

**4/02842/16/FUL - NEW DWELLING.  
16 COBB ROAD, BERKHAMSTED, HP4 3LE.  
APPLICANT: Mrs Bear.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The principle of residential development is acceptable in the site's location within a town and residential area. Moreover consent was allowed at appeal for a similar development immediately opposite the application site (No. 13 Cobb Road).

The proposed dwelling would be acceptable in terms of its appearance and would integrate with streetscape character. It would not result in an adverse terracing effect or appear cramped or over-developed as a substantial gap would be retained between the proposed development and the nearest buildings at Nos. 18 and 20 Cobb Road, which are set at right angles and at a lower level than the application site.

The development would not have a significant detrimental 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, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18 and 21 of the Dacorum Borough Local Plan 1991-2011.

## **Site Description**

The application site is currently occupied by a two-storey semi-detached dwelling located on the eastern side of Cobb Road. The site is located within an established and regularly planned residential neighbourhood forming part of the BCA16 - Durrants character area and on a valley slope where levels fall in a northerly direction. Dwellings in the street are pre-dominantly semi-detached with a row of terraces to the north at the end of the court bowl of Cobb Road, and are otherwise similar in terms of design and materials. Planning permission was recently allowed at appeal for the construction of a new attached dwelling at No. 13 Cobb Road, (which is immediately opposite the application site), and having been constructed this now forms a terrace in place of the original semi-detached pair.

## **Proposal**

Planning permission is sought for a one-bedroom, two-storey end-of-terrace dwelling.

The proposal also involves the subdivision of the plot to separate the garden of the existing dwelling at No. 16 Cobb Road and the proposed dwelling.

The proposed dwelling would have a rectangular footprint, which at first floor level would be set back 1.5m behind the existing dwelling, and follow the existing first floor rear build line of No. 16. The dwelling would be set down from the existing dwelling at No. 16 with a hipped roof reaching just over 7m in height. At ground floor level the new dwelling would project 5m to the rear to align with the existing flat roof single storey rear extension of No. 16, it would however be set at a lower level.

The proposed dwelling would contain an entrance hall, utility / WC, open plan kitchen/ dining / lounge room, at ground floor level; and large single bedrooms with en-suite and walk in

wardrobe at first floor level.

Parking to the new dwelling would be created in the form of one car parking spaces on an area of hardstanding to the front of the dwelling accessed via an extended vehicle crossover off Cobb Road.

The existing dwelling would also be provided with two car parking spaces to the front of the new dwelling accessed off Cobb Road. One would be in the form of an integral garage in the new dwelling with a second space in front.

The main garden area for both the existing and proposed dwelling would be sited to the rear.

### **Referral to Committee**

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

### **Planning History**

4/01354/16/FHA SINGLE STOREY SIDE EXTENSION  
Granted  
11/07/2016

4/00360/02/FHA SINGLE STOREY REAR EXTENSION  
Granted  
25/04/2002

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

#### Dacorum Core Strategy (September 2013)

Policies NP1, CS1, CS4, CS11, CS12, CS17, CS18, CS19, CS25, CS29, CS31 and CS35

#### Dacorum Borough Local Plan 1991-2011 (saved policies)

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  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### **Summary of Representations**

#### Neighbours

Items of correspondence were received from Nos. 18, & 20, Cobb Road objecting to the proposal on the following grounds:

- the building will overshadow, and overlook adjacent properties, and gardens having a detrimental effect on the light in the front of the house. When the hedge that is currently outside the front of the house is left to grow above the 6ft fence, and too thick on the neighbour's side, it greatly reduces the amount of light we receive. Because of how the house is situated, (ie sloping downwards from number 16's back garden) a height of 6ft from inside the back garden of number 16 would be the equivalent of approximately 12ft immediately in front of our property and front window.
- The extension will cover at least half of the window in our smallest front bedroom, which is already considerably dark.
- concern over position of side gates which will cause lack of privacy to both surrounding houses, especially in view of how the houses slope, as people tend to look down into your property when passing. It is not so much an issue as it stands because the only people that use the path now are those delivering services to us and number 20, but obviously if used as an access route for number 16, the amount of people potentially using this path would result in greater footfall, and therefore possibly more noise, and a feeling of intrusion.
- despite another similar dwelling received planning permission on the opposite side of the road, the distance between that development and the houses adjacent to it is a lot greater than the distance between our house and number 16.
- There has already been an extension to the original house at number 16, and we were led to believe at that time that it would not be possible to extend any further in view of how the properties lie.
- concerned at the effect that the proposed drainage and soak away.
- With the proposed plans there is potential parking for 2 cars but this doesn't take into account that any cars that a future occupier of the new dwelling may have. This would then impact on parking in the road generally.
- there will be rear access gates on the narrow side access path 14ft away which will be very intrusive, also loss of privacy.
- Narrow path, 3ft wide could be a problem if items are left on the path, e.g. Children's toys, bikes and prams etc. Also wheelie bins not put away causing obstructions to access and exit to my property.

#### Berkhamsted Town Council

Original Plans;

Object - The proposals represent a cramped over development of the site and would provide a poor level of amenity to prospective residents. Overshadowing and overlooking would severely compromise the neighbours' privacy. The plans themselves are imprecise, showing no dimensions and only one of the two gates. The development would be completely out of keeping with the locale.

CS11, CS12, Appendix 3, BCA 16.

Amended Plans;

Awaiting comments

#### Hertfordshire Highways

Recommend conditional approval.

The proposal is to extend the hard standing to the front of the properties in order to create off street parking for two cars for the existing property, one in an attached garage, and one for the proposed new property.

I notice from drawing no 167pa2.06 "Proposed Plans" that the proposed garage is set 5m from the back of the footway. HCC's Roads in Herts V3, Section 4. 1.9 Clearances, states:- If security, garage or gate facilities are provided on residential premises, they shall be sited at least 6m from the highway boundary or back of footway as appropriate. This is to avoid waiting vehicles obstructing traffic and pedestrians on the road and footway passing the site. This may be reduced to 5.5m if the gates or doors open inwards or are in the form of a roller. See link on: <http://www.hertsdirect.org/services/transtreets/devmanagment/roadsinherts>.

Notwithstanding this requirement, in this instance only HCC is prepared to allow the dimensions as given in document 167pa2.06 "Proposed Plans", since the door is shown as opening inwards. This satisfies condition 5 above.

#### **PARKING**

Parking levels are a matter for the LPA to decide. I notice from drawing number 167 pa2.06 Proposed Plans that the required dimensions of parking spaces has been met, also that the proposal is to install a Sustainable Urban Drainage System under the proposed new hardstanding. This satisfies conditions 1 and 2 above.

#### **ACCESS**

The proposal is to widen the existing crossover to give access to both off site parking spaces. Cobb Road is a quiet unclassified local access road with a 30mph speed limit, so vehicles are not required to enter and leave the highway in forward gear.

#### **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 on layout and the character and appearance of the 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 in favour 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. The provision of new dwellings is supported in principle under Policy CS18 of the Core Strategy.

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.

In summary, the principle of residential development and the development of a domestic garden in this location would be acceptable.

#### Impact on site layout, appearance of building and street scene

Semi-detached dwellings are predominant in Cobb Road and are encouraged in the BCA16 - Durrants area. However, the character area statement notes that terraces and detached houses may be acceptable where the character and appearance of nearby and adjacent development would be respected.

Section 2.1.5 of the Environmental Guidelines Development in Residential Areas

Supplementary Planning Guidance states that because of generally good environmental standards throughout, the policy approach in most character areas is to maintain their defined character. It is important to note that although the character area statement recognises common features of existing housing development in the area, the Area Based Policies Supplementary Planning Guidance does not seek to replicate the existing forms of development within the BCA16 - Durrants area. Further, the BCA16 - Durrants character area statement notes that infilling opportunities are limited but may be acceptable according to the development principles.

The proposed dwelling would be an end-of-terrace dwelling attached to an existing pair of semi-detached dwellings (at Nos. 14 and 16 Cobb Road). The proposed site layout would maintain a regular arrangement allowing the proposed dwelling to front Cobb Road like the existing semi-detached dwellings. The proposed building would follow the road and orientation of the existing dwelling at No. 16 which it would directly adjoin. This would be the same as the recently allowed appeal at No. 13 opposite. This is a material consideration that should be afforded significant weight.

The plot widths of the existing dwelling at No. 16 (approx 6.5m) and the proposed dwelling (just over 5m) would not appear overly reduced or excessively narrow within the street, and would not be incongruous with neighbouring properties. Whilst the internal width of the new dwelling is reduced (as the proposed garage would serve the existing dwelling), this would not be evident from the front elevation and as such would not appear incongruous or out of keeping as asserted by the Town Council. Despite having a reduced depth when compared to the width of the new dwelling at No. 13 (the allowed appeal), the proposal would maintain an acceptable degree of spaciousness around the buildings and the resultant terrace would suitably integrate with the pattern of surrounding development on Cobb Road. The spaciousness around the buildings would be maintained as the nearest neighbours (Nos 18 and 20) are set back from the application site, situated at right angles, beyond a footpath and front gardens. The development is not considered cramped.

With regard to over development, as stated the building would not appear cramped and a sufficient area of garden space would be allocated both to the existing dwelling at No. 16 Cobb Road and the proposed dwelling. The new smaller one-bedroom unit would be served by an 11m deep garden with a minimum of 4m in width. The existing three-bedroom dwelling would retain a larger garden at 17m in depth and a width extending from 7m to 12m at the very rear. This would meet the amenity standard under saved Appendix 3 of the Local Plan and provide a functional space for future and existing occupants.

Based on the above factors, the proposed layout, and site coverage is considered acceptable and the development would represent the typical density intended for this area, thereby satisfying Policies CS11 and CS12 of the Core Strategy. It would not appear cramped or over developed.

With regard to design and appearance of the building, the proposed dwelling would feature a hipped roof that would adjoin the existing dwelling at No. 16, and would be set down and set back from the existing semi-detached pair, consistent with the fall in levels down Cobb Road and also to appear subservient to the semi-detached pair. The subservience of the proposed dwelling would ensure that the existing semi-detached form and symmetrical roof remains prominent. The set down of the proposed building would visually separate it from the semi-detached pair so that it would appear less like a terrace.

Based on the above factors, and giving weight to the inspectors findings in the 13 Cobb Road appeal, it has been demonstrated that the introduction of a terrace row could be successfully achieved in this particular location without compromising the character of the BCA16 - Durrants area. The design of the proposed dwelling would not seriously compromise the appearance of the street scene.

The proposed landscaping is considered to be satisfactory and there would be adequate space for refuse and cycle storage within the rear gardens of the existing dwelling at No. 16 and the proposed dwelling, which is sufficient.

Therefore, the proposal would be acceptable in terms of site layout and the appearance of the street scene and public path in accordance with the NPPF, Policies CS11, CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

#### Impact on neighbouring properties

##### *Nos. 18 and 20 Cobb Road*

The semi-detached pair of Nos. 18 and 20 Cobb Road has a perpendicular orientation to the application site. Specifically, the front elevations of these dwellings face the northern side boundary of the application site. Both dwellings are located on lower ground relative to the proposed dwelling, consistent with the fall in levels down Cobb Road.

The siting of the proposed dwelling is such that it would not be located within a direct line of sight of either of these two neighbouring properties. The proposed dwelling would be sited to the west of No. 18. At first floor level it would be situated 5m to the west and at ground floor level the building would align with the side wall of No. 18.

Although both neighbouring properties are located on lower ground relative to the application site, the distance of at least 7m between the front corner of No. 18 and the main two storey part (rear corner at first floor level) of the proposed dwelling would ensure there would not be a significant adverse loss of light or visual intrusion from the proposed building. Both properties benefit from 5m deep front gardens which would assist in providing visual relief from the buildings. It is acknowledged that the flat roof ground floor element of the proposed dwelling would align with the existing western side wall of No; 18, and thus clearly be visible, however this element would still be 5m away, be single storey and has been amended during to the course of the application to appear 500mm lower in order to reduce its visual impact. Light levels to the front facing bedroom windows and ground floor lounge would thus not be significantly reduced.

Concern has been raised with regard to overshadowing, however, given the orientation, the existing building would have a similar overshadowing impact to the proposed. The two storey element aligns with the front and rear build lines and would be viewed against the backdrop of the existing higher hipped roof.

Due to the elevated siting of the proposed dwelling relative to Nos. 18 and 20 Cobb Road, it would be reasonable to include a condition removing permitted development rights to the proposed dwelling, with respect to roof enlargements and roof lights under Classes B and C. This would avoid visual intrusion and overlooking and allow control over the quantum of parking.

Concern has also been raised regarding the rear access gate, privacy, visual intrusion and noise and disturbance. The footpath to the side is public and whilst it does currently only provide access to the frontage of Nos 18 and 20, anyone could use this area. There would thus be no change in privacy and overlooking issues compared to the existing situation. Despite the introduction of a gate, given the nature and scale of the development, there would be no significant intensification in use and as such no significant impact in terms of noise or disturbance.

##### *Impact on other neighbouring properties*

The impact on Nos. 14 and 16 Cobb Road located to the south of the proposed dwelling, as well as No. 13 and 13a Cobb Road opposite the street has also been considered.

The proposed dwelling would directly adjoin the existing dwelling at No. 16 Cobb Road and the main two-storey part of the building would not extend beyond the rear wall of No.s 16 or 14 which would ensure the development would not have an adverse impact on the amenity of this neighbouring property. The single storey rear element would be sited beyond the existing single storey extension at No; 16.

The proposed dwelling would be set back from the existing property at No.16. The front-to-front separation between the proposal and properties 13 and 13a opposite would be greater than currently exists between the existing properties (13/16). It should be noted that there are no minimum front to front separations in the Saved Local Plan (Appendix 3). Therefore it is considered the proposed dwelling will not result in such a significant harm to the neighbouring properties to warrant refusal.

As such, again, the proposal accords with Policy CS12 (c) of the Core Strategy.

#### Impact on access and car parking

The highway authority has raised no concerns with respect to the proposed access arrangements and the widening of the existing vehicle crossover and do not considered this would adversely affect the safety or operation of the adjacent highway. The requested conditions will be included.

The level of parking proposed is also considered acceptable to serve both the existing and proposed dwellings. The existing three bedroom property would retain two off street parking spaces and whilst one of these would be integral to the new dwelling, and sited beneath the bedroom of the new dwelling, building regulations (noise insulation) would ensure no significant noise or disturbance issues with regard to the amenity and enjoyment of future occupiers. A single space for the new one bedroom dwelling would be sited to the north of the site. A refusal on parking levels could not be sustained.

The proposed access and parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### 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.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

#### Sustainability

A sustainability statement has been submitted in support of the proposal which demonstrates that regard has been given to the objectives of Policy CS29 of the Core Strategy. If planning permission is granted it would be reasonable to attach a condition requiring the development to be carried out in accordance with this statement.

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 **All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 167 pa2.09 Rev B. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

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 Dacorum Core Strategy (September 2013).

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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: 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.

- 5 **The development hereby permitted shall not be occupied until the vehicle crossover has been widened and the arrangements for vehicle parking shown on Drawing No. 167 pa2.06 Rev B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 6 **The garage door shall open inwards or be in the form of a roller and thereafter maintained as such.**

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

- 7 **The development hereby permitted shall be carried out in accordance with the approved Policy CS29 sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).



- 8 **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 and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**167 su1.01**

**167 pa2.02**

**167 pa2.01**

**167 pa2 06 B**

**167 pa2 07 A**

**167 pa2 08 B**

**167 pa2 09 B**

**167 pa2 10 A**

**Design and Access Statement**

**Sustainability Statement**

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

NOTE 1:

**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

**Informatives**

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the 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. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### THAMES WATER INFORMATIVE:

##### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

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

##### 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.

