

**4/02294/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING WITH BASEMENT..
BELLAVISTA, FELDEN LANE, HEMEL HEMPSTEAD, HP3 0BB.
APPLICANT: Mr de Figueiredo.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The application site is located to the western side of Felden lane and comprises a substantial detached dwelling set on a generous sized plot. The existing dwelling is constructed of red brick with a tiled roof and has a large steep mono-pitch roof to one elevation and is not of any architectural merit. A pitched roof single storey garage extends to the front at right angles to the main property. The site slopes steeply down to the north and west providing views across the valley to the rear. The entire frontage of the site is bounded by mature hedging which screens the property from view. There is a generous sloping driveway with space for numerous vehicles to the front.

Proposal

Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement. The new dwelling would be modern in its design, constructed of light brick with green roofs and large areas of glazing, two distinct blocks would be connected by a glazed link.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by the Local Ward Councillor; Cllr Riddick as it is considered there are a number of complex issues that need to be assessed.

Planning History

4/01585/07/FHA	SINGLE STOREY SIDE EXTENSION Granted 24/08/2007
4/00078/94/4	REMOVAL OF PRESERVED TREES Granted 16/03/1994
4/01601/91/4	DRIVEWAY AND ACCESS - SECTION 64 DETERMINATION Investigation 25/02/1992
4/01155/91/4	CONSTRUCTION OF DRIVEWAY AND FORMATION OF ACCESS Refused 10/10/1991

4/00661/90/4 SINGLE STOREY FRONT EXTENSION
Granted
24/07/1990

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large villages
CS8 – Sustainable Transport
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 3 – Layout and Design of Residential Areas
Appendix 5 – Parking Provision

Supplementary Planning Guidance

Area Based Policies (Felden East HCA5)

Summary of Representations

Conservation and Design

The proposal will add to the architectural interest of the area and as such we would not object. Bricks and bond subject to approval. Window, door detail and finish and landscaping materials and details subject to approval. Given the quality of the contemporary design it may be useful to contemplate removing permitted development rights to ensure that the contemporary character and architectural detail is preserved for the future and not harmed by unsympathetic alteration.

Hertfordshire Highways

Recommend conditional approval.

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to the

conditions and informative notes above.

Contaminated Land Officer

I have no comments to make with respect to contamination.

Hertfordshire Biological Records Centre

Following the receipt of all the additional information - No objection to the determination of the application but recommended the inclusion of an informative.

- ***“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”***

Herts and Middlesex Wildlife trust;

OBJECT - bat survey required before application can be determined.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Hylands, Little felden House and 19 Beechwood - Object :

19 Beechwood Park- OBJECT

1. Privacy - The current property at Bella Vista overlooks the rear of the property at 19 Beechwood Park. Privacy is currently achieved by the relative elevations of the two properties and the presence of a boundary fence and mature scrubs, bushes and trees. The proposed development at Bella Vista, although of a similar overall height and position, introduces windows at a higher elevation, i.e. the flat roof construction facilitates a fourth floor at the elevation currently occupied by the pitched roof. These windows will look directly into 19 Beechwood Park, reducing the current level of privacy.
2. Design and Appearance - The design of the dwelling, with a central staircase dividing the dwelling into two distinct halves, would suggest either multifamily occupancy or mixed commercial / residential usage. This, together with the overall design, i.e. a substantial four storey flat roofed building, would indicate that the proposed dwelling could be considered as being out of keeping with those around it.

Hylands - OBJECT

3. the plans show a large 6 bedroom property with 6 bathrooms while the current house has only 2 bathrooms. The sewage pipe flows from Bellavista and across adjacent sites. the pipes will not cope with the increase in volume.
4. Bella vista is a difficult and sloping site and the current building has very deep foundations. Concerned that any attempt to interfere with this or driving piles into the plot could cause vibrations leading to damage and subsidence of adjacent properties, especially as the new build is extremely close to the boundary.
5. the plans mis-represent the boundary positions
6. the unusual design would enable the building to be used as two separate residences
7. the effectively four storey structure would dominate the skyline and be out of balance with the surrounding properties.
8. the privacy of hylands is dependent on a hedge with currently exists. The removal of this combined with the expanse of glass would have a detrimental impact on amenity. A condition should be placed on the retention of the hedge.
9. the plans do not adequately illustrate how the new building interfaces with the boundary of adjacent properties.

10. The size of the new wall facing Hylands, while slightly lower than the current house due to the flat roof rather than a pitched one is 80% wider than the current wall. This will be visually intrusive and dominant, will overshadow the pathway to the front door and will significantly reduce light to the entrance as well as reduce light to the upper hallway and dining room.

Little Felden House - OBJECT

11. The windows in the side wall of the proposed house will overlook. There are no windows in the existing house. The proposed windows are not needed as they could be positioned on the other side of the room facing the other block or the rooms in question already have other sources of light. Although the windows are marked as being frosted, you can still see silhouettes and shadows through which will compromise privacy. If allowed there should be a condition preventing any window. The plans show approximate windows position for Little Felden House but these are inaccurate
12. Object to the length of the roof terrace and lack of wall surrounding it. The roof terrace at basement level will compromise privacy of Little Felden House. Due to the slope of the land the basement terrace is approx the same height as the ground floor of LFH. The proposed terrace would extend further to the rear than the existing terrace at LFH. Currently there are trees to screen the terraced / decked areas if the properties from each other. Originally this terrace was enclosed by a 1.8m wall. The amended plans show a much lower wall and as such privacy would be severely invaded. The roof terrace of the new house should not extend beyond that of LFH.
13. The first floor roof balcony without a 1.8m solid wall will overlook the bedroom windows of LFH. The amended plans show a smaller roof area with balustrade of either glass or dark grey iron. Unless there is a 1.8m screen this is objected to.
14. The plant room would be likely to give rise to noise / emissions that would adversely affect residential amenity.

Considerations

Policy and Principle

The site is situated in the town of Hemel Hempstead within a designated residential area, wherein residential development is acceptable in principle in accordance with Policy CS4 of the Core Strategy.

The main considerations in the determination of the application are the impact of the development on the character and appearance of the site and street scene; the impact upon neighbouring properties; parking and highway safety.

Design, Appearance and Layout

The application site is located within residential character area HCA5; Felden East, which is described as 'a very low density, spacious area of detached dwellings'. In terms of design it is acknowledged that there is no one architectural theme used and properties are generally very large and detached. The policy goes on to state that re-development may be acceptable according to the Development Principle of the area. The development principles are as follows;

- *Design:* No special requirements. Variety and innovation in design acceptable.
- *Type:* Detached dwellings are encouraged, although the conversion of existing large dwellings to flats may be acceptable. The redevelopment of houses standing in large grounds for flats may also be acceptable.

- *Height:* Should not generally exceed two storeys.
- *Size:* Large dwellings are encouraged.
- *Layout:* Wide to very wide spacing (5 m to 10 m and over 10 m respectively) is expected, with a minimum of 10 m spacing for proposals fronting onto Felden Lane and Sheethanger Lane. Informal, irregular layouts are acceptable, although the building line should be followed in Felden Drive. Rear gardens to houses will be expected to be provided at over 11.5 m in length.
- *Density:* Should be compatible with the existing character in the density range of 10 dwellings/ha.

The proposed dwelling is different from the surrounding dwellings in that it is of an innovative, contemporary design which would contrast with its neighbours. It would however, provide a distinctive property within the area which would add further interest to this already varied street scene. The dwelling would remain large and detached. Despite appearing four storeys in height to the rear, the significant slope of the land would be utilised so that from the Felden Lane street scene at the front, the replacement dwelling would adhere to the development principles and appear only two storeys in height. The height would not exceed that of the existing building or the adjacent properties and would not therefore dominate the skyline or street scene as suggested. The overall siting of the dwelling on the plot is similar to that of existing, and remains set back from the frontage and highway. The generous sized rear garden would be retained and is more than sufficient despite the increased dwelling size. The overall spacing (distance to the adjacent properties) is similar to that of the existing building and adjacent sites and is thus acceptable. The site would retain the trees and hedging along the front and rear boundaries which would help screen the property within the site and would not appear out of character within the area. The materials proposed are considered acceptable. Given the slope of the land, and the design of the building, large areas of flat roof would be visible, following initial concerns, the materials have been amended and it is now proposed to have a green roof to help assimilate the building into the valley and wider countryside beyond.

The new dwelling would integrate with the street scape character and respect adjacent properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping. It thus complies with Policy CS12 of the Core Strategy.

Impact on Amenity of Neighbours

There would be no significant adverse impacts. Given its position and design the new dwelling will have an impact on the residential amenities of both adjacent properties; Hylands and Little Felden House, however, not to such a degree as to warrant a refusal.

There would be no overlooking of neighbouring sites as all windows to the side elevations would be obscure glazed and a condition to this effect will be imposed, any overlooking would be minimal and restricted to the rear raised terrace of Little Felden House, which itself already overlooks the rear of Bellavista. Due to the level change across the site, the existing boundary treatment would ensure this is kept to a minimum and would not exceed existing levels. Notwithstanding this to ensure no adverse impact a condition requiring details of the means of enclosure to all boundaries will be included. To the rear, the properties of Beechwood Park are located between 58 and 65m away beyond well-established mature trees and landscaping. Despite overlooking concerns being raised, the separation distance is more than double the 23m required and would ensure no significant overlooking or loss of privacy. There are already

a large number of rear facing windows to the existing property and whilst it is acknowledged that the new dwelling would have fenestration at roof level, the adjacent property Little Felden House already has two rear facing dormers at a similar level that would afford identical views.

With regard to light levels and visual intrusion, an assessment of the impact of the development on each adjacent property is set out below;

Hylands;

The proposed dwelling would occupy a similar footprint to the existing, albeit extending slightly further forward in relation to Hylands to the south. The main consideration is thus the impact of the new dwelling on the front facing windows and doors of Hylands. The front elevation of Hylands is staggered; the front door and study windows being set back and the dining room on the main front elevation. Concern has been expressed that the development will appear visually intrusive, dominant and overshadow these rooms. The front entrance and upper hallway are not habitable rooms and as such have not been taken into consideration.

The new dwelling would project further to the front than the existing building. However, given the favourable orientation, and the fact the flat roof design results in a much lower building, a comparable amount of daylight would still reach the front facing study, dining room and bedroom windows. The new dwelling consists of two distinct 'blocks', that closest to Hylands projecting only 2.5m further than the existing building. As such, it would not appear significantly intrusive or unduly prominent, especially given its reduced height. The garage would project further forward again, but this section of the new dwelling would be set much further to the north. The existing mature hedge which forms the common boundary between the buildings already obstructs a significant amount of light to the front facing windows of Hylands. Given its height the new dwelling would only be slightly visible above this hedge. Whilst it is not proposed to be removed, even if the hedge were lost (which is outside the control of the applicants), the new dwelling would not appear significantly intrusive or oppressive. In addition, it is important to note that this section of Felden Lane is characterised by properties which are set at significant staggers to each other, such that entire side elevations project to the front of adjacent properties. This is a common feature in the street scene. The new dwelling would not cause significant harm to the residential amenity of the occupiers of Hylands, especially when compared to the existing building at Bellavista.

Little Felden House;

To the north is a large, detached, two storey (with accommodation in the roof) dwelling known as Little Felden House. Given the position, orientation and design of the new dwelling, the main impact would be on the residential amenity of the south facing windows and doors and the terrace to the immediate rear (which is raised) of Little Felden House.

The southern side elevation of Little Felden House comprises two first floor windows and three sets of french doors at ground floor level. The existing building, with its steep mono-pitch roof is currently located immediately in front of two sets of these doors and one of the upper windows. The new dwelling would occupy a similar position but extend further to the rear than the existing property and as such sit directly in front of all of the windows and doors of the side elevation.

With regard to light levels and aspect, the rear most bedroom window and french doors are secondary serving windows (ie the rooms have a second window/door that faces rear) and as

such they would be given less weight in considerations as the rooms have an alternative source of light and aspect. The other first floor window however is a primary bedroom window and must be afforded more weight. At present the existing property at Bellavista extends across in front of this window and comprises a steep mono-pitch roof, which, whilst sloping away from the common boundary, extends significantly higher than the window. The rear elevation of the existing property at Bellavista aligns with the rear most edge of the bedroom window such that there is some degree of open aspect in oblique views to the west. The new dwelling would project for approximately 4m further to the rear, which would eliminate this aspect and increase the sense of enclosure felt by occupants of this bedroom. However, given the flat roof design of the new dwelling, the main southern side wall is lower than the existing mono-pitch roof and would thus permit views of the sky above it, which would provide some aspect. The proposed dwelling does incorporate a further level of accommodation but following concerns this upper floor has been set away from the common boundary and does not extend the full depth. Whilst there would be little relief to the bedroom window of Little Felden House, given its position and the 6m separation distance, there would be a small degree of aspect above the new building, which would be comparable to the existing situation. The upper floor also comprises a roof terrace. This would not however permit views to the front bay window or side bedroom window of Little Felden House as a balustrade would prevent access to the outer edges. Furthermore given its raised position, the main wall / roof of the floor below would also help obscure views. On balance it is considered that a refusal could not be sustained.

Concerns over privacy and overlooking and noise and disturbance have been received. The plant room would be contained entirely within the proposed building and would not give rise to any significant noise or disturbance issues.

Parking

The application site falls within Zone 4 of the Accessibility Zone in Hemel Hempstead. Appendix 5 of the DBLP states bedrooms 4 or more bedrooms dwellings within Zone 4 require a maximum car parking standard of 3 spaces. The site is well served by off-street car parking with a large front driveway and a double garage forms part of the proposal. It is therefore considered the proposed number of parking spaces would be in accordance with Appendix 5 of the DBLP.

Community Infrastructure Levy

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 3 within which a charge of £100 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.

Other Issues

Concern has been expressed that the fact the dwelling is split into two distinct halves would

suggest either multiple occupancy or mixed commercial and residential use. There is no evidence to suggest this. The agent has confirmed that it is proposed to construct a single dwelling house for use by a single family. Planning permission would be required for the sub division of the dwelling into two separate units and as such it is not considered necessary or reasonable to impose conditions.

A Bat survey has been submitted in support of the application and the County Ecologist is satisfied with its content and recommendations. An informative will be included as requested.

Concern was initially expressed about the accuracy of the site plan and land ownership, this has been altered during the course of the application. Concerns about the adequacy of the sewerage and damage due to foundations would be dealt with under Building regulations.

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 No development shall commence on the building (above ground works) hereby approved until samples of the materials proposed to be used on the external walls and roofs of the development and full details of the window and door details and finishes shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy Cs12 of the Core Strategy.

- 3 The dwelling hereby approved shall not be occupied 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:**

- 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;
- finished levels and contours

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, to safeguard the

visual character of the immediate area and to safeguard the residential amenities of adjacent properties.

- 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 residential and visual amenity of the locality.

- 5 **Notwithstanding any details submitted as part of the planning application, no development shall commence on the building (above ground works) hereby permitted, until plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with CS29 of the Adopted core Strategy.

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

PL - 01 - Rev P1 - Proposed Location Plan
PL - 02 - Rev P4 - Proposed Site Plan
PL - 03 - Rev P4 - Proposed Plan G/F
PL - 04 - Rev P4 - Proposed Plan F/F
PL - 05 - Rev P2 - Proposed Plan B/M 01
PL - 06 - Rev P2 - Proposed Plan B/M 02

EL - 01 - Rev P4 - Proposed Elevations 01
EL - 02 - Rev P4 - Proposed Elevations 02
EL - 04 - Rev P2 - Proposed Views 02
EL - 05 - Rev P3 - Proposed Views 03

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

Article 35:

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:

- The applicant is reminded that;

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

- The applicant is advised that the freehold of the property is affected by the presence of a 100mm ductile iron public water main and this water main must be safeguarded during any proposed development.

HIGHWAY INFORMATIVES:

1. 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.

2. 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