

4/02978/16/FUL – DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING.

HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER.

APPLICANT: Mrs A Hunt and Mr and Mrs Luckhurst.

[Case Officer - Jason Seed]

Summary

The application site falls within the urban area of Berkhamsted wherein the general principle of residential development/redevelopment is supported. It is considered the proposed development can be satisfactorily accommodated on the site without detriment to the character of the area and without significantly impacting on the amenities of surrounding properties.

The application is recommended for approval as it is considered that the proposal complies with Policies CS4, CS12, CS29 and CS32 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan.

Site Description

The application site comprises an existing bungalow (containing habitable roof space) and associated garage which is situated on the northern side of Bank Mill, Berkhamsted. The immediate surrounding area is almost entirely residential in terms of use and character and the wider area comprises a variety of uses and features including the train line to the immediate north and the River Bulbourne to the south.

The site is subject to the following relevant designations: Railway (100m Buffer), Grand Union (North Bank) 25m Buffer. The proposal site is situated within close proximity to the boundary of the Berkhamsted Conservation Area.

Proposal

The application seeks planning permission for the demolition of single dwelling and construction of two 3-bedroom semi-detached three storey dwellings with off-street parking.

Permission was recently granted for a similar development under planning reference 4/01101/16/FUL. The footprint and layout of the development remain as previously approved. The principal changes proposed relate to the raising of the ridge height by 600mm, the insertion of dormers to the rear, conservation rooflights to the front roof slope and minor alterations to the windows in the flank elevations.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Relevant Planning History

4/03246/15/FUL DEMOLITION OF SINGLE DWELLING. CONSTRUCTION OF THREE TERRACED TWO STOREY DWELLINGS AND FORMATION OF NEW VEHICULAR CROSSOVER-
WITHDRAWN 4/02/16

4/01101/16/FUL DEMOLITION OF SINGLE DWELLING AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS

WITH PARKING - GRANTED 11/07/16

Representations

Network Rail

No objection, subject to conditions.

Canal and River Trust

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process. The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based on the information available we have no comment to make.

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Fire and Rescue

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. 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.

Berkhamstead Town Council

This application follows a previous application. Although the current scheme is for two properties, it is still an overdevelopment of the site forcing two dwellings where there is only reasonable space for one, bearing in mind the lack of space to the rear and front of the properties. This will result in virtually no amenity space. The proposals will add further congestion to an already over-congested and over-developed area.

14 Bank Mill

1 It is now proposed that 13 Bank Mill be three storey. Previous plans were for two storey. Two three storey houses will add considerably to the height of the properties which will mean that we are over shadowed with subsequent loss of light and sitting alongside 14 Bank Mill will look totally out of place.

2 Side elevation windows - The number of side elevation windows has increased from 2 to 3, two of which are High level. Understandably these two high levels windows are an intrusion for No 14 both from the front and rear of No 14. Why is it necessary to have so many windows overlooking No 14 (obscured or not)?

Considerations

Policy and Principle

Policy CS4 of the Core Strategy states that within the towns, development will be guided to the appropriate areas within settlements and in residential areas, residential development will be encouraged. It is therefore considered that the principle of the development is acceptable, subject to the acceptability of other planning considerations. The principle of development has already been established by virtue of the extant planning permission 4/01101/16/FUL which was approved on 11th July 2016.

Impact on Street Scene and Character of the Area

The existing Bank Mill street scene provides a contrast between the open and landscaped area to the south and the residential elements to the north which is comprised of buildings of a variety of styles and sizes and include bungalows, chalet bungalows and two/three storey dwellinghouses. A combination of detached and semi-detached properties are evident within the immediate area.

In respect of materials, a wide variety are present and include traditional brick, interlocking roof tiles, render and uPVC windows.

The site is situated within the Bank Mill Character Area (BCA3) for which the Council have prepared an appraisal document. The document states that '*with regards to front gardens,*

these generally accommodate car parking. The informal dwelling layout provides a variety of garden shapes and sizes, some of which are side-on to the dwelling'.

With regards to layout, the document states that an informal approach is acceptable, with no special requirements, except that a wide spacing (5 m - 10 m) should be maintained, and the separation distances of this proposal fall within this range and as such, has been achieved by the proposal. The siting and footprint of the units remains the same as previously approved.

It is considered that due to its limited scale in comparison with adjacent properties, the proposal will not adversely impact upon the street scene. Although the ridge height has been slightly raised compared to the previously approved scheme the ridge height will still be below the ridge of 11 Bank Mill Lane and will sit sympathetically in the streetscene. The proposed use of materials is considered to be in keeping with those within the immediate locality and the overall design of the proposal is considered to be sympathetic to the Bank Mill area. The proposed parking arrangement is similar to that which currently exists and the visual impact of this arrangement will be mitigated by the introduction of a 600mm high privet fence which is to be positioned along the site's front boundary.

It is therefore considered that the proposal is sympathetic to the area and does not adversely impact upon the street scene and therefore complies with Policy CS12 of the Core Strategy.

Impact on Trees and Landscaping

It is noted that a number of tree and other landscaping will be removed as a result of the proposal, none of which benefit from any protection or restrictive designations. The proposal makes provision for planting to the rear of the site and moderate landscaping in the form of a privet hedge at the front of the property.

It is considered that further details in respect of landscaping can and should be secured by planning condition. Future planting proposals will help the development assimilate into the local area and will enable the new units to integrate with the streetscape character.

As such, the proposal is considered to comply with Policy CS12 of the Core Strategy.

Amenity/Garden space

Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development is houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m although a reduced rear garden depth may be acceptable for small starter homes.

The proposed dwellings have a total garden depth (including planting area) of approx. 7.5m which falls short of the expected minimum garden depth. Berkhamsted Town Council (BTC) have objected to the proposal on the grounds that they consider it to be an overdevelopment of the site, forcing two dwellings where they consider that there is only reasonable space for one, bearing in mind the lack of space to the rear and front of the properties. BTC consider that this will result in virtually no amenity space.

Whilst the lack of amenity area is acknowledged, it should be noted that the existing garden, and few if any of those within the surrounding area, meet the 11.5m depth requirement. Appendix 3 states that for infill developments, garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. It is considered that the proposed garden areas are comparable to those of adjacent properties and as such, comply with the requirements and specifications of Appendix 3.

The proposed dwellings and gardens are considered to be of acceptable size/proportions to

ensure that an adequate and quality living environment can be achieved. It should also be noted that the garden area remains the same as previously approved and no further bedrooms are being created. For the above reasons it is considered grounds for refusal relating lack of amenity space could not be sustained.

A railway line is located to the immediate north of the site. The application proposes the installation of an acoustic fence along the northern boundary of the site to ameliorate the noise impact which could be audible from within the new properties. The new properties will also contain double glazed windows and taking these considerations as a whole, it is considered that the proposed properties will benefit from a substantial noise reduction in comparison with the existing arrangement.

Overall, the proposal is considered to comply with Saved Appendix 3 of the Dacorum Borough Local Plan.

Impact on Highway Safety and Parking

BTC have objected to the proposal on highways grounds, stating that they consider that the proposals will add further congestion to an already over-congested and over-developed area.

Whilst the highway authority have not commented on the application, the comments in relation to the previous approval remain relevant to this application as the issues are directly comparable and it is considered that the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to conditions and informatives in respect of parking space sizing and materials, road deposits and storage of materials. It is noted that the current property has two vehicle crossovers and the proposal will provide the same.

The application site is situated within Zone 4 as defined by the Council's 'Accessibility Zones for the Application of Parking Standards SPG' document. Saved Appendix 5 of the Dacorum Borough Local Plan states that for residential development within Zone 4, the maximum car parking standards for 3 bedroom properties is 2.25 spaces. The proposal provides 2 parking spaces for each dwelling. It is therefore considered that the proposal complies with Saved Appendix 5.

It should also be noted that the number of bedrooms, which parking guidelines are based on remains unchanged compared to the previous approval.

It is therefore considered that the proposed development will not result in an unacceptable/severe impact in respect of highways impacts and as such, complies with the NPPF, Core Strategy CS12, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

Impact on Neighbours and Neighbour Comments

Representations have been received from No. 14 Bank Mill expressing concerns over the increased height of the properties, impact on light, character and concerns reference the windows in the side elevation in terms of loss of privacy.

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. The proposed development follows a similar build line to the existing dwelling and although the proposed dwellings will be slightly higher overall than the existing and previously approved scheme the proposal will not result in any significant visual intrusion/loss of amenity to neighbouring properties. The proposal will not result in the loss of sunlight / daylight to the primary windows or any habitable rooms of any adjoining properties and will not result in any

other disturbance.

With regards to privacy, it is noted that the windows which are proposed within both the north-west and south-east facing elevations are to be obscured glassed which will protect the amenity of both occupiers of the proposed dwellings and those adjacent.

Overall, taking account the above and the extant planning permission it is considered that the proposal will not adversely impact upon neighbouring properties and therefore complies with Policy CS12 of the Core Strategy.

Sustainability

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. A CS29 checklist has been provided by the applicant which details the measures that are to be undertaken during and after construction which are considered to be acceptable. As such, the proposal complies with Policy CS29 of the Core Strategy.

Community Infrastructure Levy (CIL)

The site is situated within CIL Charging Zone 1. A self-build exemption form has been submitted.

Network Rail

Given the location of the application site in relation to the train line to the immediate north, Network Rail have been consulted on the application and have raised no objection. A number of conditions were recommended but it is considered that these are either covered by the existing conditions which are recommended to be imposed by the Case Officer, unnecessary, or excessive given the scale of the proposal. However, an informative is recommended be place on the decision notice which provides details of the agreements that would be required between the applicant and Network Rail should the proposed acoustic fence exceed 1.8 metres in height.

Flood Risk

The site is not situated within an area of identified flood risk and as such, is acceptable in this respect.

Noise/Vibration

A noise/vibration report has been submitted bearing in mind the sites proximity to the railway line. The report concludes that the site is suitable for residential development provided noise mitigation measures are included within the design in relation to external walls, glazing, ventilation, roof structures and acoustic fencing in the rear garden. A condition has been imposed to ensure that the mitigation measures proposed are carried out.

Conclusions

The proposed development will create two new 3-storey dwellinghouses of reasonable proportions which will result in providing the Borough with a net increase of one residential property in an existing residential area. The proposal provides adequate access and parking arrangements and will benefit from a satisfactory living environment in all other respects. The proposal respects the existing surrounding area and the street scene and will not significantly adversely impact upon neighbouring properties and as such, it is considered to comply with

Policies CS4, CS12 and CS29 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan and is therefore recommended for 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:**

2181-BP10 site
2181-P12 site layout / section
2181-P1 floor plans / bike store details
2181-P2 elevations / street view
2128/S1 existing plan

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

- 3 **No development shall take place (excluding demolition) until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- 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);

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m minimum and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway in accordance with Policy CS12 of the Core Strategy, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 5 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 6 **The windows at first and second floor levels in the north-west and south-east elevations of the dwellings hereby permitted shall be non opening below 1.7 metres and shall be permanently fitted with obscured glass for the lifetime of the development.**

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

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

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 property and to ensure adequate provision of garden and separation from the railway and to accord with Core Strategy policy CS12.

- 8 **Prior to first occupation of the development hereby permitted the noise mitigation measures in relation to construction of the dwellings and the acoustic fencing laid down in the Consultants report produced by Philips Acoustics Ltd (October 2016) shall be constructed/provided. The approved measures will be retained, maintained and provided for the lifetime of the development.**

Reason: To ensure that a satisfactory level of occupier amenity is achieved in accordance with Policy CS32 of the Core Strategy.

INFORMATIVES

Highways

1. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

2. Storage of Materials. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Network Rail

Should the applicant place any acoustic close boarded fencing adjacent to the operational railway then the fencing and its foundations must be constructed and maintained wholly within their land ownership footprint. Any acoustic fencing over 1.8m high will be subject to agreement with Network Rail and the applicant will need to provide details of foundation details and wind loading calculations. Please contact TownPlanningLNW@networkrail.co.uk for further information.

ARTICLE 35 STATEMENT

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

EMOLITION OF SINGLE DWELLING AN