

**4/00022/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 5-BED DWELLINGS.  
SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT.  
APPLICANT: Mr M Leach.**

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[Case Officer - Matt Heron]

## **Background**

This application was submitted for consideration by the Development Management Committee on 25<sup>th</sup> May 2017. At this meeting, it was considered that there was insufficient information to determine this application and it was deferred until such information has been received. The applicant has provided additional drawings – overlaying the proposed units onto a plan of the existing unit. There have been no policy or legislative changes since the report and addendum were previously considered by the Committee, and as such, the discussion and considerations of this report remain unaltered from that previously presented.

## **Summary**

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, including the character of the Conservation Area and the setting of nearby listed buildings, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

## **Site Description**

The application site is located within a residential area of Bovingdon, within the Conservation Area. The site itself is comprised of a detached single storey property. Facing the site, to the east, lies a Grade II listed building and to the rear (west) there is an area of designated open land.

## **Proposal**

This application seeks full planning permission for the demolition of the existing one and a half storey bungalow and the construction of two detached dwellinghouses.

## **Referral to Committee**

The application is referred to the Development Control Committee as Bovingdon Parish Council has objected to the proposal stating:

- *"The property is in the conservation area.*
- *It would be over development and is out of keeping with surrounding properties - site is*

*only 19 metres wide.*

- *Overshadows neighbouring properties; lack of privacy and light.*
- *Insufficient parking.*
- *Concerns over safety of entry into Vicarage Lane - pinch point at this junction in lane and if remove the post and wire fence between neighbouring property could cause loss of visibility when accessing Vicarage Lane.”*

In addition to the above, a letter has recently been received from a planning consultancy on behalf of the Parish Council and also local residents. This letter raises specific concerns with regards to:

- Impact on residential amenity and living conditions.
- Impact on the safety and operation of the local highway network.
- Impact on the character and appearance of Bovingdon Conservation Area and Grade II listed building 'Church House'.

Further, Councillor Riddick has 'called-in' this application raising concerns which are summarised below:

- Harm to the Conservation Area and the setting of the nearby listed building.
- Insufficient parking and space for safe manoeuvrability within the site.
- Access to the development would not be safe.
- Lack of amenity space for future occupants.
- The proposed dwellings would be cramped upon their plots.

## **Relevant History**

4/00056/98/4 – Replacement conservatory. Granted.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (the Framework)

### Adopted Core Strategy

NP1 – Supporting Development  
CS1 – Distribution of Development  
CS4 – The Towns and Large Villages  
CS8 – Sustainable Transport  
CS9 – Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of the Public Realm  
CS17 – New Housing  
CS23 – Social Infrastructure  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS31 – Water Management

CS32 – Contaminated Land

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land  
Policy 51 – Development and Transport Impacts  
Policy 57 – Provision and Management of Parking  
Policy 58 – Private Parking Provision  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 119 – Development Affecting Listed Buildings  
Policy 120 – Development in Conservation Areas  
Policy 129 – Storage and Recycling of Waste on Development Sites  
Appendix 5 – Parking Provision

**Summary of Representations**

**Comments received from consultees:**

**Herefordshire County Council Transport, Programmes and Strategy** – No objection subject to relevant conditions.

**Thames Water** – No objection received.

**Affinity Water** – No objection received.

**Dacorum Environmental Health** – No objection subject to relevant conditions.

**Dacorum Trees and Woodland Department** – No objection, subject to relevant conditions.

**Hertfordshire Ecology** – No objection received.

**Hertfordshire Property Services** - 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.

**Comments received from local residents:**

Several letters of objection have been received from addresses at Church Land House, Church Street, Flaunden Lane, Bushfield Road, Howard Agne Close and Vicarage Lane. Several other objections have been received from unidentified addresses. Objections are summarised as:

- Impact on setting of listed building.
- Impact on Conservation Area.
- Visually prominent and incongruous with surrounding properties.
- Harm to living conditions in terms of overlooking, overbearing, loss of light and noise and disturbance.

- Visually cramped.
- Lack of parking provision.
- Harm in terms of highway safety.
- Overdevelopment.
- Cumulative impact of developments in area harming highway safety.
- Impact in terms of flooding.
- Pressure on sewer system.
- Harm in terms of air pollution

It is noted that some of the above mentioned objections draw attention to the loss of views from existing properties. This is not a material planning consideration and has been afforded no weight in the determination of this proposal. Further, concerns have been raised with regards to larger vehicles damaging land outside of the application site. Again, this falls outside of the remit of planning and forms a separate legal/civil matter.

It is also acknowledged that the initial Heritage Statement suggested that the site was just outside of the Conservation Area. The applicant has acknowledged that this is an error and a revised statement has been submitted. Further, as demonstrated in the assessment below, it is clear that this proposal has been assessed as being within the Conservation Area and the development has therefore been considered fully against appropriate heritage policies.

### **Key Considerations:**

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area, including the Conservation Area and the setting of adjacent listed buildings
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
  - i) Protected Species
  - ii) Flooding and Drainage
  - iii) Contaminated Land
  - iv) Refuse and Recycling
  - v) Air Pollution

### **1. The principle of the development**

The application site is located within Bovingdon but is not an allocated housing site and so is considered to be a 'windfall site'. Though Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes, Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the Framework encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Local Plan Policy 10 also seeks to optimise the use of available land within urban areas.

The application site is situated within an urban area in the existing Large Village of Bovingdon. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). Furthermore the proposal complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is in accordance with policies CS1, CS4, CS17, 10 and relevant national planning policy.

There is therefore no compelling objection to the principle of the proposed development in residential land use terms.

## **2. The quality of the design and the impact on the character and appearance of the area, including the Conservation Area and the setting of adjacent listed buildings**

Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The specific historic environment policies within the Framework are contained within paragraphs 126-141 of the Framework. Paragraph 131 states that, in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Though not fully consistent with the Framework in this regard (as Section 12 does allow for harm to heritage assets in certain circumstances), Policies CS25 and CS27 and Local Plan Policies 119 and 120 seek to preserve the setting and distinctiveness of heritage assets and historic landscapes.

The application site is located on the western side of Vicarage Lane and comprises a detached, one and a half storey, residential unit. Adjacent properties are constructed of render under hipped roofs and are typical in design of inter-war properties. Moving south along Vicarage Lane there are examples of more traditionally designed terraced properties and approximately 40m to the north of the site there are examples of more modern, recently constructed, detached properties.

### Spacing and Prominence

The proposed units would be set-back from the access road by approximately 11m and there

would be a gap of approximately 1.3m between them. Further, there would be a gap of approximately 1m between the proposed units and the northern boundary of the site (4.3m to the adjacent unit beyond this boundary) and a gap of approximately 1m between proposed units and the southern boundary of the site (2.2m to the adjacent unit beyond this boundary).

Taking the above into account, and as there would be approximately 19m between proposed units and the rear boundary of the site, it is considered that the spacing left about and between proposed units, which would be similar to spacing about properties to the north of Vicarage Lane, would be acceptable. As such, the development would not appear cramped or overdeveloped upon the plot.

In addition to the above, the proposed units would have a maximum height of approximately 8.3m – which is consistent with the scale of adjacent and surrounding units. As such, and given the set-back nature of the proposal from the access road, it is not considered that the units would be visually dominant or oppressive within the streetscene.

### Landscaping

On discussion with Dacorum Trees and Woodland Officers, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect.

It is also noted that specific concerns have been raised with regards to the amount of hardstanding to the front of proposed units. However, the existing site has considerable hardstanding throughout and the proposal would ensure sufficient soft landscaping remained at the site. Further, it is recommended that a condition is imposed requesting the submission of a Landscaping Plan comprising details of proposed vegetation, hardstanding and boundary treatment. This condition would allow the Local Planning Authority to appropriately manage the colour and texture of hardstanding to 'break-up' this area and soften it through use of vegetation. Subject to the imposition of this condition, it is considered that proposed hard and soft landscaping would be acceptable.

### Heritage

The application site is located within Bovingdon Conservation Area and is within close proximity of a Grade II listed building to the east. As discussed above, the immediate streetscene is comprised of a mix of built residential form, constructed in a variety of styles from a diverse palette of materials. Notwithstanding this, it is clear that the designated heritage asset facing the site strongly influences the immediate setting of the application site and it is with this listed building that the proposed development would be 'read'.

One of the proposed units would be constructed of napped flint to harmonise with the construction of the adjacent heritage asset and the other would be constructed of facing brickwork. Windows would be timber frame sliding sash and units would comprise brick detailing appropriate for their historic setting.

It is clear that the proposed development has been guided by the historic context. On discussion with Dacorum Conservation Officers, subject to conditions requesting full specifications of the materials to be used in the actual construction of units and details of the proposed rooflights, it is considered that the design of the dwellings would be of a high quality

and would preserve the character of the Conservation Area and the setting of the identified listed building.

Notwithstanding the above, it is noted that specific concern has been raised with regards to the proposal's compliance with Bovingdon Conservation Area Character Appraisal and Management Proposals 2009. However, it is not considered that the proposal represents '*large-scale redevelopment*' or *new* development at a rural, soft edged, boundary. Taking this into account, and as the development respects the overall scale of surrounding built form and is of a high standard of design, it is considered that the proposal complies with the provisions of the above mentioned document.

### Conclusion on Design, Character and Appearance

Taking all of the above into account, it is considered that, subject to the imposition of identified conditions, the proposed development would integrate with the streetscape character. Further, the two detached properties would be of a high quality of design, informed by their historic context, and would therefore harmonise with the historic spatial pattern of surrounding built form. As such, the proposal would comply with identified local and national policy in this regard and would preserve the character of identified designated heritage assets.

### **3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants**

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the Framework is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed unit towards the southern boundary of the site would be approximately 2m away from the neighbouring unit to the south 'Belvedere' and would not extend beyond the single storey element of this neighbouring property which is immediately adjacent to the shared neighbouring boundary. Further, the above mentioned proposed unit would only extend, at two storey level, approximately 3m beyond the first floor of 'Belvedere' and there are no primary habitable room windows within the northern elevation of this neighbouring unit.

Taking all of the above into account, though the proposal would be visible from rear windows at 'Belvedere' and the rear external amenity space which benefits this unit, it is not considered that the proposed development would result in significant harm to the living conditions of the occupants of this property, in terms of overbearing and loss of light, to the extent that would warrant a refusal of permission.

Turning to 'Green Close' to the north of the site, the proposed unit towards the northern boundary of the application site would be positioned a minimum of approximately 4m away from this neighbouring dwelling. Further, the above mentioned proposed unit would not project significantly beyond the rear elevation of this neighbouring property and there are no primary habitable room windows within the southern elevation of 'Green Close'. As such, it is considered that the proposal would preserve the living conditions of the occupants of this neighbouring property, in terms of over bearing and loss of light.

In addition to the above, as there would be no habitable room windows within the flank

elevations of proposed units and proposed first and second floor rear windows would not afford direct views of the private, primary, amenity space which benefits neighbouring properties, it is considered that the development would preserve the privacy of surrounding dwellings.

The proposed dwellings would be constructed to a high standard and would each offer in excess of 140m<sup>2</sup> of external amenity space. Taking this into account, and also as the relationships they would share with existing adjacent properties would be acceptable in terms of matters discussed above, it is considered that the proposed units would afford appropriate living conditions for future occupants.

Taking all of the above into account, and as the applicant has submitted a daylight/sunlight assessment indicating only very limited harm to neighbouring units in terms of loss of light, it is considered that the proposed development afford adequate living conditions for future occupants and would not result in significant and demonstrable harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking and loss of light. A refusal on these grounds alone would therefore not be reasonable.

#### **4. Highway Safety and Parking Provision**

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework 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. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

Each proposed unit would benefit from two off road parking spaces to front. As such, it is considered that proposed off-road parking spaces, which are laid out in a useable formation, would be acceptable.

Turning to highway safety, Vicarage Lane is an unclassified local access road, with a 30mph limit, so vehicles are not required to enter and leave the site in forward gear. However, the applicant has proposed 'turn-table' parking mechanisms which would allow for vehicles to exit in a forward gear. Further, there have been no collisions resulting in personal injury in the last five years.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS), it is considered that the proposal would have no material impact on the surrounding highway network. As such, subject to the imposition of conditions requesting car parking spaces to be laid out appropriately and the surfacing of on-site vehicular areas to an adequate standard prior to first occupation, no objection is raised from HCCTPS and the proposal is considered acceptable in this regard.

Notwithstanding the above, it is noted that HCCTPS has requested additional conditions ensuring that all materials associated with construction are to be stored within the curtilage of the site and that best practice is taken to ensure that debris is not distributed upon the highway.



Given that it is an offence under highways legislation to obstruct the free flow of a highway and legal permission must be sought by the applicant to store any material on land outside of his/her ownership, the above mentioned additional conditions are not considered reasonable or necessary with regards to the tests for conditions within the Planning Practice Guidance. Informatives in this regard are considered more appropriate.

## **5. Other Material Planning Considerations**

### *i) 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 states that proposals should contribute to the conservation of habitats and species.

The application site is not within a designated wildlife site and there are no records of roosting bats at the site. As such, and as the applicant must halt all development (including demolition) if protected species are encountered at and any stage and appropriate mitigation implemented, it is not considered that the proposal would result in significant harm to biodiversity at the site and the proposal is therefore acceptable in this regard.

### *ii) Flooding and Drainage*

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

Further, it is noted that specific concerns have been raised with regards to the impact of the proposal on the existing sewer system. Both Thames Water and Affinity Water have been consulted and have raised no objection in this regard. Taking this into account, and as the proposal would be thoroughly assessed in terms of drainage under building control legislation were planning permission granted, it is considered that the proposal would be acceptable in this regard and a refusal on these grounds alone would not be reasonable.

### *iii) Contaminated Land*

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated

Dacorum Environmental Health Department has been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

### *iv) Refuse and Recycling*

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and

recycling.

Each unit affords storage areas to front for bins. Further, occupiers of the proposed units could present bins appropriately to the highway boundary for collection. As such, the development could be incorporated into the existing refuse service and is acceptable in this regard.

*v) Air Pollution*

It is noted that specific concern has been raised with regards to air pollution. Policy CS29 seeks to minimise carbon dioxide emissions. Given the scale of the proposed development and the associated vehicular movements, it is not considered that the development would result in significant harm in terms of air pollution. As such, the proposal would comply with policy CS29 and is acceptable in this regard.

## **Conclusion**

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, including the character of the Conservation Area and the setting of nearby listed buildings, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: wren naj 97a 2016 Rev. D & wren naj 97b 2017 Rev. D & wren naj 97c 2016 Rev. D & wren naj 97l 2016 & wren naj 97 2016 & Site Location Plan (scale of 1:1250).**

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

- 3 Prior to the construction of the dwellings hereby approved, full specifications of the materials to be used for their external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the**

**development shall be carried out and retained in accordance with details approved in this regard.**

Reason: In the interests of the character of the area in accordance with Policies CS11, CS12, CS13, CS25 and CS27 of the Dacorum Core Strategy 2013 and Policies 119 and 120 of the Dacorum Local Plan 2004.

- 4 **Prior to first occupation of the development hereby permitted full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **Prior to the construction of the roofs of the dwellings hereby approved, full specifications of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, development shall be carried out in accordance with approved details in this regard.**

Reason: In the interests of the character of the area in accordance with Policies CS11, CS12, CS13, CS25 and CS27 of the Dacorum Core Strategy 2013 and Policies 119 and 120 of the Dacorum Local Plan 2004.

- 7 **Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (a) to (d) 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 part (d) has been complied with in relation to that contamination.

**(a) 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'*.

**(b) 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.

**(c) 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 to carry 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.

**(d) 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 part (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), 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 part (c).

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 CS32 Dacorum Core Strategy.

- 8      **The approved car parking spaces shall have measurements of 2.4m x 4.8m as a minimum. Such spaces shall be maintained as a permanently ancillary to the development hereby approved and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9      **Prior to first occupation of the development hereby approved, all on site vehicular areas shall be surfaced in accordance with details requested in condition 4 so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was necessary in this instance. 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) Order 2015.

**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

**ADDENDUM SHEET Committee 25/05/2017**

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**Item 5a**

**4/00022/17/FUL- DEMOLITION OF EXISTING BUNGALOW AND  
CONSTRUCTION OF TWO 5-BED DWELLINGS**

**SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3  
OLT**

Additional information from resident:  
Planning Ref: 4/00022/17/FUL

Dear Matt,

In relation to the amended scheme for the development of Symonsdown, I wish to express my continued and serious concerns about the application. The revised plans have done little to amend my previous objections to the development – which I ask you to read in association with my comments here (amended to include the revised Heritage statement, which I only received on 23/5 so have had little time to review and comment). In fact, I have several more issues about inaccuracies that I would like to raise with you and the planning committee members.

First of all, I would like to state the following. I am not against the redevelopment of Symonsdown. I believe that a sensitive redesign, that enhances the conservation area and a development that makes a sympathetic contribution to the visual amenity of Vicarage Lane, would be beneficial to both local residents and to the Borough's housing stock.

However, the principles applied to this application are highly insensitive to neighbours' concerns and do very little to enhance the character of the setting.

Equally, many of the objections raised have not been adequately addressed within your case notes.

I will now address each of your key points:

**1. The principle of the Development  
DEVELOPMENT MANAGEMENT COMMITTEE  
Thursday 25th May 2017 at 7.00 PM  
THURSDAY 10 MARCH 2011 AT 7.00 PM**

Firstly, the reduced scale does not change the impact, massing, overshadowing, privacy or loss of light to its neighbours. The BRE two-page statement lacks the evidence to prove this point (See attached letter from Shirley Ellis – Senior Rights of Light Surveyor, dated 23/5/17). Whilst I accept this is a legal/civil matter, the developer should be more sympathetic to the close proximity to Green Lodge and Belvedere. The actual proximity to Green Lodge is 3.3m not the 4.3m that you state.

The development does not optimise the use of the plot, it maximises the use. Hence it pushes all boundaries to the limit, both physical and legal.

**2. The quality of the design and the impact on the character and appearance of the area, including the Conservation Area and the setting of adjacent listed buildings**

Accuracy of the description is clearly important when applying policy. Green Lodge is a detached property to the north of the proposed development - not a "two storey semi-detached". Whilst not important in planning terms, it indicates that attention to detail in your case notes is lacking and the importance of accuracy is compelling when critical decisions rely on accurate reporting.

Furthermore, I draw your attention to the following:

1. Developments within a Conservation Area need to address the following considerations as a minimum (See: Bovingdon Conservation Area Character Appraisal and Management Proposals 2009).

- a. If any infill development is contemplated, the relatively 'unplanned' character of the village must be observed and any development should respond positively to this organic layout/form.
- b. Whilst some improvement or enlargement of existing buildings may be possible, subject to very rigorous controls, there are clearly very few opportunities for large-scale redevelopment within the Conservation Area. The character of the area has already been eroded as a result of poor quality infilling and unsympathetic alterations.
- c. Non-residential uses of land and buildings should be protected, an residential development or conversion avoided. The need to protect the rural, soft edges of Area 2 means any new development at the boundaries should be resisted. Should any opportunities in Area 1 arise, buildings should remain two-storey, should face the road, should respect the massing and scale of the neighbouring buildings, and employ a palette of materials sympathetic to and consistent with the prevailing character and appearance of that part of the Conservation Area. Only good quality schemes that respond positively to their historic setting and incorporate exceptionally high standards of quality and design will be considered acceptable. The properties further north of the site should not be used as a valid precedence. The applicant and your case notes appear to compare this proposed development with two similar properties (Majuba and Springfield) further north on Vicarage Lane. However, the plot size is not comparable. Symonsdown plot width is just 19m, the plot size for the properties in comparison is 31m in width. Both properties have integral garages and extensive parking facilities for owners and visitors. Neither property is built within 1m of its nearest neighbour and the gap between the properties is substantial. Equally these properties were constructed before the Bovingdon

Conservation Area was extended to cover their development.

#### Spacing and Prominence

As previously mentioned the northern boundary to Green Lodge is just 3.3m from proposed development – not 4.3m as you state. The development is designed to maximise the space with little concern for neighbouring properties. On that basis, they are cramped on to this 19m plot concerned only with the maximum size possible and not with the impact on the area. The “Rights of Light” for Green Lodge would be severely eroded. The following pictures illustrate the sunlight into habitable rooms that would be completely blocked by the proposed development:

#### Landscaping

No comments.

#### Heritage

I counter the statement that “this is not considered a large-scale redevelopment”.

The developer is clearly attempting to build properties that could provide habitable use for 6 (or more) people in each – so potentially 12 or more residents on this one plot. This is a significant increase in pressure on facilities, traffic flows, parking, drainage and sewers. In comparison to development on plots of a similar size, this would be the largest redevelopment in the local area.

#### Conclusions

Based on the overcrowding and mass of the proposed development, I fail to see how it harmonises with the historic spatial pattern of surrounding built form. It lacks sensitivity and does not enhance the Conservation Area. It overcrowds a very small plot and should not be compared to the two other detached buildings further north on Vicarage Lane. It is also overbearing on Green Lodge and Belvedere.

### **3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants**



This is very misleading. Green Lodge to the north of the proposed development lies just 3.3m from the proposed wall of the new building. There are five windows on the southern elevation of Green Lodge, two of which (music room and kitchen) are primary habitable rooms. You state that there are none. The light enjoyed by these windows is shown in the sections above.

Privacy: The plans show three windows on the proposed property facing directly towards Green Lodge. This is unacceptable and an intrusion of our privacy.

Equally, the proposed high level dormer window to the rear of the property is out of character with any other property in Vicarage Lane or in the local vicinity. They also impact on privacy for all neighbouring properties. I would also like to reference planning application 4/01539/01/FHA for Green Lodge in 2001. Request to provide roof lights. Approved with conditions. Note condition 4, 6 and 7 are there to safeguard the privacy of Symonsdown. Most notably point 4 where Dormer windows were not allowed to:

- a. Safeguard the privacy of Symonsdown
- b. Not Impact the appearance of Green Lodge within the street scene

One must be mindful of the importance of consistency in decision-making, and particularly in terms of fairness and expectation. I would question why a dormer window might be allowed now, when in the past, it was not. Equally, I see very little in the planning proposal that takes into account the necessity to safeguard the privacy of Green Lodge or Belvedere.

#### **4. Highway Safety and Parking Provision**

Vicarage Lane is a busy thoroughfare – particularly at peak times. It is equally an unclassified single track road with limited passing spaces. I have had three instances of passing vehicles damaging the entrance to Green Lodge in the last 5 years. I have found it necessary to install a mirror to allow safe exit onto Vicarage Lane. Even with that addition, it is often a hazardous manoeuvre due to the speed and volume of vehicles using Vicarage Lane. The additional traffic and the fact that the development sits opposite the narrowest part of the lane, will only add to that risk for both existing and new residents.

Furthermore, the parking proposal is flawed. The plans indicate a Spin-It turntable solution. However, the proposed turntable can only accommodate a single vehicle.

A turntable large enough to accommodate two family sized vehicles will have to be 6m in diameter (as specified on the Spin-It website). The plans therefore lack accuracy and are misleading in their visualisation that appear to show a turntable that can accommodate more than one vehicle. Until this inaccuracy is resolved and parking provision fully explained, I request that this application be refused. I would equally question your statement “there are additional off-road parking spaces”. Please elaborate on that matter as the only additional parking is in Church Lane which is for the use of the Church. This is not overflow parking for a development that clearly cannot provide the parking facilities to support the proposed inhabitants.

#### **5. Other Material Planning Considerations**

##### **ii Flooding and Drainage**

The main sewer running down Vicarage Lane has blocked 3 times in the last 4 years. The latest unblocking can be seen below (dated 20/2/17) and resulted in raw sewage running down Vicarage Lane and into the storm drains contaminating the water supply.

Whilst Thames Water were consulted, I can only assume their lack of an objection was more down to apathy than reality. The reality being that the sewage system in Vicarage Lane is already overloaded and will only get worse with the addition of two, 5-bed properties.

#### **Conclusion**

In summary, whilst I accept that development of the proposed site is inevitable, I do not accept

the scale, nor the intrusion imposed by the current plans. Loss of light, privacy, overshadowing, overcrowding and garden grabbing are all evident in the plans. Any future plans should be downscaled considerably and address all the concerns listed above. The full impact of this development on neighbouring properties can best be seen via a site visit and I request that you arrange a visit prior to any planning decisions being made.

The development, if built, will destroy the character of Vicarage Lane and set a dangerous precedent for further overdevelopment within the Bovingdon Conservation Area.

For the above reasons, I again object to the proposed plans.

Additional letter concerning right to light

Dear Mr M Heron,

**Application Reference No. 4/00022/17/FUL**  
**Proposed Development at Symonsdown, Vicarage Lane, Hemel Hempstead**  
**Impact on Green Lodge, Vicarage Lane, Hemel Hempstead**

Further to our letter dated 18th April 2017, I understand the applicant has instructed the BRE to assess the impact of the proposal upon the daylight and sunlight receivable by our client's property at Green Lodge, if the proposal is built as planned.

We have liaised with Mr Leech and our client in order for Paul Littlefair to visit Green Lodge to obtain the measurements for the assessment. However, we note from the BRE letter dated 27th April 2017 that no analysis has been carried out. The reason for this I understand is that the BRE do not consider the side windows to the music room or kitchen as primary windows serving habitable rooms.

The BRE guide at 3.1.1 states that "People like sunlight. In surveys around 90% said they appreciated having sunlight in their homes. The sun is seen as providing light and warmth, making rooms look bright and cheerful and also having a therapeutic health giving effect".

The BRE guide at 3.2.3 also suggests that "To assess the loss of sunlight to an existing building, it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun."

We would assert that the music room is a living room for the purpose of the BRE daylight and sunlight tests. We would also highlight that the side window of the music room is the only window within the room facing within 90 degrees of due south and therefore is the primary window in this instance for the purpose of the sunlight tests.

We would also highlight that whilst the BRE guidelines suggest that the level of sunlight to a kitchen is less important, it does offer some protection in order to avoid too much sun being blocked. Unfortunately, the guide does not offer any indication as to what level constitutes "too much sun being blocked". Again, as with the music room, the side window in the kitchen is the only window within 90 degrees of due south serving the area. As a result, this window is the primary window for the room for the purpose of the sunlight tests.

We would also highlight that as the side window is the only window specifically serving the kitchen area, it should be tested for the loss of daylight as a result of the proposal.

We would therefore again request that no decision in favour of the application is made by the Committee Members until the applicant undertakes a detailed daylight and sunlight study to evidence the reduction of light to our client's property as a result of their proposal.

We would also request that a copy of the computer model be forwarded to us so that we can advise our clients accordingly.

We also understand that the Committee Members have yet to visit our client's property.

We look forward to liaising with you to arrange a convenient time the Committee Members will be able to visit to assess the reduction of light from our client's perspective.