

**4/00309/11/FUL - DEMOLITION OF DWELLING, GARAGE AND SHED AND
CONSTRUCTION OF A 4-BED DETACHED DWELLING.
COMPTON, IVY HOUSE LANE, BERKHAMSTED, HP4 2PP.
APPLICANT: MR & MRS AVERN.**

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 00382 07845]

Summary

The application is recommended for approval.

Site Description

Compton is a 1960's one and a half storey bungalow. It is a relatively small dwelling located on the east side of Ivy House Lane where it is the only dwelling due to this side of the lane being in the Green Belt. There are several outbuildings on the site. The dwelling is set back from the road behind hedges and mature trees which partially obscure it from views. However, there are views to the site from Meadway where the site forms the vista for those travelling towards Ivy House Lane. There is a copse to the south of the site which obscures views from the south to the site.

Proposal

It is proposed to demolish the existing dwelling and one of the garages and replace them with a one and a half storey dwelling set further back from the lane within the site. The house would be 7m in height. It would have a pitched roof with open eaves, with gables to all elevations, half dormers and multi-lights openings to the rear elevation. The roof would be tiled, the walls white-painted render with some grey painted timber boarding. The garage would not be replaced but the other existing garage would be re-used for the keeping of vehicles.

The existing access would be retained with an increased area of gravel in front of the dwelling for manoeuvring to enable access and egress in forward gear. There would be an area of paved terrace to the rear.

The plans have been amended to reduce the height and volume of the proposed dwelling, to reduce the gravelled areas and to show the garage retained for the keeping of a vehicle.

Referral to Committee

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

Planning History

The bungalow was built as an agricultural worker's dwelling in the 1960's. It appears not to have been extended. Considerable investigation of the agricultural occupancy status of the dwelling has revealed that the dwelling has an allocated number as an agricultural dwelling in the Council's records (W/744/60, agricultural reference 135) and the bungalow is a typical design of such a dwelling, but no actual condition has been found to this effect.

Policies

National Policy Guidance

PPS1, PPG2, PPS3, PPG13.
Circular 11/95.

East of England Plan

Policies SS1, ENV7

Dacorum Borough Local Plan

Policies 1, 4, 9, 11, 13, 23, 58, 97.
Appendices 1, 3 and 5.

Supplementary Planning Guidance

Environmental Guidelines
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Chilterns Buildings Design Guide
Landscape Character Assessment

Representations

Berkhamsted Town Council

Object due to insufficient information on submitted plans. Object to the potential impact on the streetscape. Object to the proposed height, size, scale, bulk and hard surface areas on the submitted plans. Contrary to Policies 11, 22 and 23 of Local Plan.

Conservation and Design

Original plans - Ivy House Lane forms the boundary between the town and the country with continuous detached housing development on the one side and two dwellings and countryside on the other. Compton is not only sensitive in terms of its relationship with the open countryside/AONB location but also forms a visual closure to the vista from Meadway. The architectural quality of the existing building is limited and the opportunity for a building to contribute visually to the area is welcomed. However scale, especially height, is extremely critical in this case to avoid a building that would increase visual intrusion on this side of the lane. The submitted application, although acceptable in detail and form, fails to achieve the modest level of scale deemed necessary to be considered acceptable.

Amended plans - the amended scheme with the lower ridge height and the building set at a lower ground level, has now reduced its visual impact within this open side of Ivy House Lane. Taking account also of the improved architectural appearance of the building in comparison with the existing dwelling it is considered that from a conservation aspect the scheme is acceptable for approval, subject to a reduction in depth of the dormer in the rear wing. The retention of the garage reduces further pressure on the new for a new garage and is a useful safeguard.

Hertfordshire Highways

The above amended application is for the demolition of the existing dwelling and garage and replace them with a new four-bedroom detached dwelling. The existing access is to be re-used with no modifications. Visibility in both directions from a set back of nearly three metres can be achieved and is therefore acceptable to the highway authority.

Hertfordshire Biological Records Centre

An inspection survey is required as there are records of bats in the area. However I note that there are already rooms within the roof which look as though they will leave very little open roofspace free for bats, particularly given the design of the property. I note that there is another large roof area at right angles to the main roof which provides sufficient potential roof space to accommodate a roost. There is also a mature tree belt to the east, and woodland area adjacent to the lane to the south. I would therefore recommend that an inspection survey is undertaken.

Contaminated Land Officer

Original plans - due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore 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). The developer will need to complete and submit to the Council the 'Sensitive End Use Land Contamination Questionnaire', which can be downloaded from the website. Ideally this should be submitted to the Council prior to determination of the application.

Additional plans - the applicant has now submitted a completed version of the Council's Sensitive End Use Land Contamination Questionnaire. Based on the information provided, it would appear that there are no significant land contamination issues with the site and it is therefore suitable for the proposed development. As such, no land contamination planning condition is now required. However, I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Thames Water

There are public sewers crossing or close to the development. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Chiltern Society

I see no reason to object to the application. There is room on the site and the design is reasonable. It is bigger than the previous bungalow but not out of scale with the plot.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

18 Meadway - Objects:

- the ownership of the copse to be used as a source of firewood is disputed
- impact on the nature conservation interests of the copse and a wildlife corridor
- runoff and pollutions concerns

Considerations

Policy and Principle

The site is located in the Metropolitan Green Belt. The principle of replacing this dwelling is acceptable in principle but this is subject to compliance with Policy 23 of the Local Plan. The

proposals would need to maintain the openness of the Green Belt. Any redevelopment of the dwelling should be limited in size to the area of the original footprint of the dwelling alone (excluding out-buildings) plus up to a maximum of 30% increase over the floor area of the original dwelling or that which existed in 1948. It could be relocated on the site if impact on openness and character of the Green Belt is no worse.

Impact on Green Belt

Openness of the Green Belt would be reduced but to an acceptable level (Policies 4 and 23). The proposed dwelling would be located further into the site making it less prominent in front views. It would retain sufficient space to provide an attractive setting and protect countryside character. It would be more visually intrusive due to an increase in height of 580mm over the existing, but this is considered acceptable, especially as views are limited by the copse and hedgerows and the dwelling is located further into the site. The design is acceptable and would not injure the visual amenities of the Green Belt.

The floor area of the proposed dwelling would be 132% of the existing dwelling floor area. This slightly exceeds the 130% guideline figure accepted under Policy 23. However, the scheme proposes the demolition of the existing garage which is located adjacent to the dwelling but prominent in views into the site. Overall it is considered the openness of the green belt will be maintained. Permitted development rights are to be removed to ensure further additions and outbuildings are not added without planning permission.

Impact on the AONB

The design is acceptable in the Chilterns AONB in accordance with Policy 97 with the exception of the dormer in the rear wing. This is unacceptable on design terms to the conservation officer as noted in his comments above. A reduction in depth will be conditioned.

Impact on Trees and Landscaping

There would be no impact on trees and the landscaping proposals are acceptable in principle but further detail on planting schedules, hard landscaping materials, tree protection, level changes, etc. will be conditioned.

Impact on Neighbours

The siting and design of the dwelling will ensure the proposal will not result in any significant loss of residential amenity. There would be views from neighbouring properties but the improved design is acceptable under Policy 11.

Sustainability

The dwelling would be well-insulated with the inclusion of a wood-burning stove. A ground source heat pump is mentioned but, as this probably creates more carbon dioxide than an efficient gas boiler in a well-insulated dwelling, this will not be conditioned. Solar thermal panels are acceptable to the applicant who has requested them to be conditioned. Water butts will be conditioned for rain water harvesting. The proposed gravel will provide a permeable surface for vehicles.

Agricultural occupancy

The dwelling was granted in 1960 as a farm bailiff's cottage but with no conditions attached. It is understood that the house has been occupied for far longer than 10 years by people with no connection to farming. Indeed there is a letter to former owners from the former

Development Control Manager confirming that the dwelling could be occupied by persons not involved in agriculture. It is therefore considered that the replacement dwelling can be supported without an agricultural tie.

Other Material Planning Considerations

There is evidence of bats in an adjacent dwelling so a survey is being undertaken, the results of which will be presented to the Committee.

Berkhamsted Town Council objections

It is considered that the amended plans have addressed the concerns of the Town Council; their comments will be reported to the Committee.

Conclusions

The proposal complies with Council policy and is acceptable for approval subject to conditions.

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

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in the Chilterns AONB in accordance with the aims of Policies 4, 11 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **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;

- trees and hedges to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

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 immediate area in accordance with Policies 4, 11 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 4 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with the aims of Policies 4, 11 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 5 **All structures (including those structures not substantially completed), other than those shown for retention on the approved plans or permitted by this permission, shall be demolished and the materials arising from demolition removed from the site prior to the implementation of the development hereby permitted.**

Reason: In the interests of maintaining the open character of the Green Belt/Rural Area in accordance with the aims of Policies 4, 23 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E and F
Part 2 Classes A, B and C**

Part 40 Class B

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with the aims of Policies 4, 11, 23 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the retained garage shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of the Green Belt in accordance with the aims of Policies 4, 11 and 23 of the Dacorum Borough Local Plan 1991 - 2011.

- 8 No development shall begin until details of a reduced size for the dormer window to the south elevation shall have been submitted to and approved in writing by the local planning authority. The window shall be built in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in the Chilterns AONB in accordance with the aims of Policies 4, 11 and 97 of the Dacorum Borough Local Plan 1991 - 2011.

- 9 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011.

NOTE 1:

This decision to grant planning permission has been taken for the following reason having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The extension is compact and well-related to the existing building. It is well-designed having regard to the size and shape of the site. It would not be visually intrusive on the skyline or in the open character of the countryside. Significant trees and hedgerows would not be prejudiced. The extension is limited in size. The proposals would not adversely affect the amenity of

adjoining neighbours. Sufficient parking is provided on the site. The proposals therefore comply with the aims of Policies 11, 23 and 97 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 1, 4, 9, 11, 13, 23, 58.

Appendices

Appendices 1, 3 and 5.