

**4/03127/16/FUL - REPLACEMENT DWELLING.  
POOKS HILL, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY.  
APPLICANT: Mr & Mrs Fullerton.**

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[Case Officer - Rachel Marber]

### **Summary**

The proposed replacement dwelling would not result in detrimental impact to the openness of the Rural Area, AONB or Grade II\* Listed Historic Park. In addition, the new dwelling is not considered to 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 CS1, CS2, CS7, CS8, CS10, CS11, CS12, CS24, CS25, CS26 and CS27 of the Core Strategy (2013) and saved policies 18, 21, 23, 52, 97, 99, 100 and appendices 3, 5 and 7 of the Local Plan (2004).

### **Site Description**

The application site is located to the north of Gold Club Road, Little Gaddesden; which is private road in the golf club. The application site currently comprises a detached mid-20<sup>th</sup> century dwellinghouse which varies between one and two storey in brick with a concrete tiled roof. The site is located within an Area of Archaeological Significance, Area of Outstanding Natural Beauty, Rural Area and within the grounds of the Grade II\* Listed Ashridge Estate. The dwelling is generously set back from the street, with the frontage and surrounding area heavily landscaped. Ashridge Golf Club surrounds the site from the north and east. The west side of the site is surrounded by other detached residential properties in a similar rural setting, with evidence of large extensions and reconstructed dwellings in the vicinity.

### **Proposal**

1. The application seeks permission to construct an enlarged two storey replacement dwellinghouse.
- 2.
3. The replacement dwelling would be a T-shaped Georgian style build with two side projecting wings in addition to a further single storey side wing. It would feature a hip roof with central roof lantern and a front portico; the single storey side wing would have a flat roof.

Due to concerns raised by consultees, the following amendment to the proposed replacement dwelling were made:

- Garage reduced from 3 to 2 bays and detached from the main house
- Garage reduced in height by 675 mm
- Glazed element of roof lantern reduced in angle/height
- Chimney added to side elevation

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Little Gaddesden Parish Council

## **Planning History:**

4/02109/16/LDP THREE SINGLE STOREY REAR EXTENSIONS  
Granted  
28/09/2016

4/04056/15/FHA CONVERSION OF EXISTING GARAGE AND CONSTRUCTION OF  
DETACHED DOUBLE GARAGE  
Granted  
05/02/2016

4/00895/98/4 CONSERVATORY TO EXISTING ANNEXE  
Granted  
17/07/1998

## **Policies**

### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS2 - Selection of Development Sites  
CS7 - Rural Area  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 - The Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS27 - Quality of the Historic Environment  
CS26 - Green Infrastructure

### Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 23 - Replacement Dwellings in The Green Belt and The Rural Area  
Policy 51 - Development and Transport Impacts  
Policy 97 - The Chilterns Area of Outstanding Natural Beauty  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Appendix 3- Gardens and Amenity Space  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

## **Constraints**

Area of Archaeological Significance  
Area of Outstanding Natural Beauty  
Park or Garden of Special Historic (Ashridge Estate)  
Rural Area  
Special control for Advertisements

## **Summary of Representations Received:**

### DBC Contaminated Land

*"The site is located within the vicinity of a potentially contaminative former land use (infilled pond/unknown filled ground). Consequently there may be land contamination issues associated with this site, in particular the potential for ground gas issues. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247))."*

### HCC Highways

## **No Objection**

*"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

### *Description of the Proposal Replacement residential dwelling*

#### *Analysis*

*A Design and Access Statement and a Transport Statement or Assessment were not required as part of the application due to the small size of the proposed development. This is in line with Roads in Hertfordshire: Highway Design Guide requirements. Highway Impact Trip Generation The trip generation profile is not required as the proposed development is unlikely to impact on the overall function of the local highway network.*

#### *Road Safety*

*There are no collisions recorded within the vicinity of the development site. Given that the development is unlikely to add trips to the road network, it is also unlikely that the changes to the development site will negatively impact the safety of the highway.*

#### *Vehicle Access*

*The proposed new replacement home at Pooks Hill is accessed via Golf Club Road . Looking through the application form there are no plans to change the current access arrangements which is confirmed in section 6 of the application form attached to this submission. HCC road hierarchy states that Golf Club Road does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.*

#### *Conclusion*

*The assessment does not indicate any significant issues with the proposal to change the use of the workshop to a home. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives."*

#### DBC Strategic Housing

*"Due to the number of units being developed, the site will be exempt from any affordable housing contribution."*

#### Herts Property

##### **No Comment**

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([development.services@hertfordshire.gov.uk](mailto:development.services@hertfordshire.gov.uk)).

#### Herts Wildlife Trust

*"The submitted bat survey revealed 2 bat species roosting in the building and states that a European Protected Species Mitigation Licence (EPSML) is required. Before determining this application, the LPA should make sure they show regard to the answers to the 3 tests of the European Protected Species Mitigation Licence when making their decision. The LPA should request this information from the applicant before a decision can be made.*

*Once this information has been received and and if all other matters are acceptable, the following condition should be applied to the decision. The suggested condition is adapted from the British Standard BS 42020 Biodiversity code of practice for planning and development:*

##### *Condition:*

*Any works that disturb identified bat roosting places identified in the ecological appraisal (Cherryfield Ecology 13/09/2016) shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.*

*Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 and to ensure biodiversity is conserved and enhanced in accordance with NPPF."*

#### Building Control

##### **No Comment**

## Herts Ecology

The site is adjacent to Ashridge Park Golf Course & Cromer Wood Local Wildlife Site (LWS). The LWS is designated for its habitats; however it is unlikely that the application will directly impact the LWS.

The ecology report submitted with the application has provided evidence of two species of bats using the building to be demolished as a summer roost. The applicant has commissioned sufficient emergence surveys and the results have been submitted. I am satisfied that the mitigation strategy recommended by the ecologist is correct and I see no reason why Natural England would refuse to issue a European Protected Species Licence. I would therefore suggest that the mitigation plan recommended in the Emergence and Activity Survey (Cherryfield Ecology, June 2016) is conditioned within any planning decision.

The preliminary ecology report suggests that reptiles, amphibians and breeding birds may be impacted by the application. I would therefore recommend the following two informatives are included in any planning decision.

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles and amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of reptiles or amphibians using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow reptiles and amphibians to escape;

Building work should (ideally) be carried out during April-June, when amphibians are more likely to be found in ponds and less likely to be found on site;

If protected species being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

### Historic England (as summarised)

Ashridge is a house of outstanding importance, being one of the finest early 19th century

houses in the country. Its garden and park, developed and embellished throughout the 18th and 19th centuries, are also of national importance. Ashridge is listed as grade 1, and its garden and park are designated at grade II\*.

The character of the park was eroded by the piecemeal development of houses in the 20th century. Applications to replace or enlarge these are now quite common. It is important that the replacement of these modern houses should not be allowed to erode the historic and aesthetic character of the Park.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### Herts Archaeology

The development site is in Area of Archaeological Significance No 28, which includes a number of earthworks dating to the medieval and Roman periods, including a Scheduled Monument (SM102).

In this instance, however, I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, since it will largely occupy the footprint of the existing house on the site.

I therefore have no recommendations to make concerning the proposal.

#### Little Gaddesden Parish Council

##### **Objection**

LG Parish Council OBJECTS to this planning application. As referred to in our previous memo (dated 5th December) the Council has concerns regarding the bulk of the application and the siting of the garage block in front of the building line (property next door Fairways had timber 2 bay garage frame granted last year). Unlike other recent developments in Golf Club Drive, this application has a side and rear elevation that immediately abuts open land and is therefore clearly visible. Accordingly any new development should have great sympathy with its surroundings and it is suggested that in this instance this is not the case. Furthermore, the south eastern elevation in particular is starkly overbearing and there is a significant increase in height over the existing dwelling rendering it out of keeping with its surroundings. We believe DBC Saved Plan Policies amongst other policies provide guidance on these issues.

##### **Comments on amended plans:**

Little Gaddesden Parish Council does not support these resubmitted plans for Planning Application Number 4/03127/16/FUL.

The Council is of the opinion that the proposed building is too bulky for the plot position, relief and orientation.

Further:

1) The plot is very visible/exposed on TWO sides from the footpaths, Ashridge woodlands and Ashridge Golf Course - mainly because it is the last house of a run of houses on left hand side of Golf Club Drive. Other houses on same side of Golf Club Drive have ONE side facing woodlands/paths and are shielded from view by many metres of woodland.

2) There is a significant relief of the plot, such that it runs downhill to the footpaths/park. This relief will exacerbate the large rear elevation of the property increasing the perception of bulk.

### Strategic Planning

The proposed development would comprise the demolition of the existing dwelling and the construction of a new five bedroom detached dwelling. It is noted that the applicant proposes the new dwelling to be located on a similar footprint to the existing dwelling. We note that a proposed Certificate of Lawfulness was granted in September 2016 for the construction of three single storey rear extensions (4/02109/16/LDP). In total, this approved 100 square metres of floor area and 300 cubic metres of volume.

This appears to be a sensitive location given the site's setting in the CAONB and it falling within Ashridge Park.

#### **(i) Use of land**

Core Strategy Policy CS17 (New Housing) states that *“existing housing land and dwellings will normally be retained.”* This application results in no net loss of dwellings. Core Strategy Policy CS1 (Distribution of Development) states that *“development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.”* The Rural Area and CAONB is considered in greater detail below. This should be considered alongside Core Strategy Policy CS2 (Selection of Development Sites) points A1 and especially points (b) and (d).

Core Strategy Policy CS7 (Rural Area) states that small-scale development will be permitted for the replacement of existing buildings for the same uses (ii) and the redevelopment of previously developed sites (v) provided that there is (i) no significant impact on the character and appearance of the countryside. As a general approach there should be greater scope for the amount of new development in this general location when compared to the Green Belt.

Saved Policy 23 of the Local Plan states that *“any new dwelling should not be larger than the dwelling which it replaces; or the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22.”* The applicant states that *“the existing dwelling and outbuildings have a floor area of 559.0 m<sup>2</sup>, which is increased to 659.24m<sup>2</sup> when the GPDO extensions are considered. The proposed dwelling would provide 875m<sup>2</sup>.”*

A view should be taken by the case officer to determine whether the proposal is proportionate taking into account:

- The size of the original dwelling on the site and floor space increases following any previous extensions;
- Any allowance for extensions under Policy 22: Extensions to Dwellings in the Green Belt and Rural Area of the DBLP is also relevant;
- What could be permissible under permitted development rights; and
- Its impact on the openness and character of the Rural Area/CAONB (see below).

We acknowledge that the applicant has provided numerous examples of where the Council has permitted similar or larger sized recent replacement dwelling in the vicinity, although we have not verified the accuracy of the information in each case.

**(ii) CAONB and Ashridge Park**

We note that the applicants state that *“the design and siting of the proposed dwelling has been carefully planned to enhance the setting and character of the Rural Area and Area of Outstanding Natural Beauty.”* This is followed with: *“whilst the site is located within an Area of Outstanding Natural Beauty, the development would not block any views of attractive features within the landscape.”* The supporting documentation also states that *“the road is characterised by large detached houses set on generous and expansive plots giving it a distinctly suburban impression.”*

As the site falls within the CAONB, Core Strategy Policy CS24 (The Chilterns AONB) and saved Policy 97 (Chilterns AONB) of the DBLP are relevant. Alongside this, Core Strategy Policy CS12 (Quality of Site Design) should be considered. Wherever possible, development should also have regard to the Chilterns Buildings Design Guide in terms of design of vernacular and use of local materials.

As the site is located within the CAONB any impacts of the development should be sympathetic and minimise impacts on the openness and character, local distinctiveness and physical separation of the settlement. It would assist if more references were drawn from these guidance documents to support the proposal’s design principles. We note that the applicant states that *“this proposal is replacing an existing building with a more sympathetically located and better designed alternative and that this should weigh significantly in favour of the proposal.”* We note that the applicant states that *“in terms of the wider area, the road and properties have a very limited presence in the context of the Rural Area and Area of Outstanding Natural Beauty.”*

As the proposal is also located within a park or garden of special historic interest (the Ashridge Park) (Core Strategy Policies CS25 and CS27) the design and any impacts upon this designation should also be carefully considered. We also note that there is a wildlife site to the north and east of the site boundary (Ashridge Park Golf Course and Cromer Wood). In this regard, the Case Officer should consider if the proposal will conserve and enhance the landscape character (as stated within Core Strategy Policy CS25).

**(iii) Other Matters**

As there are protected or priority species (in the form of a bat roost) within the existing dwelling, the views of the County ecologist should be sought.

Policy 51 (Development and Transport Impacts) and Policy 58 (private parking provision) of the DBLP should be complied with. The proposal would also need to have regards to the car parking standards in saved Appendix 5. The application proposes to provide 5 car spaces which exceeds our maximum based car parking standards by 2 spaces, although we recognise that national policy has now moved away from this approach.



#### **(iv) Conclusion**

If you consider that the proposal is acceptable, then to avoid continued expansion of the building and further impact on the character and local distinctiveness, a condition should be applied to any permission which limits any additional extensions, sub-division of the grounds or further domestic buildings in terms of permitted development.

We do not have any objections in principle to the proposed development, as it is noted that the existing building is relatively substantial in scale. However, this would be subject to the requirements of saved Policies 22 and 23 of the DBLP and, any impacts on the Rural Area, CAONB, Ashridge Park and the existing ecology on site.

#### DBC Conservation

The existing building dates from the mid 20<sup>th</sup> century. It varies between one and two storey in a brick with a concrete tiled roof. It is of its period has been carefully considered and detailed with a period landscape designed to sit with the dwelling. It may therefore be useful to try to discover who designed the building and further information about its construction. If were to support its demolition it would be recommended that a recording condition be put on the approval and that this record was submitted to the Hertfordshire HER.

Given the qualities of the existing building and the location of the proposed building within the protected parkland area we believe that any new building would need to relate well to the character of the area and have a minimal impact upon the parkland setting. As such we would recommend the design be amended as follows:

It would be recommended that the proportions of the windows be reviewed and that the first floor windows be made slightly smaller than the ground floor windows. In addition it would be beneficial to have 6/6 sashes rather than the proposed 2/2 which appear more contemporary when compared to the principle design. It would also provide a more vertical emphasis to the fenestration. Furthermore it would be recommended that the roof area be reviewed. This could perhaps be lowered so that the ridge height follows that of the ridge of the portico. This would reduce the overall impact of this on the appearance and result in more appropriate proportions. The rooflight could then be reduced in scale and flattened to ensure that it was not visible from ground level. Overall this change would reduce the impact of the building from within the park area. It would also be strongly recommended that an additional chimney stack be added to the left hand side of the main building when viewed from the road to provide balance and symmetry to the elevations. The brickwork should be in a Flemish bond to add visual quality to the elevations as views of the property would be gained from both the road and the golf course.

**Recommendation In principle we would not object to the proposal but we would recommend that further research into the history of the house be undertaken and that it be photographically recorded prior to demolition.**

**The detailing to the dwelling should be reviewed as recommended above in particular the fenestration, roof and chimney detail should be amended. Bricks, brick bond, mortar finish, stone, slate, joinery details and finish rainwater goods, landscaping materials**

**subject to approval.**

### **Comments received from local residents**

#### Fairways, Golf Club Road

On the amended drawings dated 28th February 2017 the plans show the proposed dwelling and its relationship to my house next door. However they have used the original house siting and not my new house siting that has been erected since late 2011. Please can you get them to do a site drawing showing my house as it actually exists today, as my house sits much more to the side of the Plot nearer to Pooks Hills Plot. I have no objection in principle to what are planning but am seeking assurance that our houses are not almost touching.

### **Key Considerations**

#### Principle of Development

Core Strategy Policy CS1 (Distribution of Development) states that “development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.” The impact on the Rural Area and Chilterns Area of Outstanding Natural Beauty is discussed below. Moreover, the proposed development would also be acceptable in accordance with Core Strategy policy CS2 (Selection of Development Sites) due to being located on previously developed land, provided that it has full regard to environmental assets, constraints and opportunities and respects local character and landscape context.

#### Principle of Development in Chilterns AONB

Saved policy 97 of the Local Plan (2004) and policy CS24 of the Core Strategy (2013) states that the prime planning consideration for development within the Chilterns Area of Outstanding Natural Beauty should give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, although development is permitted it will be on the basis of its satisfactory assimilation into the landscape. The policy continues to state that every effort will be made to discourage development and operations that would adversely affect the beauty of the area. This preservation of Areas of Outstanding Natural Beauty is reflected within the NPPF (2012). Paragraph 115 of the NPPF (2013) states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

#### Principle of Development in the Rural Area

Under policy CS7 of the Core Strategy (2013), small-scale development would be permitted for the replacement of existing buildings for the same use, provided that it has no significant impact on the character and appearance of the countryside, and it supports the rural economy and maintenance of the wider countryside.

The proposed development would replacement one residential use with another. Whilst the proposal would not contribute to the rural economy or maintenance of the wider countryside it

would also not compromise these two functions and therefore considered acceptable in principle under policy CS7.

Saved policy 23 of the Local Plan (2004) supports this approach noting that replacement dwellings are acceptable in principle in the Rural Area. The replacement dwelling complies with criteria (a) and (b) of saved policy 23 as the dwelling remains in place substantially as built and has been occupied within three years preceding the application, and the dwelling is not a replacement for temporary residential accommodation noting the residential use of the land has been previously established.

Saved policy 23 of the Local Plan (2004) expands upon this guidance criteria stating that dwelling should be no larger than the one it replaces; or the original dwelling on the site plus an allowance of any extension that would have been permitted under policy 22. However, it is important to note that limited weight is provided to saved policy 23 due to the relevance of more recently adopted policy; such as policy CS7 of the Core Strategy (2013) and the NPPF (2012) which do not make reference to the maximum size increase permitted for the replacement dwelling, only that such a proposal would be acceptable provided it has no significant impact on the character and appearance of the countryside.

Bearing this in mind the proposed floorspace and volume calculations for the replacement dwelling are as follows:

	Volume m <sup>3</sup>	Floor space sq.m
Original	1555	408
Existing	1712	559
Replacement	2998.68	853.6
Permitted Development	300	100

Given the above calculations the proposed replacement would result in an increase of 149% in terms of floorspace and volume 130% above the size of the existing property including Permitted Development extensions.

Moreover, other properties within the street scene have been replaced to similar size enlargements. Such examples include the increase in floorspace size of the following properties:

Kestrel, Golf Club Road (4/03537/15/FUL): 165% the size of the existing property.

Kinross, Golf Club Road (4/01149/14/FUL): 173% of the original building.

Little Glebe, Golf Club Road (4/01210/11/FUL): 197% increase from original dwelling.

Bequine, Golf Club Road (4/01109/12/FUL): 169% of the existing property.

It is therefore considered given the location of the proposed dwellinghouse, as an end ribbon development, of similar size to the adjacent detached dwellings and heavy landscaping treatment which borders the site that the proposed replacement dwelling would not result in further harm to the visual amenities of the countryside.

As such, given the location and sighting of the application site it is considered that although there is an increase in height and mass compared with the existing house this would not impact on the skyline or open character of the countryside. As such the proposal is in

accordance with policy CS7 of the Core Strategy and saved policy 23 of the Local Plan (2004).

Effect on Appearance of the street scene, Rural Area, Chilterns Area of Outstanding Natural Beauty and the Historic Park

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

In regards to the Grade II\* Listed Historic Park Para 32 of the NPPF (2012) states that as heritage assets are irreplaceable and that any harm should require clear and convincing justification. Para. 133 of the NPPF (2012) outlines further that a proposed development which would lead to substantial harm to a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh such harm. This is reflected within Core Strategy policy CS25 which outlines that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Historic Landscape Characterisation. Policy CS27 reinforces this stating that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

Core Strategy (2013), policies' CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the saved Local Plan (2004) policies' 10, 13, 18, 21 and appendix 3.

Golf Club Road comprises of low density suburban housing within a rural area. The immediate street scene is characterised by large detached houses set on expansive plots with generous build lines. Views of properties are contained to the private highway and adjacent woodland and golf course. No uniformed height, style or size of dwelling is evident.

The proposed replacement dwellinghouse would retain the plot positioning of the existing property. As such the replacement would remain 32 metres (approximately) away from Golf Club Road which is lined with a thick hedgerow and treeline. In addition the proposed replacement would retain a 4 to 13 metre (approximate) separation distance to site boundaries, retaining the countryside setting and character of the rural area. The area immediately surrounding the application site is also relatively flat and whilst the site is located within an Area of Outstanding Natural Beauty the development would not block any views of attractive features within the landscape such as a valley, hillside or an important group of trees.

In term of architectural detailing the proposed replacement dwelling would be Georgian in style. There would be an increase in height and mass compared with the existing house. Nonetheless, due to the varied style, size and height of other properties within the immediate

street scene the proposal is not considered to appear incongruous.

Due to the site falling within the Chilterns Area of Outstanding Natural Beauty and Grade II\* Listed Ashridge Estate the DBC conservation officer was consulted on the proposal, providing the following comments:

*“The existing building dates from the mid 20th century. It varies between one and two storey in a brick with a concrete tiled roof. It is of its period has been carefully considered and detailed with a period landscape designed to sit with the dwelling. It may therefore be useful to try to discover who designed the building and further information about its construction. If were to support its demolition it would be recommended that a recording condition be put on the approval and that this record was submitted to the Hertfordshire HER.*

*Given the qualities of the existing building and the location of the proposed building within the protected parkland area we believe that any new building would need to relate well to the character of the area and have a minimal impact upon the parkland setting. As such we would recommend the design be amended as follows:*

*It would be recommended that the proportions of the windows be reviewed and that the first floor windows be made slightly smaller than the ground floor windows. In addition it would be beneficial to have 6/6 sashes rather than the proposed 2/2 which appear more contemporary when compared to the principle design. It would also provide a more vertical emphasis to the fenestration. Furthermore it would be recommended that the roof area be reviewed. This could perhaps be lowered so that the ridge height follows that of the ridge of the portico. This would reduce the overall impact of this on the appearance and result in more appropriate proportions. The rooflight could then be reduced in scale and flattened to ensure that it was not visible from ground level. Overall this change would reduce the impact of the building from within the park area. It would also be strongly recommended that an additional chimney stack be added to the left hand side of the main building when viewed from the road to provide balance and symmetry to the elevations. The brickwork should be in a Flemish bond to add visual quality to the elevations as views of the property would be gained from both the road and the golf course.*

*Recommendation In principle we would not object to the proposal but we would recommend that further research into the history of the house be undertaken and that it be photographically recorded prior to demolition.*

*The detailing to the dwelling should be reviewed as recommended above in particular the fenestration, roof and chimney detail should be amended. Bricks, brick bond, mortar finish, stone, slate, joinery details and finish rainwatergoods, landscaping materials subject to approval.”*

The proposal was amended in accordance with this advice.

In sum, it is not considered that the proposal would not have an adverse impact on the appearance of the historic park, rural area, Chilterns Area of Outstanding Beauty or street scene and therefore is in accordance with policies CS7, CS10, CS11, CS12, CS24, CS25 and CS27 of the Core Strategy (2013), saved policies 18, 21, 23, 97, and appendix 7 of the Dacorum Local Plan (2004) and the National Planning Policy Framework (2012).

## Impact on the Living Conditions of Future Occupants and Surrounding Residential Units

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The application site directly adjoins one property located at Fairways to which the proposed replacement dwelling would not breach the 45 degree line as drawn from the rear habitable windows. Furthermore, the two storey element of the proposal would be located approximately 16 metres away from the shared side boundary with Fairways. As such it is not considered that the proposal would result in a loss of daylight or outlook to neighbouring residents.

Due to this separation distance the proposed upper floor side-facing windows within the replacement dwelling directed at Fairways would not give rise to any overlooking concerns. Nonetheless, two out of three of these windows have been conditioned as obscured glazed as they accommodate bathrooms.

Turning to the living conditions the proposal would afford future residents. Saved appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved appendix 3 expands this further outlining that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The proposed replacement dwelling would have a garden depth of 25 metre (approximately), which far exceeds this threshold and would be similar in size to adjacent residents.

Thus, the proposed would not detrimentally impact the residential amenity of neighbouring properties and is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

## Impact on Parking and Access

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (2004) promotes an assessment based upon maximum parking standards.

The application seeks to construct a replacement 5 bed dwellinghouse which would result in a policy requirement of 3 off street parking spaces for 4+ bed dwellings in zones 3-4 in accordance with saved appendix 5 of the Local Plan (2004). The proposed application would

have sufficient off street parking provision to accommodate at least four domestic cars.

Hertfordshire Highways were consulted and provided the following conclusive comments:

*“The proposed new replacement home at Pooks Hill is accessed via Golf Club Road. Looking through the application form there are no plans to change the current access arrangements which is confirmed in section 6 of the application form attached to this submission. HCC road hierarchy states that Golf Club Road does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.”*

Due to Highways raising no objection and sufficient off street parking provision, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of policy CS8 and CS12 of the Core Strategy (2013) and saved policy 51 and appendix 5 of the Local Plan (2004).

#### Impact on trees and landscaping

Saved policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The proposed site contains many notable trees, all which would be retained in the design of the replacement house. The proposed scheme has the potential to provide soft and hard landscaping on site. Details regarding landscaping materials and boundary treatment have been conditioned as part of the grant approval in order to ensure high standard of design for the development.

#### Protected Species

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

The demolition of any building carries a risk of harm to bats, subsequently Herts Ecology was consulted on the proposed development and raised no objection subject to the requested informatives.

**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 (excluding demolition) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Details of material shall include:**

**Fenestrations;  
Slate  
Bricks;  
Brick bond;  
Mortar finish;  
Stone;  
Joinery details; and  
finish of rainwatergoods.**

**Development shall be carried out in accordance with the approved details.**

**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 safeguard the character and appearance of the Listed Historic Park and AONB; in accordance with policies CS12, CS24, CS25 and CS27 of the Core Strategy (2013).

- 3 **Within 6 months of the date of this permission 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; and**
- **trees to be retained and measures for their protection during construction works;**

**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 historic environment and AONB in accordance with policies CS12, CS24, CS25 and CS27 of the Core Strategy (2013).

- 4 **Both windows serving the bathrooms at first floor level in the west side elevation of the new dwelling hereby permitted shall be permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the dwelling house; in accordance with Policy CS12 of the Core Strategy (2013).

- 5 **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, B, C, D and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Chilterns AONB, rural area and historic environment; in accordance with policies CS7, CS12, CS24, CS25 and CS27 of the Core Strategy (2013) and saved policies 23 and 97 of the Local Plan (2004).

- 6 **Research into the history of the existing dwellinghouse shall be undertaken and that it be photographically recorded. The details recorded shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the dwelling as shown on drawing number 16 490 PL10 A.**

Reason: In the interest of preserving the Historic Character of the Environment, in accordance with policy CS25 and CS27 of the Core Strategy (2013).

- 7 **All structures and buildings existing on the site shown on Drawing No. 16 490 PL10 A shall be demolished and the materials removed within 56 days of the first occupation of the development hereby permitted.**

Reason: To safeguard and maintain the character and appearance of the Chilterns AONB, rural area and historic environment; in accordance with policies CS7, CS12, CS24, CS25 and CS27 of the Core Strategy (2013) and saved policies 23 and 97 of the Local Plan (2004).

- 8 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (8) to (10) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (10) has been complied with in relation to that contamination.**

#### **Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops,

- livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

## 9 Submission of Remediation Scheme

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

## 10 Implementation of Approved Remediation Scheme

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required carrying out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

11 **Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (8) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (8), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (9).**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

12 **Any works that disturb identified bat roosting places identified in the ecological appraisal (Cherryfield Ecology 13/09/2016) shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.**

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 and to ensure biodiversity is conserved and enhanced in accordance with policy CS26 of the Core Strategy (2013) and the NPPF (2012).

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

**Arboricultural Impact Assessment and Arboricultural Method Statement dating 21st November 2016**

**Tree Survey Report dating 15th July 2016**

**Cherryfield Ecology Report dating 16th September 2016**

**Cherryfield Ecology Report dating 11th July 2016**

**16 490 PC11C**

**16 490 PL12C**

**16 490 PL13B**

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

Informative 1 - Ecology

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles and amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of reptiles or amphibians using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow reptiles and amphibians to escape;

Building work should (ideally) be carried out during April-June, when amphibians are more likely to be found in ponds and less likely to be found on site;

If protected species being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

Informative 2 - 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.