

**4/02467/16/FUL - TWO BED DWELLING.
52 RIDGEWAY, BERKHAMSTED, HP4 3LD.
APPLICANT: Mr Lavin.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would not have any adverse layout implications, would be acceptable in terms of its appearance and would not detract from the appearance of the street scene.

Additionally the development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013), and saved Policies 18, 21 and 120 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site is located adjacent to 52 Ridgeway, it is a corner plot and currently provides amenity space and parking for 52 Ridgeway. The site is located in the residential area of Berkhamsted. The immediate street scene of which the application site forms is characterised by two storey semi-detached dwellings of uniform scale, but with inconsistent spacing and set-backs in relation to the road.

Proposal

Two bed detached dwelling

Referral to Committee

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

Planning History

None found

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm

CS17 - New Housing
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58 and 99

Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA16: Durrants (Character Appraisal)
Water Conservation & Sustainable Drainage (June 2005)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town/Parish Council

Object

This cramped proposal representing an overdevelopment of the site would be out of keeping with the street scene.

CS11 and appendix 3.6 (iii)

Housing Development Officer

Due to the nature of the proposal below, the site will be exempt from any affordable housing contribution.

Herts Property Services

No comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 1 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.

Hertfordshire Highways

The comments relate to the amendments provided in Wren naj 70c 2016 rev B, this provides a relocated access (with necessary extension) to provide a crossover to both properties. Drawings include removal of the existing hedgerow and provision of a slow growing (box (boxus)) hedge no greater in height than 600mm. The use of a slow growing plant species limits the need for significant maintenance. The effect of these amendments is to provide visibility across the site to a distance of 21.8m.

Roads in Herts applies visibility splays as defined in MfS and would expect splays of 25m in each direction for a road subject to 20mph. Given site topography and the acuteness of bend,

vehicle speeds (on attendance at site) are beneath even this limit and therefore I do not consider that the provision of splays of approx 22m is inappropriate at this point. Such splays are measured to kerb face, recognising that advice in MfS2 would be to measure to the expected nearside edge of the vehicle track, and would serve to increase this splay slightly further. Finally, it is recognised that the Ridgeway, at this point, is unlikely to carry significant traffic, noting that Tresco Road removes the need for any movements other than 'access only', and therefore serves a limited number of dwellings only.

On acceptance of the above, I do not consider that I could substantiate a recommendation for refusal in respect of visibility at the proposed access. I would recommend condition to any grant of consent that requires;

- 1) Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan Wren naj 70c 2016 rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway Reason: In the interests of highway safety.

Response to Neighbour Notification

50 and 61 Ridgeway - Object:

61 Ridgeway

My wife and I object to the new build for reasons, blocks what little view we have.

Our property will be overlooked and they will be able to look straight into our home.

Parking will be an issue as it is limited already.

Plus additional work vans and lorry in street, see comment before our road sugar is quite bad and extra traffic like this will make it worse.

And after speaking to neighbours we are not the only one's not happy about this.

I also work the night shift and I fear what little sleep I get in the day will become even less.

50 Ridgeway (same comments for amended scheme)

Our property is adjacent to no. 52 and will be closest to the site of new building and we object to its construction for the following reasons.

1. We are concerned with the impact on light by the new building on our property. Our rooms at the front of the house (lounge, upstairs bedrooms and front porch, etc) will now have a building nearby which will take natural light and especially block sunlight in the later part of the day. Also side windows in our property will now have a building ~3m from them where in the past they had nothing.

In addition we are concerned with the impact on sunlight during the summer evenings in our garden. Due to us having a north-easterly facing garden the only sunlight we get in the latter part of the afternoon comes between our property and no. 52. If a new property is going to be built in that spot we are concerned that we will lose our only source of direct sunlight on our patio and other parts of our garden. We understand that the ridge height of the new building is planned to be lower than the existing buildings but we are not convinced this will make a difference.

2. We feel that it is overdevelopment of the plot and will not be in keeping with the existing buildings on this street. The new building will not be able to be built in line with the existing properties with the size and shape of the plot dictating that it has to be as close to the street as

possible. This would make it stick out from the other properties and in our opinion would look out of place. Where other nearby freestanding buildings have been erected on garden property (e.g. Bourne Hill / Tresco Rd) this has been achieved in an understated manner such that it now does not look out of place. We are not convinced this is possible here.

From the perspective of the current and future owners of 52 we would be concerned with the loss of rear garden space and also the proximity of the new house to the corner of the exist property. The owners of the new build would also suffer from a lack of privacy from the upstairs window in 52 as it would look directly down into the new garden.

The corner of Ridgeway around to Tresco Road is already quite a densely populated area and in the gardens there is little privacy at this time due to the proximity of the houses and angle that they are situated. We feel adding a new property would only exacerbate the issue and add to the already cramped feeling here. We are concerned with the prospect yet another neighbour having a view into our garden.

One other concern we have which is not specific to the building, but is relevant to the space where it is being built is that there is no street lighting where the new build will be situated. It appears that for some historical reason we are missing a street light and looking at the spacing of the existing street lights it should be somewhere around 52 Ridgeway. This means the area where the new property is going to be built very dark at night and when there is no moon light it is pitch black.

3. The site appears to propose a deep excavation in order to have the first floor set below ground level. We are concerned that this would impact our property.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed dwelling, the impact of the proposed development on the site layout, the appearance of the building and street scene, the impact on neighbouring properties, and the impact on car parking.

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns, including Berkhamsted and within established residential areas, where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan.

The site falls within Character Area BCA16: Durrants. The locality is characterised by semi-detached houses from the 1940s/50s in a relatively spacious setting. Infilling is considered appropriate providing it follows the development principles. These principles encourage development within the medium range density (30-35 dph), medium sized semi-detached houses that should not exceed two storeys in height, and provides for a medium range spacing (2-5m). Dwellings should front the road and follow established building lines. The proposed scheme meets these requirements.

Site Layout

Ridgeway is characterised by semi-detached dwellings of consistent scale, but with inconsistent spacing and set back from the highway.

The proposed building, although close to its neighbours at its rear corners, would retain significant spacing at its front corners. It is considered that this perspective is the public facing view and therefore the character of wide gaps between semi-detached pairs would be preserved by these proposals. The property is set back from the highway, consistent with its neighbour at 50 Ridgeway. Therefore it is considered to sit well in the context of the street.

The new dwelling would have a small rear garden incorporating one off street parking space with access to one side of the dwelling to the rear garden. The existing dwelling at No. 52 would have their amenity space reduced to allow for the provision of the curtilage of the new dwelling.

Adequacy of Amenity Space

The subdivision of the site into two plots would result in a smaller rear garden for each property. The new dwelling would have a rear garden of 10.18 metres deep and 52 Ridgeway would have a rear garden of 16.61 metres deep. The proposed property would therefore have a garden depth marginally shorter than the 11.5 metre requirement in Appendix 3 of the Local Plan. However, as a corner plot, and only being a two bedroom property this is considered acceptable. Whilst the garden is not of the depth recommended by policy, it is considered that they would provide adequate useable private amenity space to suit the requirements of a small family dwelling.

The application is therefore considered acceptable in these terms.

Appearance of building/ impact on street scene

The proposed design takes the appearance of a small detached house and following the objection of Berkhamsted Town Council, the width and depth of the property was reduced to provide greater spacing in relation to its neighbouring properties (1.29metres with 52 Ridgeway and 0.80 metres to the boundary with 50 Ridgeway). The proposed property is also set down within the site so as to reduce impact in the street scene.

The proposed new dwelling would respect the established urban form, which is characterised by varying gaps between the houses. Although the gaps between the proposed new dwelling and the properties either side are narrower at the rear of the dwelling, due to the proposed site layout, these gaps would be considerably wider on the public facing front elevation. This would result in the proposed relating well to the established street scene.

The property features a hipped roof form and windows with a porch over the front door, all characteristics of the surrounding houses and would therefore further ensure the development assimilates satisfactorily into the street scene.

Impact on Trees and Landscaping

No effect

Impact on access and car parking

The proposal includes the provision of a cross over to both properties and the provision of one car parking space for the existing dwelling and one for the new dwelling. There is no restriction on-street parking in the immediate vicinity and given the proposals site close proximity to Berkhamsted Town Centre this is considered sufficient in accordance with Appendix 5 of the Dacorum Local Plan in order to ensure that the proposals would not lead to a detrimental impact on existing levels of on-street car parking.

After extensive discussions with Hertfordshire Highways, including a site meeting and subject to the correct visibility splays to be conditioned, Highways have no objections to the proposals.

Impact on Neighbours

Whilst the proposals are being made by the current occupier of No. 52 Ridgeway, the impact on the amenity of any potential future occupiers of this property has been considered.

The existing house would see its rear and front elevations face away from the development, furthermore because of the orientation of the existing house in relation to the proposal and the fact it is sunken, there would be minimal loss of sunlight to this property. It is also noted that any future occupier would be aware of the relationship between the two houses prior to moving in.

The new house is located to the west of 50 Ridgeway, the rear elevation of the new property does not extend beyond the rear wall of 50 Ridgeway thus would not be set within a line drawn at 45 degrees from the nearest neighbouring habitable window. There is only one window on the east elevation, this is on the ground floor and would be conditioned to be obscure glazed. There are no windows proposed on the first floor level.

Due to the orientation and setting of the proposed dwelling it is not considered that there would be a significant effect on daylight / sunlight into the rear garden of 50 Ridgeway.

With regards to visual intrusion, the rear facing windows of the proposed new dwelling would have the potential to overlook the properties to the rear on Tresco Road (in particular 35 and 37), however the back to back distances are not any worse than the existing properties. They are also above the minimum distances accepted being a minimum of 25 metres back to back.

Given the orientation, internal arrangements of the proposed new dwelling and level differences between the proposal and the neighbouring properties, it is not considered that the proposal would have an un-neighbourly or overbearing impact on the outlook from adjoining properties or their associated gardens.

The application is therefore deemed acceptable with regard to the impact on neighbouring properties.

There were objections from the neighbours at 50 and 61 Ridgeway, these comments have been addressed above.

Other Material Planning Considerations

It is worth noting the appeal that was allowed (including award of costs) for a similar proposal at 41 Tresco Road, around the corner from the application site and a similar plot (ref APP/A1910/A/14/2228966 26th March 2015). In this case the Inspector concluded that the garden for the proposed dwelling, although falling short of the advised 11.5 metre garden space, the garden length would relate to that of the host dwelling. It was also noted with this proposal, that although the gaps between the proposed new dwelling and the properties either side are narrower at the rear of the dwelling, they were considered to relate well to the established street scene.

This appeal decision is a material consideration in the assessment of this application.

Removal of Permitted development

Given the proposals comprise of an infill dwelling on sloping land, it is recommended to remove permitted development for both Classes A and Class B, additions would have the

potential to have a significant impact on the amenity of neighbouring properties and those Classes of PD should therefore be removed to allow the LPA to maintain control of such development.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

Conclusion

The proposed new dwelling would be an appropriate development in this town centre location, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS8, CS10, CS11, CS12 and CS26 of the Core Strategy (2013) and saved policies 13, 18, 21, 58 and 99 and appendices 3, 5 and 7 of the Local Plan (2004).

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:**

Wren naj 70c 2016 rev B
Wrend 70 b 2016 REvA

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

- 3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match in size, colour and texture those used on the existing building at 52 Ridgeway**

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

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

approval of the local planning authority:

Schedule 2 Part 1 Classes A and B

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the amenity of neighbouring properties in accordance with policies CS12 of the Core Strategy

- 5 **Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan Wren naj 70c 2016 rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety and in accordance with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013)

Informatives

AN1) Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development

Management Procedure) (England) (Amendment No. 2) Order 2015.