
APPENDIX 1: COMMITTEE REPORT FOR 4/00524/12/FHA (DCC May 24th)

Summary

The application is recommended for approval. The proposed development is acceptable in principle in this residential / urban area. The number of stores has been reduced from three to two, thereby reducing significantly the bulk and massing of the proposals. This combined with the existing and proposed landscaping along the Cross Oak Road boundary and the use of timber and sedum roofs in its construction would ensure that the development does not dominate or look out of place within the street scene. While the application does involve the loss of trees these are not important specimens and would be replaced by a greater amount of new planting. The amenity of surrounding properties would not be adversely affected.

For these reasons it is considered that the proposal complies with Policies 11 and 58 of the Dacorum Borough Local Plan, as well as CS11 and CS12 of the emerging Core Strategy (Pre-Submission) and the guidance of the NPPF.

Site Description

The application site comprises a large detached property in a corner plot (facing Cross Oak Road and Greystoke Close) located within the residential area of Shootersway, Berkhamsted. The site is contained within an area covered by a TPO. The rear garden is positioned to the side of the house and is a good size, mostly laid to lawn and containing several trees / bushes of various ages and sizes. The south-western neighbour is Garden House and this property contains four windows on its side elevation overlooking the garden area.

The boundary with Greystoke Close is formed by a 2 metre high pale brick wall with a gap at the access into the site. There are tall conifers opposite this boundary, while hedging forms the roadside boundaries for Nos.1-3 Greystoke Close. Cross Oak Road is heavily treed along this stretch with tall pine trees opposite and 4-5 metre high hedging / small trees along this site frontage.

Proposal

It is proposed to construct a swimming pool and stores by Cross Oak Road. Drawing No.839/1c also indicates a further shed in the south-western corner, a children's play area alongside the north-eastern border, and various elements of formal landscaping (for example a raised deck patio, steps and a rendered wall). However none of these elements form part of this application and should it be concluded that these elements require planning permission then a further application will need to be submitted.

This application has been amended from that originally submitted in that the southernmost store has now been removed. It is therefore now proposed to construct a plant store and a changing room, rather than three outbuildings. These stores would be located between the pool and the Cross Oak Road boundary. They would contain flat sedum roofs with a height of 2.4 metres and would be constructed in timber. The plant store would have a width of 3 metres and the changing room a width of 2.1 metres. They would both have a depth of approximately 1.95 metres.

It is proposed to retain the trees / vegetation alongside Cross Oak Road and supplement this with a holly hedge running from the boundary with Garden House northwards until the gravel main entrance area.

The proposed swimming pool would measure 10 metres by 5 metres and would be surrounded by either stone paving or a resin bound. This outer area of the swimming pool would itself be enclosed by a beech hedge to the west and south (linking in to the holly hedge alongside Cross Oak Road) and by a glass balustrade to the north, which would be 0.9 metres high and contain a glass gate and glass sliding doors.

Referral to Committee

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

Planning History

The property formerly had much larger grounds. In 2008 a further sub-division was granted when a dwelling, garage, new vehicular and pedestrian access (amended scheme) (ref: 4/00593/08/FUL) was granted. This application created the dwelling to the south of the site, Garden House.

A conservatory was granted in 1990 (ref: 4/01569/90/FHA).

A new sliding gate on the side facing Greystoke Close was granted this year (ref: 4/02260/11/FHA). This application originally also sought a gate onto Cross Oak Road, however this part of the application was withdrawn.

There are three other applications not yet determined at this address:

4/00398/12/TPO: Works to trees.

4/00510/12/LDE: First floor rear extension.

4/00525/12/FHA: Piers and gates to Cross Oak Road.

Policies

National Policy Guidance

NPPF

Circular 11/95

Dacorum Borough Local Plan

Policies 2, 9, 10, 11, 13, 58 and 99

Appendices 5 and 7

Dacorum 'Core Strategy' Pre-Submission (October 2011)

Policies CS11, CS12

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area BCA 12:Shootersway

Water Conservation & Sustainable Drainage

Accessibility Zones for the Application of Parking Standards

Representations

Berkhamsted Town Council

Object.

The position, mass and bulk of the proposed stores will make them highly visible from Cross Oak Road and have a detrimental impact on the street scene contrary to Local Plan Policy 11.

There is a lack of clarity in respect of the trees which it is proposed to remove. We would welcome further advice from the Trees & Woodlands Officer on this aspect of the application and whether the proposed removal of trees and vegetation is acceptable in light of Local Plan Policy 99.

Trees and Woodlands

I have no objection to this application to construct a swimming pool and store at Greystoke, Cross Oak Road, Berkhamsted. However, the provision of further details relating to the scheme should be provided.

The proposed swimming pool and store is to be located towards the southern corner of the site, close to boundaries with a neighbouring property and the public highway.

Excavation of this area will be considerable and may affect on site trees. The movement of vehicles across the site may cause soil compaction or direct damage to tree roots. The two trees most at risk from this are Japanese Maples. Although of good form neither of these trees is of sufficient size to warrant Tree Preservation Order status: it would be possible to buy and plant replacements of the same species of the same size

Consequently, if the applicant would consider replacing these trees when construction works are complete there is no requirement to protect them.

However, if the applicant wished to retain these trees it would be advisable to restrict access to their root protection areas (RPAs, British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations').

In accordance with the British Standard it would also be necessary, if tree retention is planned, to provide further details of construction close to trees:

In the patio area adjacent to the pool

In the area of stone paving adjacent to the pool

In the area around the rendered wall with 'windows'

In the area around the multistem Cherry and the Apple on the west boundary, to be enclosed by formal hard landscaping materials

In order for existing vegetation to provide lasting visual interest it is necessary to consider root systems and ensure their ongoing health. Details of hard landscape design together with construction methodology, if appropriate, in the above areas should be forwarded to this department for assessment.

Proposals to install a Holly and Beech hedge to either side of the Cross Oak Road entrance are welcomed. However, details of plant size, planting density and maintenance regime should be forwarded for assessment.

This same information should be supplied with regard to other new planting within the site, such as that planned on the southern boundary.

In addition comments have been received for application 4/00398/12/TPO. T1, T2, T3, T4 and T9 are the trees that are affected by this application. The Trees & Woodlands Officer's comments regarding this application and specifically those trees are as follows:

I have no objection to this application to carry out tree works within Greystoke, Cross Oak Rd, Berkhamsted.

It is proposed to remove a number of trees on site and prune one tree on the Cross Oak Rd boundary. I will refer to each tree by its 'T' number as quoted in the submitted 'Schedule of trees proposed to be removed and pruned'.

T1 – T3 are a Sycamore, Holly and Yew located in the southern corner of the site adjacent to Cross Oak Rd. As stated in the 'Schedule' it is unlikely that these trees existed when TPO 065 was made in 1972. As such they are not protected by the order and proposed works can commence without Local Authority permission. As an aside, none of these three trees is of high quality.

T4 is a Cotoneaster in poor condition, leaning towards the highway. Its lean could not be addressed through pruning works and it is too large to replant so removal is warranted.

T9 is a recently planted tree. These are not protected by the 1972 order and so proposed works can commence.

A duty exists to replace felled TPO trees and it would be possible to replant with at least the equivalent number of those felled within the site. Detailed planting plans should be submitted for approval, expanding on those expressed to me by the agent on site. Details should include species name, plant size, planting location and maintenance regime.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Garden House, Cross Oak Road - Objects:

- *The application involves further destruction of listed trees.*
- *This application needs to be considered against the still extant application for the felling of 13 listed trees on the same site (4/00398/12/TPO).*
- *Further trees (other than those in 4/00398/12/TPO) would be affected by the proposals, such as the southernmost acer, which would need to be felled to accommodate the pool. Special accommodation was made for this acer and a golden conifer in the building of Garden House's boundary wall. The other acer is equally at danger of having its root protection area damaged, while two other trees have disappeared without permission.*
- *We are concerned about the future of some of the trees by the road, loss of which would impact severely on the street scene. The existing and proposed topographical plans do not completely align and therefore trees not mentioned in 4/00398/12/TPO could be threatened.*
- *We understood that no structures should be erected to the road side of the building line between Grey Stoke and Garden House. The proposed outbuildings would be as much as 8 metres from that line.*
- *The proposed felling of trees and the construction, heating and filling of a swimming pool containing 65,000 litres of water is not sustainable development and runs counter to the commitments within the Dacorum Sustainable Community Strategy.*

26 Greystoke Close comments as follows:

I have no objection to the principle of a swimming pool on site nor the proposed location and we are pleased to see this house continue as a family home.

I do have concerns about the location and details of the play area proposed albeit I note that this is not subject to the current application and will require an application in its own right but I wish to flag the potential amenity issues which may arise from a tall play structure in the location proposed and the importance of maintaining the conifer hedge to protect the amenities of both 26/25/24 Greystoke Close and the occupiers of Greystoke House.

Considerations

Policy and Principle

The application site is located within the residential area of Berkhamsted, wherein residential development is considered to be appropriate subject to the proposals being in accordance with the relevant policy of the Adopted Local Plan. The primary policy of interest is Policy 11 - Quality of Development, which states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. Its overall design should be in harmony with the surrounding properties.

In line with the local plan policies above, policy CS12 of the Pre-submission Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of important trees and will be expected and all development should respect adjoining properties in terms of;

layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Effects on appearance of building

The proposed development would complement the existing house. As a large property, and of more historic importance than others in the locality, it is considered that a more formal arrangement of the garden areas would reflect the stature of the house. Furthermore the proposed swimming pool and stores would be located in the far corner in relation to the house and would not therefore dominate or compete with the architectural qualities of the existing house.

Impact on Street Scene

The Town Council has raised an objection on the grounds that the proposed stores would have a harmful impact on the character and appearance of this part of Cross Oak Road. Certainly there were concerns that three outbuildings in such close proximity to each other would have resulted in a structure 10 metres long. Consequently, the scheme has been amended to lose the southern store and this significantly reduces the bulk and massing of the proposals.

It is also very important to mention that the proposed stores would be screened by both the existing mature vegetation alongside Cross Oak Road, as well as a new holly hedge. It is appreciated that the existing trees are not very dense at lower levels and also that the holly hedge would take a few years to reach the height of the stores. However, the proposals would have an immediate screening impact and over time would completely screen the development from public views.

The following factors also need to be taken into account when considering the development's impact on the street scene:

- The proposed build materials, dark stained timber and a green sedum roof, would aid the assimilation of the stores into the landscaping.
- The width of the stores would not be appreciated unless standing directly in front of the site (i.e. for a very short stretch of road). All longer views from both directions, if they are possible at all, would only see the side of one of the stores, thereby reducing considerably the visual scale of the development.
- The immediate neighbour to the south, Garden House, has been built in the former garden of Grey Stoke. This house would have far greater impact on the visual character of the road than the proposed stores.

Finally, the neighbour at Garden House has commented that the development would be built considerably forward of the build line of Garden House and Grey Stoke and that this should not be allowed. This view is backed up by the residential character area assessment for this part of Berkhamsted, BCA 12, which states that, "Curtilage buildings should not normally be positioned forward of the front wall of a dwelling fronting a highway, except where it can be demonstrated that the new building will not harm the character and appearance of the street scene". In this case it is considered that the required demonstration has been met.

As a result of the above it is not considered that the proposed development could be refused on the grounds that it would harm the character and appearance of the street scene.

Impact on Trees and Landscaping

The proposed application would necessitate the removal of several trees. A sycamore, a laurel and a holly would all need to be removed to accommodate the built form of the development, while a cotoneaster and a tree of unknown species would be affected by the development. All of these trees are also subject to the TPO application (4/00398/12) although four of them post-date the Order and are therefore not protected trees. The fifth tree, the cotoneaster, is badly leaning which, in the view of the Trees & Woodlands Officer, can not be rectified by pruning.

In addition to the above the neighbouring property has raised the point that the two acer trees shown to be retained would also be need to be felled to accommodate the pool. The northern acer is over 4 metres from the proposed pool and could survive the development. Conversely the southern acer is only 0.7 metres away from the swimming pool and bearing in mind the construction needed for the pool this tree is unlikely to survive, despite of the applicant's intentions and desire to retain this tree. However, the Trees & Woodlands Officer has not raised any objection to the loss of this tree.

It is also important to note that Drawing No.839/1F includes substantial new planting that would more than compensate for the trees being lost. In particular a holly hedge is to be planted between the stores and the existing trees alongside Cross Oak Road, while A beech hedge is to form two sides of the perimeter of the proposed swimming pool area of the garden. It is also proposed to plant a copse of birch trees near the pool, four holly trees adjacent the boundary with Garden House and three large trees within the Greystoke Close side of the property. Overall this new planting would accrue significant environmental and visual amenity benefits. Details of this new planting will need to be secured by condition.

Impact on Neighbours

It is considered that the proposed development would have no adverse effects on the residential amenity of surrounding houses. The swimming pool and the stores would be located on the far side in relation to Nos.24-26 Greystoke Close. The only other neighbour is Garden House. This property is to the south and sides onto the site. Bearing in mind the 2.4 height to the proposed stores these structures would not be visually intrusive on this neighbour. It is noted that Garden House has four windows overlooking the garden area of the site. However, any privacy implications would be a matter for the site, rather than Garden House, and would form the basis of any decision in how they would use their garden space.

Sustainability

The neighbour at Garden House has objected to the application on the grounds that the felling of the trees and the works involved in the construction and maintenance of the swimming pool represent a poor example of sustainable development. However, as has been noted above, it is proposed to plant more trees than are being removed and this will be to the environmental and bio-diversity benefit of the site.

In terms of the swimming pool the applicant would be subject to the restrictions imposed by the utility companies. Furthermore, this development should be seen in the context of the overall site, which has seen the house modernised, e.g. a new roof put on the house, which will improve significantly its energy and heating efficiencies.

Conclusions

The proposed swimming pool and stores are acceptable in principle and would not have an adverse impact on the street scene or the amenity of the neighbouring properties. Replacement trees would compensate for those being lost to accommodate this development. For these reasons it is considered that the scheme is acceptable and should be permitted.

RECOMMENDATION – That planning permission be **GRANTED**

APPENDIX 2: ADDENDUM SHEET FOR 4/00524/12/FHA (DCC May 24th)

ITEM 5.4 – SWIMMING POOL AND STORES - GREY STOKE, BERKHAMSTED

Amended Plan received (Drawing No.839/1f)

This amended plan shows the reduction in the number of stores from three to two. It also shows the removal of the childrens play area from the plans.

Comments from 26 Greystoke Close

I have no objection to the principle of a swimming pool on site nor the proposed location and we are pleased to see this house continue as a family home.

I do have concerns about the location and details of the play area proposed albeit I note that this is not subject to the current application and will require an application in its own right but I wish to flag the potential amenity issues which may arise from a tall play structure in the location proposed and the importance of maintaining the conifer hedge to protect the amenities of both 26/25/24 Greystoke Close and the occupiers of Greystoke House.

Amendment to Condition 6:

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

- 1:1250 Location Plan**
- 839/1f**
- 839/4a**
- 839.**

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