, the Historic Environment Officer has been consulted on the application.

The Officer has stated that the site contains very significant archaeological remains of prehistoric and Roman date, in particular. These include to the north west of the development site the remains of a Romano-British villa [Historic Environment Record 1377], a linear earthwork or dyke of Late Iron Age or Roman date [HER 318] and a rectangular enclosure which may be a Romano-Celtic temple or a shrine, all of which are Scheduled Monuments. Two bowl barrows (burial mounds) of prehistoric or Roman date also lie to the north west of the site [HER 6959, 6980], and a length of Grim's Ditch crosses Berkhamsted Common to the south of Frithsden Copse [HER 49]. These are also Scheduled Monuments.

It is therefore recommended that conditions pertaining to a field evaluation and archaeological investigation, and analysis of the results of such investigation in the form of a written report.

### Sustainability

It is noted that no details have been submitted with regards to the sustainability requirements of Policy CS29 of the Core Strategy. However, given the limited scale of the proposal, it is considered that such matters will be fully addressed through Building Control requirements.

### Flood Risk Assessment

The site is not situated within Flood Zones 2 or 3 as defined by the Environment Agency Flood Maps and as such, residential development is appropriate within this location.

#### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The site is situated within CIL Charging Zone 1 where a CIL Rate of £250 (per square metre) is applicable.

#### **Conclusions**

It is considered that the proposed replacement dwelling will not be materially larger than the one which it replaces and will not have an unacceptable adverse impact upon the Green Belt (as appropriate development), Chilterns AONB or the street scene, subject to the provision and approval of further information concerning external materials. The proposal will not result in an unacceptable loss of tree and enhancements in this respect will be secured via planning condition.

Furthermore, the proposal will not adversely impact on local wildlife / protected species, highway safety or the amenity and / or privacy of neighbouring properties.

It is therefore considered that the proposal accords with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy and as such, the application is recommended for conditional approval.

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

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

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

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

TH.05B Rev B  
TH.06 Rev C  
TH.07B Rev B  
TH.09  
Planning Statement  
Preliminary Roost Assessment  
Arboricultural Impact Assessment  
Application Form

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

- 3 Notwithstanding the information that has already been submitted, no development (excluding demolition) shall take place until details of the materials to be used in the construction of the external surfaces of the**

**development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Chiltern AONB in accordance with Policy CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

**4 Within 6 months of the date of this decision, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and the Chilterns AONB in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

**5 Within three months of the date of this decision, an Arboricultural Method Statement will be submitted to and approved by the Local Planning Authority.**

Reason: In order to ensure that damage does not occur to the trees during building operations and to ensure that the visual amenity of the site and the Chilterns AONB is maintained in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policies 97 and 99 of the Dacorum Borough Local Plan.

**6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, and D.**



Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality, the Chilterns AONB and the Green Belt in accordance with Policies CS24 and CS5 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

**7 No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording;**
- 2. The programme for post investigation assessment;**
- 3. Provision to be made for analysis of the site investigation and recording;**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation, and;**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

**8 Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.**

**The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

### **ARTICLE 35 STATEMENT**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**INFORMATIVE**

Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.

Nesting birds - You are advised to carry out a check of the building (and any relevant areas within the development site) by a suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.