Date of Meeting: 13th November 2014

APPLICATION NO: 14/1248/FUL

DATE OF APPLICATION: 11th August 2014

STATUTORY START DATE: 20 June 2014

SITE LOCATION: Land Rear of 12-14, Oundle Avenue, Bushey, Hertfordshire

DEVELOPMENT:
Construction of a single storey, 3 bed detached dwelling with gardens, amenity space, parking and refuse/recycling storage

AGENT
Mr Simon Warner
Heronslea House
High Street
Bushey
Hertfordshire

APPLICANT

WARD: Bushey Heath

GREEN BELT: No

CONSERVATION AREA: No
LISTED BUILDING: No
TREE PRES. ORDER: No

1.0 Summary of Recommendation
1.1 Resolve to grant permission subject to conditions and the completion of statutory consultation, with the specific instruction that any consultee responses within the remaining statutory consultation period after the Planning Committee resolution, should be assessed by the Development Team Manager in consultation with the Council’s Principal Planning Solicitor. In case these officers conclude that any such late responses involve material planning matters that had not been part of the Committee’s resolution, the determination of the application would revert back to the Planning Committee, or otherwise the decision is delegated to the Development Team Manager.

2.0 Application Site
2.1 Oundle Avenue is a well-established residential area of Bushey. The road itself consists of semi-detached bungalows that have been extended to the rear. The houses at 12 & 14 Oundle Avenue are traditional in design with extensive rear gardens. The site for development is to the rear of the 12 & 14 Oundle Ave. Within the wider area there are examples of cul-de-sac developments where new properties have been built in the rear garden of
existing dwelling, examples include, Meadowbrook Chartridge Close Cheviot Close, Wendover Way, Rockingham Gate and Dunsmore Way.

2.2 Single storey modest semi-detached bungalows are considered to be the prevailing character of the area within this part of Oundle Avenue. Other examples of the backland development directly to the rear of Oundle Avenue where the sites are bigger are located approximately 200 to 300 metres from the site.

3.0 Proposed Development

3.1 Construction of a single storey, 3 bed detached dwelling with gardens, amenity space, parking and refuse/recycling storage

<table>
<thead>
<tr>
<th>Key Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
</tr>
<tr>
<td>Density</td>
</tr>
<tr>
<td>Dimensions</td>
</tr>
<tr>
<td>Numbers of Car Parking Spaces</td>
</tr>
</tbody>
</table>

4.0 Planning Committee Decision

4.1 The application is put forward for a decision by the Planning Committee, following a call-in notification from Councillor Linda Silver, on account of the impacts on neighbouring properties and the character of the streetscene. These matters have been exhaustively assessed and reported as part of this report.

5.0 Relevant Planning History

<table>
<thead>
<tr>
<th>Reference number</th>
<th>Description</th>
<th>Outcome and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/0795/FUL</td>
<td>Construction two 4 bed, semi detached dwellings, with gardens, amenity space, parking and refuse/recycling storage.</td>
<td>R 22 July 2014</td>
</tr>
<tr>
<td>14/1249/FUL</td>
<td>Construction of a detached four bed dwelling, with associated amenity space &amp; car parking</td>
<td>R 6 October 2014</td>
</tr>
<tr>
<td>14/1252/FUL</td>
<td>Construction of a pair of 3 bed, semi detached bungalows with gardens, amenity space, parking and refuse/recycling storage. (Revised application)</td>
<td>R 6 October 2014</td>
</tr>
</tbody>
</table>
6.0 Notifications

A site notice was erected and letters of notification were sent to neighbouring properties.

<table>
<thead>
<tr>
<th>In Support</th>
<th>Against</th>
<th>Comments</th>
<th>Neighbours Notified</th>
<th>Contributors Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>10</td>
<td>0</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>

Letters of objection received are summarised as follows:

- The proposed development of two semi-detached two storey dwellings would be out of character with the area in terms of its height and design
- The area is mostly made up of bungalows, the new property is 1.5 stories proposed will dominate the original bungalows
- Traffic and parking will be an issue
- Extra strain on existing utilities
- The amendments made to the scheme do not address original areas of concern such as noise and impact on residential amenity
- This development is an example of garden grabbing
- New properties will result in overlooking, a loss of light and loss of privacy for existing residents
- The entrance of 12 & 14 will be in the path of oncoming vehicles.
- Oundle Ave has experienced enough development in recent years
- Overlooking to existing properties is an issue
- Trees will be removed as a result of the proposal; this is contrary to what is stated within the application form.

7.0 Consultations

<table>
<thead>
<tr>
<th>Drainage Services</th>
<th>No response has been received to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Officer</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>Highways HCC</td>
<td>No objection to the proposed development.</td>
</tr>
</tbody>
</table>

Comments:

Section 6 of the submitted planning application indicates that a new highway access is proposed. A turning area is shown to enable vehicles to turn and exit in a forward gear.

The site layout plan shows a new access and driveway, located between the existing bungalows. I note that the front doors to the existing dwellings (these are described as side access doors on the plan) are located on the flank walls and open onto the new access road which is not ideal. However there is a space of one metre from the vehicle running lane. The LPA will therefore consider this.

The site plan shows a maximum access width of 4.75m. Amended plans have been submitted showing that the full
access comprises of a 2.75m driveway with a 1m wide footway on both sides.

The narrow access road is the minimum width for a Fire Appliance (this should be confirmed with the Fire Department) However. A narrow width would be acceptable in this case, for two dwellings.

I also note that the Planning Application, states that there will 3 No. parking spaces. The site plan does not show the parking spaces for the existing dwellings. This would be for the LPA as the Parking Authority to consider.

The refuse bin store will be set approximately 25m from the carriageway to enable collection from the road.

I do not consider that the proposed development if permitted will materially increase traffic movements from the site therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and therefore, I have no objection to the grant of planning permission subject to conditions.

<table>
<thead>
<tr>
<th>Hertfordshire Fire &amp; Rescue Service</th>
<th>No response has been received to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDF Energy Networks</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>National Grid Company Plc</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>Thames Water Development Planning</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>Affinity Water</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>Alexandra Stevens</td>
<td>No response has been received to date.</td>
</tr>
<tr>
<td>Hertfordshire Ecology</td>
<td>No response has been received to date.</td>
</tr>
</tbody>
</table>

8.0 Policy Designation

- Bushey urban area
- Watling Chase Community Forest

9.0 Relevant Planning Policies

- Planning Practice Guidance (2014)
- D20 Supplementary Guidance (Local Plan, 2003)
- D21 Design and Setting of Development (Local Plan, 2003)
- H8 Residential Development Standards (Local Plan, 2003)
- E7 Trees and Hedgerows – Protection and Retention (Local Plan, 2003)
10.0 Key Issues

- Pre Application Advice
- Principle of development
- Built Form
- Architectural Approach
- Materials
- Spacing and Setting
- Visual Amenity
- Residential Amenity of Neighbouring Occupants
- Residential Accommodation Standards of Prospective Occupants
- Car Parking
- Landscaping and Trees
- Equality

11.0 Comment

Pre Application Advice

11.1 Formal pre application was sought by the applicant under reference 14/0050/PA for two detached properties to the rear of 12 & 14 Oundle Avenue. In summary the applicant was advised the following concerns that were –

- The height and scale of the proposed dwellings would be far bigger in terms of height and scale than the existing dwellings at Oundle Ave (5 metres), thereby creating a dominant and overbearing form of development.

- The separation distances between the proposed dwellings do not meet the Council’s standards as set out in Part D of the Planning and Design Guide 2013.

- Part D of the Planning and Design Guide stipulates that off street car parking should be located either to the side or to the rear of buildings. The plans
submitted illustrated that parking is located to the front of the new properties. It is noted that there are several examples of “backland development” in this part of Bushey which were highlighted by the applicant at the pre app meeting. However, the current site is much smaller with less depth to the site than the other examples of backland development that were discussed. Therefore, the two dwellings would be much more noticeable and prominent from the street scene and would dominate the two properties at the front.

- Whilst the proposed access road is acceptable in terms of its width at 4 metres, the Highways Officer raises concerns in relation to the main entrances to the properties 12 and 14 Oundle Ave directly fronting onto this new roadway which would create a highway safety issue. Part D of the Planning and Design Guide 9.7.2 para q states that a proposed carriageway including any footpaths, should be a minimum of 2 metres from any blank elevation of an existing property, a minimum of 3 metres from any window or door serving an ancillary room in an existing property and a minimum of 5 metres from any window or door serving a habitable room in an existing property. A separation of only 1 metre from the side elevation of the two existing properties and the proposed new carriageway is not acceptable and would give rises to an unacceptable level of amenity for the occupiers of number 12 and 14 Oundle Ave.

**Principle of development**

11.2 There is no objection to the principle of the residential use of a site within an established urban area subject to other material planning considerations.

**Policy Background**

11.3 The redevelopment of an existing urban site is in line with the advice contained within the NPPF (2012). In addition to this, Policy CS2 of the Core Strategy supports residential development within the main settlements of the Borough including Bushey. CS2 specifically states windfall developments will be supported on appropriate sites in all towns, subject to local environmental constraints, the relationship with the surrounding pattern of development and the requirements of Policies SP1.

11.4 Paragraph 53 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Hertsmere Borough Council’s, Policy H10 of the Local Plan (2003) is considered to be consistent with the NPPF relates to ‘Back Garden Development’. The policy states that developments of this type will not be granted permission unless there is a proper means of access which is convenient and safe and keeps to a minimum any visual impact within the streetscene. In addition to this the proposal must be in compliance with policy H8 which relates to residential development standards.

11.5 Further to this, Part D of the Planning and Design Guide 9.7 Garden Land Development provides specific guidance for new residential developments
that takes place on existing garden land. In particular 9.7.c refers to tandem developments, where developments of this kind can have a detrimental impact on the character of an area where the development would appear to be cramped or where large areas of hardstanding are introduced and highway safety through long narrow accesses and small plot sizes.

11.6 Tandem development can be defined as one or more houses directly behind the existing building on a road frontage and sharing the same plot and access as the original building.

11.7 Backland development is slightly different, and generally looked on more favourably, in that a new access in the form of a long private drive is created between existing dwellings on the road frontage that are retained.

11.8 In this instance, the proposal is considered to be backland development as a new access to the proposed new dwelling to the rear will be created that will be independent of the existing accesses for numbers 12 and 14 Oundle Avenue. Any development must take into account the prevailing character of the surrounding area in terms of matters such as design, density and National Policies and local planning guidance.

Layout

11.9 Part D of the Planning and Design Guide, in particular section 9.7.c refers to tandem developments, where developments of this nature can have a detrimental impact on the character of an area where the development would appear to be cramped or where large areas of hardstanding are introduced and highway safety through long narrow accesses and small plot sizes as outlined above. The proposed development would not be considered to be “tandem development”. The impact of backland development raises similar issues to tandem development such as the creation of a cramped development, poor separation distances, and poor relationships with overall areas.

11.10 The proposed development will create a new access off Oundle Avenue that will serve the new detached dwelling to the rear of the site. The property will be located approximately 40 metres off Oundle Ave, parking will be located the front of proposed dwelling.

11.14 During the course of the application, the applicant made changes to the scheme that were negotiated with the Planning Officer. The amendments made were as follows and are now reflected in the plans –

- Removal of the projecting garage
- Reconfiguration of the parking arrangement
- Minor changes to the appearance of the proposed dwelling (to centralise the door to avoid a blank view from the street)
- Increase in the size of the rear gardens of numbers 12 & 14 Oundle Avenue
Spacing

11.15 Part D of the Planning and Design states that the Council expects that new development across the Borough provides setbacks that, complement the streetscene, avoid impacting on the light and privacy of neighbouring properties, provide flexibility in the siting of buildings, and allow for suitable landscaping and open space. In areas where there are significant separation distances between buildings, Part D of the Planning and Design Guide (2013) requires a 2 metre distance from the side boundaries.

11.16 The proposed dwelling is single storey and will be sited to the rear of the site. The dwelling will be set 2 metres off the southern boundary and 2.046 metres off the northern boundary, and will be set back approximately 40 metres from the highway. Given the set back of 40 metres, the proposed dwelling being single storey will the proposal is therefore comfortably sited within the site with adequate spacing from the sites boundaries and is thereby in accordance with Part D of the Planning and Design Guide.

Access

11.17 Part D of the Planning and Design Guide 9.7.2 para q states that a proposed carriageway including any footpaths, should be a minimum of 2 metres from any blank elevation of an existing property, a minimum of 3 metres from any window or door serving an ancillary room in an existing property and a minimum of 5 metres from any window or door serving a habitable room in an existing property.

11.18 Access to the site will be created by demolishing existing garages that currently serve 12 and 14 Oundle Ave. The main entrance to the properties at 12 & 14 will face directly onto the new access road. The proposed access road will have a width of 4.75 metres, with the vehicle access being 2.75 metres in width with a 1 metre raised pathway on either side. The narrow access road is the minimum width for a Fire Appliance according to the Highways Officer. The Highways Officer states in his comments that a narrow width would be acceptable in this case as the roadway will serve only one dwelling.

11.19 The plans submitted indicate a 1 metre separation from the proposed carriageway and the side elevations of 12 and 14 Oundle Ave with the main entrance to properties at 12 and 14 are to the side, this in contrary to Part D which requires new carriageways and footpaths should be a minimum of 2 metres from any blank elevation or 3 metres from any doors or windows. The main access points to the properties at 12 & 14 Oundle Ave would be opening directly onto the new footpath and carriageway which is contrary to Planning and Design Guide 9.7.2 para q. Whilst the proposal would be contrary to the guidance, attention should be given to the fact that the Highways Officer has no objection to the proposed access and that it meets the criteria as set out by Hertfordshire Highways. In addition to this, there are no concerns in respect of
highways and pedestrian safety, as the plans illustrate a 1 metre path on either side of the proposed access road.

Summary

11.20 This particular part of Oundle Avenue is defined by low scale single storey dwellings. The proposal is for a single storey dwelling that will be comfortably sited within the site with sufficient spacing from the side boundaries and a 40 metre set back from the Highway. The Highways Officer has no objection to the proposed access road that will serve the proposed new dwelling. The proposal is therefore in accordance with Part D of the Planning and Design Guide 2013.

Design and Appearance

Policy Background

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

11.22 In terms of local distinctiveness, the immediate area is dominated by single storey modest semi-detached bungalows. Other examples of the backland development directly to the rear of Oundle Avenue where the sites are far greater in size are located approximately 200 to 300 metres from the site.

11.23 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of area and the way it functions.

11.24 Policy D21 requires development proposals to respect or improve the character of their surroundings, retain, enhance or create spaces, views and landmarks and not impact on prominent ridgelines.

11.25 Policy H8 (i) requires that the size, height, mass and appearance of a dwelling should be harmonious and not over dominate the scale or adversely affect the character of the adjacent dwelling. These principles are supported by The Councils Planning and Design Guide SPD, Part D 2013.

11.26 There is expectation that the height and mass of any new development respects and enhances the character of the area, whilst contributing to a harmonious street scene. The height and mass of the development should generally reflect the surrounding area and the topography of the site with the dwellings conforming to the average ridge heights in the area. The height, mass and scale of any new buildings can make the difference between a development that fits in amongst its surroundings and one that stands out having an uncomfortable relationship with its neighbours.
Design

Context

11.27 The bungalows along this part of Oundle Avenue properties are approximately 5m in height. The proposal would therefore cause no harm to the character and appearance of the area, and would promote or enhance the unique local distinctiveness of the area.

Proposed design

11.28 This part of Oundle Avenue is characterised by low scale single storey semi-detached dwellings. The proposed dwelling will have a height of approximately 5 metres, a width of 18.5 metres and a depth of 14.5 metres. The proposed dwelling displays the following design features that include, well-proportioned traditional style windows, and gable elements mock windows on the side elevations.

11.29 Plans submitted illustrate the relationship between the proposed new dwelling and the existing dwellings at 12 & 14 Oundle Avenue. It is clear from the plans submitted that the applicant has made efforts to ensure that the proposed dwelling is modest in its size and scale and is only partially visible from the street, further to this; the property is no higher than the existing dwellings at the front of the site.

11.30 Recent developments on Oundle Ave comprise of large scale detached dwellings on larger plots. Whilst comparisons can be drawn on the principle of backland development, those development sites are larger than the current site for development and contain dwellings that are much bigger in their size and scale. As such, comparisons can only be drawn on certain elements of those approved schemes.

11.31 More recently three separate applications on this site have refused planning permission, it is noted that these developments were for proposals that contained two dwellings (14/0795/FUL & 14/1252/FUL) and for a large scale two storey detached dwelling (14/1249/FUL). It is noted that all three applications were refused; however, all three applications represented development that was more extensive in its scale than the current application.

11.32 Under reference 13/0795/FUL, the applicant sought to construction 2 x 2 storey dwellings on the same site. Concerns were raised in respect of scale and built form and the works were to be considered to result in an over-development of the site that would be detrimental to the character and visual amenity of the area. The proposed development would have introduces a pair of semi-detached two storey dwellings which would not have respected the surrounding character and local distinctiveness that is defined by single storey bungalows. The development would result in visually obtrusive built form when viewed from outside the site.
11.33 Under 14/1252/FUL permission was refused for a development that consisted of the construction of a pair of 3 bed, semi-detached bungalows. Concerns were raised with regards to overdevelopment of the site. The proposed dwellings were 1.5 storey semi-detached dwellings that created a dominant massing to the rear of the existing dwellings at 12 & 14 Oundle Ave.

11.34 Under 14/1249/FUL, permission was refused for a detached four bedroom property, as with the previous applications that were refused on the site, concerns were raised with regards to the overdevelopment of the site and the introduction of a large scale two storey detached dwelling to the rear of existing modest bungalows. The subject dwelling by virtue of its size and scale would have an overbearing effect on the residential amenity of the occupiers of number 10, 12, 14 & 16 Oundle by way of the visual intrusion of creating a new large scale detached two storey dwelling within close proximity to the existing rear gardens of those existing properties.

11.35 In terms of similarities with the previously refused applications, comparison can be drawn on the principle of the development. However, it is noted that the design on the current application is more reflective of the local character of this part of Oundle Avenue that is defined by modest single storey bungalows. The proposed dwelling is simplistic in its design, modest in its scale and is considered to reflect the design and character of the neighbouring properties. In addition to this, the proposed dwelling is low in terms of its height and will not appear overbearing or dominant when viewed from the street, as was the case with the previously refused applications on the site. The Planning Officer is of the view that the proposed dwelling is specifically designed to fit into the local area in terms of its design and massing. The Street Scene Plan (Bu – PL105B) clearly shows that the proposed new dwelling is no higher than either dwelling to the front of the site and will be set 40 metres back from the highway therefore the impact on the visual amenity is considered to be minimal, by reason of similar height in conjunction with the proposed siting of 40 metres from the highway.

Materials

11.36 The external materials of existing developments in this part of Oundle Avenue are varied including different wall materials and roof tiles, which means that applicants are afforded some flexibility in terms of the choice of materials. Details of the proposed materials are outlined within the Planning, Design and Access Statement (pg 25), those materials include a brick finish with clay tiles.

To ensure that the materials are in keeping with the character of the area and more importantly with the character of this particular part of Oundle Avenue, a planning condition is recommended in case panning permission were to be granted to require the submission and approval of details including samples of external materials prior to commencement of development, to ensure that the finished appearance of the development will not harm the character and visual amenities of the area.

11.37 It is considered that the proposed single storey detached dwelling would not harm the character and visual amenity of the street scene and as such would
comply with the NPPF, policies D20, D21, H8, CS22, and Part D of the Planning and Design Guide SPD.

Residential Amenity of Neighbouring Occupants

11.38 Part D requires the bulk and mass of new development to sit comfortably within 45 degree lines taken from the nearest edge of neighbouring dwellings' front and rear habitable room windows to protect outlook from and light to these windows. Policy H8 (iii) of the Local Plan states that the privacy and amenity of neighbouring residents should be maintained.

11.39 Part D of the Planning and Design Guide requires a separation distance of 20 metres for developments containing windows to habitable rooms directly facing another front or rear elevation containing windows. The Planning and Design Guide Part D SPD (2013) states that a 10m separation gap is required to be met from an existing front elevation to a proposed side elevation.

11.40 The plans submitted indicate that there would be a minimum separation distances of 20 between the existing dwellings at 12 & 14 Oundle Ave and the proposed new dwelling. Whilst the distances can be achieved and therefore direct overlooking of opposing windows is not an issue in this instance. There are no issues with regards to overlooking of properties to the rear of the site that front onto Chiltern Ave. There are no windows to the sides of the proposed new properties that would result in any overlooking. Moreover, conditions can reflect the future addition of windows.

Amenity Space

11.41 Part D of the Planning and Design Guide (2013) requires the following private rear garden amenity space -

2/3 bedrooms – 60sqm

Assessment

11.42 On the proposed site plan the applicant has demonstrated that there will be an amenity area of 171 sqm which is well in excess of what is required. The properties are 12 & 14 Oundle Ave are 2 bedroom properties, 60sq metres of private usable amenity space would be required. The plans submitted indicate that number 14 will have an amenity area of 76sq metres and number 12 will have an amenity area of 68sq metres. Therefore, the provision of amenity space would comply with the standards set out in the Planning and Design Guide Part D (2013).

Internal dimensions

11.43 Part D of the Planning and Design Guide 2013 provides advice on the minimum acceptable size of gross internal floorspace for proposed development.
These requirements are demonstrated in the table below -

<table>
<thead>
<tr>
<th>Dwelling type (bedrooms / persons)</th>
<th>Minimum GIA (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single storey unit (including flats)</td>
<td></td>
</tr>
<tr>
<td>1b / 1p</td>
<td>37</td>
</tr>
<tr>
<td>1b / 2p</td>
<td>50</td>
</tr>
<tr>
<td>2b / 3p</td>
<td>61</td>
</tr>
<tr>
<td>2b / 4p</td>
<td>70</td>
</tr>
<tr>
<td>3b / 4p</td>
<td>74</td>
</tr>
<tr>
<td>3b / 5p</td>
<td>86</td>
</tr>
<tr>
<td>3b / 6p</td>
<td>95</td>
</tr>
<tr>
<td>4b / 5p</td>
<td>90</td>
</tr>
<tr>
<td>4b / 6p</td>
<td>99</td>
</tr>
<tr>
<td>Two storey unit</td>
<td></td>
</tr>
<tr>
<td>2b / 4p</td>
<td>83</td>
</tr>
<tr>
<td>3b / 4p</td>
<td>87</td>
</tr>
<tr>
<td>3b / 5p</td>
<td>96</td>
</tr>
<tr>
<td>4b / 5p</td>
<td>100</td>
</tr>
<tr>
<td>4b / 6p</td>
<td>107</td>
</tr>
<tr>
<td>Three storey unit</td>
<td></td>
</tr>
<tr>
<td>3b / 5p</td>
<td>102</td>
</tr>
<tr>
<td>4b / 5p</td>
<td>106</td>
</tr>
<tr>
<td>4b / 6p</td>
<td>113</td>
</tr>
</tbody>
</table>

The plans submitted indicate that the proposed dwelling meets the requirements as set out below in respect of a 3 bedroom property.

With regard to bedrooms, the following minimum floor areas for bedrooms should be met:

<table>
<thead>
<tr>
<th>Bedroom size</th>
<th>Minimum floor area of bedroom (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>8</td>
</tr>
<tr>
<td>Double</td>
<td>12</td>
</tr>
</tbody>
</table>

11.44 It is noted that the plans submitted indicate that the proposed development meets the above criteria in terms of room sizes.
Trees and landscaping

11.45 Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS12 of the Core Strategy 2013 seek to ensure that retained trees are protected during any development and that new planting is a suitable replacement for any removed trees. In addition Policies E2 and E3 of the Hertsmere Local Plan and Part B of the Biodiversity, Trees and Landscape SPD 2010 seeks to protect protected species.

Landscaping

11.46 Part D of the Planning and Design Guide (2013) advises that landscaping should reflect the character of the area and enhance the setting of a building. Limited information has been submitted on any proposed landscaping scheme or the retention of any existing trees.

11.47 The plans submitted that 5 trees will be removed and two trees within the site will be retained. The plans indicate that the site to the rear will be bounded by a 2 metre close boarded fence, new plants and shrubs will be planted along the edges of the site and in the areas surrounding the car parking area to the front of the site. A landscaping plan has not been submitted; however this could be dealt with by way of condition, should permission be recommend.

Car Parking


11.49 In relation to car parking, there is an expectation that the requirements detailed in the Parking Standards SPD, as amended, 2013 are fully met. Therefore, the following off street parking provision would be required:

<table>
<thead>
<tr>
<th>Room Type</th>
<th>Spaces per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/bedsit</td>
<td>1.5</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1.5</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>2</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>3</td>
</tr>
<tr>
<td>5 bedroom</td>
<td>4</td>
</tr>
<tr>
<td>1 secure/long term cycle space per units plus 1 1 short term space per 5 units where communal parking is to be provided.</td>
<td></td>
</tr>
</tbody>
</table>

11.50 On the plans submitted the applicant has demonstrated that there will be parking for 2 cars on site.

11.51 The plans submitted have demonstrated that there will be two car parking spaces will serve the proposed three bedroom dwelling, is therefore sufficient and meets the Council’s Car Parking requirements.

11.52 It is noted that the Design and Access statement makes reference to the provision of 33 car parking spaces on site and a loading bay. Given the proposal is only for one dwelling, the Planning Officer will disregard this part of the Design and Access Statement as the plans and description refers to two spaces only.
Car Parking Design

11.53 Part D of the Planning and Design Guide stipulates that off street car parking should be located either to the side or to the rear of buildings. The plans submitted illustrate that parking is located to the front of the new property.

Refuse

11.54 Part D of the Planning and Design Guide states that all new development will be expected to provide areas for the sorting, storage and collection of materials for recycling and general refuse. The maximum carry distance from refuse storage is 25 metres. Refuse collection vehicles must therefore be able to stop within 25 metres of any individual house curtilage or bin stooge area. During the pre app meeting it was agreed that an area of the site to the rear of 14 Oundle Ave could be the refuse area within the site. The Highways Officer advises that refuse areas should be approximately 25 metres from the Highway to allow refuse to be collected. The plans submitted illustrates that the refuse bin store will be set approximately 25m from the carriageway to enable collection from the road. The refuse store will be modest in its size and scale and largely out of sight. The store will be made from timber and will be 2 metres in height, with a depth of 1.4 metres and a width of 2.3 metres. In respect of the provision of refuse on the site, there are no issues.

Ecology

National Policy

11.55 The National Planning Policy Framework 2012, paragraph 109, states that the Planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government commitment to halt the overall in decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Local Plan Policy

11.56 Policy E3 of the Hertsmere Local Plan is also concerned with the impact of new development on wildlife. The presence of a protected species is a material consideration in a planning decision. It is therefore essential that the presence of or otherwise of a protected species and the development impacts are established prior to the granting of planning permission. Furthermore, under Policy E2 and E3 of the Hertsmere Local Plan (2003), development that would harm wildlife sites or regionally geological sites as well as badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 would be refused planning permission.

Assessment

11.57 No species have been identified on the site that would require protection. A
A landscaping plan will be conditioned to ensure that biodiversity is enhanced on the site.

Financial contributions & Affordable Housing

Affordable Housing

11.58 Policy CS4 of the Core Strategy requires an affordable housing contribution on developments of 5 units or more or developments on residential sites of more than 0.2 ha. As the proposed development consists of only one unit and is on a site of less than 0.2 ha, no affordable housing provision will be required.

Financial contributions

11.59 The NPPF 2012 states that requests from local authorities for S106 payments should take into account the development viability to ensure development can be delivered.

11.60 This to ensure that the scale of obligations and policy burdens are such that the ability to develop viably is not threatened. Policies R2 of the Local Plan 2003 and CS21 of the Core Strategy 2013 require provision for off-site improvements necessary to support new development. This is supported by the Community Infrastructure Levy Regulations 2010. This is detailed in the Planning Obligations SPDs from Hertsmere in 2010 and Hertfordshire County Council (2008). The Hertsmere SPD is designed for smaller schemes up to 15 homes such as this.

11.61 The application has been submitted on August 11th 2014, the application has gone beyond its determination date and is now due for determination in the transition period from s106 agreements to the Community Infrastructure Levy (CIL). The Heads of Terms in relation to Hertsmere Borough Council's contributions were agreed in writing by the Agent on August 21st 2014. As the proposed development would result in the creation of a new residential dwelling, in accordance with the Borough Council’s s106 SPD the following financial contributions are sought:

11.62. The Heads of Terms are as follows -

<table>
<thead>
<tr>
<th>Hertfordshire County Council</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare</td>
<td>Not required</td>
</tr>
<tr>
<td>Secondary Education</td>
<td>£2,561</td>
</tr>
<tr>
<td>Primary Education</td>
<td>£2,469</td>
</tr>
<tr>
<td>Youth</td>
<td>£50</td>
</tr>
<tr>
<td>Sustainable Transport</td>
<td>Not required</td>
</tr>
<tr>
<td>Libraries</td>
<td>£198</td>
</tr>
<tr>
<td>Nursery Education</td>
<td>Not required</td>
</tr>
<tr>
<td>Provision for Fire Hydrants</td>
<td>Not required</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£5,278</strong></td>
</tr>
<tr>
<td>Hertsmere Borough Council</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td>£2,382.60</td>
</tr>
<tr>
<td>Public Leisure Facilities</td>
<td>£41.25</td>
</tr>
<tr>
<td>Playing Fields</td>
<td>£476.85</td>
</tr>
<tr>
<td>Greenways</td>
<td>£174.41</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>£51.15</td>
</tr>
<tr>
<td>Allotments</td>
<td>None required.</td>
</tr>
<tr>
<td>Museum and cultural facilities</td>
<td>£273.00</td>
</tr>
<tr>
<td>Monitoring Fee</td>
<td>£115.50</td>
</tr>
<tr>
<td>Total</td>
<td>£3,514.76</td>
</tr>
<tr>
<td>Overall contributions</td>
<td>£8,792.76</td>
</tr>
</tbody>
</table>

11.63 It is anticipated that the s106 agreement be signed and completed in advance of the introduction of CIL on the 1st December. However, should a signed and completed s106 agreement not be in place by 1\textsuperscript{st} December, the development would then be CIL liable. Should this be the case, the application site falls within charging area B whereby development creating 100m² or more of new built floor space would be liable to pay £180 per m² of this additional floorspace. In this instance, the development would result in a net increase of 165sqm, therefore the development would be liable for a charge of £29,700.

**Equality**

11.64 The proposed development has been assessed in light of the Public Sector Equality Duty (PSED) of the Equality Act 2010 s.149 and the protected characteristics that may potentially be affected by the proposed development. Consideration has been given to the access arrangements to the residential dwelling, which are suitable for disabled users. The internal layout and circulation space are generous and also suitable for disabled users. These matters would also be covered by building regulations.

**Conclusion**

11.65 The proposed development would be considered to be more efficient use of urban land and would be an example of sustainable developed as promoted by the NPPF as well as providing a boost to the supply of housing in this part of Bushey. However, these matters must be balanced the wider objectives of the NPPF that seek to promote high quality design, maintaining local character and distinctiveness and ensure good living conditions for existing and future occupants of residential properties.

11.66 The proposed development of 3 bedroom single storey dwelling in the rear gardens of 12 & 14 Oundle Avenue would encroach on existing garden land. While the principle of garden land development in an urban area is
acceptable, development of this nature can have a considerable impact on the character and appearance of an area.

11.67 The applicant has demonstrated that there is sufficient amenity space on site for all three dwellings associated with this application (the proposed new dwelling and 12 & 14 Oundle Avenue), a safe access to the site at the rear can be achieved, sufficient parking is proposed on site and the proposed meets the Councils Guidance in respect of layout (separation distances), residential amenity and a design that is keeping with the character of the area has been presented. It is therefore considered that the proposed single storey dwelling would respect the scale of the surrounding single storey bungalows in this part of Oundle Avenue.

11.68 The plans submitted indicate a 1 metre separation from the proposed carriageway and the side elevations of 12 and 14 Oundle Ave, further to this, the plans indicated that the main entrance to properties at 12 and 14 are to the side, this is contrary to Part D of the Planning and Design Guide (2013). It is noted that no issues in respect of highway and pedestrian safety have been identified in respect of this matter.

11.69 Overall, the proposed development of a single storey detached property to the rear of 12 & 14 Oundle Avenue is considered to be in accordance with Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or imitative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

11.70 As such, it is considered that the proposed development by virtue of its spatial layout and design are acceptable and consistent with the objectives of the National Planning Policy Framework (2012), The Core Strategy (2013) Policy CS22, The Local Plan 2003, H8, H10, D20 and D21 and Part D of the Planning and Design Guide.

12 Recommendation

12.1 Resolve to grant permission subject to conditions and the completion of statutory consultation, with the specific instruction that any consultee responses within the remaining statutory consultation period after the Planning Committee resolution, should be assessed by the Development Team Manager in consultation with the Council’s Principal Planning Solicitor. In case these officers conclude that any such late responses involve material planning matters that had not been part of the Committee’s resolution, the determination of the application would revert back to the Planning Committee, or otherwise the decision is delegated to the Development Team Manager.

13 General Reasons for Granting Permission

13.1 See conclusion at Paragraphs 11.65 to 11.70 above.
14 Conditions/Reasons

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

02. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples/details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

03. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels of the proposed rear terrace of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D3, H8, D20, D21, M12, E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

04. NO DEVELOPMENT (including any demolition, earthworks or vegetation clearance) SHALL TAKE PLACE BEFORE a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site will enhance the character and appearance of the site and the area. To comply with Policies E7

05. The bathroom windows to be created in the front, side and rear elevations shall be glazed in obscure glass (Pilkington Glazing Level 3 or alternative) and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.


06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.


07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed.


08. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management.

09. Surface Water Run-Off NO DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS16 of the Hertsmere Core Strategy 2013

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

- Planning, Design and Access Statement (August 2014) date stamped 11/08/2014
- Location Plan – Drawing number Ho- PL001 – date stamped 11/08/2014
- Topographical Survey – Drawing number Bu- PL102- date stamped 11/08/2014
- Proposed Site Plan – Drawing number Bu-PL103- date stamped 25/09/2014
- Proposed Floor Plans, Elevations, Sections & Bin Store Details – Drawing number - Bu- PL104 date stamped 25/09/2014
- Street Scene & Section Through Site– Drawing number Bu-PL105- date stamped 25/09/2014

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

15 Background Papers

1. The Planning application (14/1248/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance
16 Informatives

1. Proactive Statement

Planning permission has been granted for this proposal. The Council acted pro-
actively through positive engagement with the applicant prior to and during the
determination process which led to improvements to the scheme, as noted in the
Committee Report. The Council has therefore acted pro-actively in line with the
requirements of the Framework (paragraphs 186 and 187) and in accordance with
the Town and Country Planning (Development Management Procedure) (England)
(Amendment No. 2) Order 2012.

2. Policies

This application was determined having regard to the following policies:

- Planning Practice Guidance (2014)
- D20 Supplementary Guidance (Local Plan, 2003)
- D21 Design and Setting of Development (Local Plan, 2003)
- H8 Residential Development Standards (Local Plan, 2003)
- E7 Trees and Hedgerows – Protection and Retention (Local Plan, 2003)
- E8 Trees, Hedgerows and Development (Local Plan, 2003)
- C7 Watling Chase Community Forest (Local Plan, 2003)
- SP1 Creating sustainable development (Core Strategy, 2013)
- SP2 Presumption in Favour of Sustainable Development (Core Strategy, 2013)
- CS12 Enhancement of the Natural Environment (Core Strategy, 2013)
- CS22 Securing a high quality and accessible environment (Core Strategy, 2013)
- CS25 Accessibility and parking (Core Strategy, 2013)
- Parking Standards SPD (2008 as amended in 2010)
- Equality Act, 2010 (Public Sector Equality Duty)

3. Building Regulations

To obtain advice regarding current Building Regulations or to submit an application,
applicants should contact the Building Control Section Hertsmere Borough Council,
Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277.
For more information regarding Building Regulations visit the Building Control
Section of the Councils web site www.hertsmere.gov.uk

- To obtain Building Regulations Approval the applicant should apply to obtain
either:
- Full Plans approval - this will give approval prior to the work commencing and
  may take up to 5 weeks, or
• Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

• Excavation for foundations
• Damp proof course
• Concrete oversite
• Insulation
• Drains (when laid or tested)
• Floor and Roof construction
• Work relating to fire safety
• Work affecting access and facilities for disabled people
• Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

4. Highways Informative:

Works to be undertaken on the adjoining Highway will require the applicant to enter a Section 278 Agreement with the Highway Authority. Before commencing the development, the applicant shall contact Highways at County Hall 0300 1234047 to obtain their permission and requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Case Officer Details: Marguerite.cahill@hertmsere.gov.uk