Date of Meeting: 9th January 2014

APPLICATION NO: 13/2314/FUL

DATE OF APPLICATION: 12 November 2013

STATUTORY START DATE: 3 December 2013

SITE LOCATION

Land At 36-44, Lodge Avenue, Elstree, Hertfordshire.

DEVELOPMENT

Demolition of no. 42 Lodge Avenue & erection of replacement 4 bed dwelling & access to 4 new 4 bed detached dwellings with associated parking & landscaping (amended plans received 3.12.13)

AGENT

Mr Stuart Loxton
17 Dryburn Road
Stockton On Tees
Cleveland
TS19 8JN

APPLICANT

C/O Agent

WARD

Elstree

GREEN BELT

No

CONSERVATION AREA

Not in a Conservation Area

LISTED BUILDING

No

TREE PRES. ORDER

No

1.0 Summary of Recommendation

1.1 It is recommended that the planning application be refused based on the reasons for refusal listed in the Committee Report.

2.0 Application site / Surrounding area

2.1 The properties along Lodge Avenue (even numbers) are characterised by either two storey front projecting gables or first floor projecting gables. The roof forms are traditionally pitched with no examples of large crown roofs. The properties opposite the site are bungalows made up of projecting gables. The materials used along Lodge Avenue are generally consistent in appearance in terms of the roof tiles to be used. However, in terms of elevation details these are either rendered in white or have red hanging tiles on the first floor elevations.

2.2 The separation distances between the properties along 36 to 44 Lodge Avenue are between 0.5m to 1.5m. However, the separation distances are
generally tight within the area relating to the even numbers of Lodge Avenue.

2.3 To the front of 36 to 44 Lodge Avenue are areas of hard standing to accommodate car parking spaces. To the rear of the properties are long gardens. These long gardens are unique in the area as the remainder of the gardens belonging to Lodge Avenue properties are short. This is because of the cul-de-sac properties erected to the rear of these properties.

2.4 There are three cul-de-sacs to the rear of Lodge Avenue. These are Tauber Close, Fir Tree Court and Nash Close. Tauber Close and Fir Tree Court are situated directly behind 36 to 44 Lodge Avenue. Tauber Close is made up of large detached dwelling houses and Fir Tree Court is made up of flatted maisonettes with communal garden areas to the rear.

3.0 Proposal

3.1 This proposal seeks permission for the following:

- Demolition of 42 Lodge Avenue and erection of a detached property (unit 5).
- Erection of 4 detached dwelling houses to the rear of 36 to 44 Lodge Avenue (unit 1 to 4).
- Associated landscaping and car parking serving the proposed scheme.

3.2 This application is required to be determined by the Planning Committee Members given that the scheme is for the net increase of 5 dwelling houses.

**Key Characteristics**

<table>
<thead>
<tr>
<th>Site Area</th>
<th>0.463 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>12.9 dph</td>
</tr>
<tr>
<td>Mix</td>
<td>5 x 4 bedroom detached dwelling house</td>
</tr>
<tr>
<td>Dimensions</td>
<td>See plans.</td>
</tr>
<tr>
<td>Numbers of Car Parking Spaces</td>
<td>Plot 1 – 2 spaces in the garage and 2 spaces on the hard standing.</td>
</tr>
<tr>
<td></td>
<td>Plot 2 – 2 spaces on the hard standing. 1 further space next to Plot 2.</td>
</tr>
<tr>
<td></td>
<td>Plot 3 – 1 space in the garage and 1 space on the hard standing. 1 further space next to Plot 3.</td>
</tr>
<tr>
<td></td>
<td>Plot 4 – 2 spaces in the garage and 2 spaces in the hardstanding.</td>
</tr>
<tr>
<td></td>
<td>Plot 5 – 3 spaces on the hard standing.</td>
</tr>
</tbody>
</table>
Any other relevant statistical information as appropriate

4.0 Relevant Planning History:

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENQ/13/0285</td>
<td>Seeking more information on the above address.</td>
<td>RSP7 February 2013</td>
</tr>
<tr>
<td>TP/12/2644</td>
<td>Demolition of 42 Lodge Avenue &amp; erection of detached, two storey, 4 bedroom dwelling with habitable loft accommodation, associated landscaping &amp; parking; Erection of 5 x detached, two storey, 4 bedroom dwellings with habitable loft accommodation, landscaping &amp; parking on land to the rear of 36-44 Lodge Avenue (amended plans received 27/03/13).</td>
<td>R2 July 2013</td>
</tr>
<tr>
<td>FP/99/0369</td>
<td>Two storey side extension</td>
<td>APPROV1 July 1999</td>
</tr>
<tr>
<td>FP/01/0222</td>
<td>Single storey rear extension</td>
<td>APPROV24 April 2001</td>
</tr>
<tr>
<td>CPS/08/1109</td>
<td>CORGI record for installed a Gas Boiler</td>
<td>CPS26 February 2008</td>
</tr>
<tr>
<td>TP/01/0333</td>
<td>Erection of single storey rear extension</td>
<td>GP15 May 2001</td>
</tr>
<tr>
<td>TP/99/0131</td>
<td>Part single/part two storey side extension. (Amended plan received 10.3.99)</td>
<td>GP7 April 1999</td>
</tr>
</tbody>
</table>

5.0 Notifications

<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>1</td>
<td>16</td>
<td>0</td>
<td>27</td>
<td>17</td>
</tr>
</tbody>
</table>
A site notice was erected and 27 letters were sent to neighbours. The following is a summary of the letters received, which are very similar to the comments received on the previously refused application. In summary the comments are as follows:

- Impact on view and outlook.
- The development will result in overlooking and a loss of privacy.
- Issues relating to loss of trees and vegetation.
- Impact on daylight and sunlight to neighbouring properties.
- The proposal is overdevelopment.
- The dwellings are crowded and overbearing.
- The dwellings have disproportionately small gardens.
- Impact on wildlife.
- Increase in noise and air pollution from the development.
- Increase in noise and pollution from the road.
- Increased risk to highway safety.
- Impact on the character and appearance of the area.
- Impact on car parking and traffic congestion.
- Precedent will be set for future development.
- 42 Lodge Avenue is subject to a restrictive covenant and surrounding properties have similar restrictions.
- The dwellings are too big.
- The dwellings are too close to the boundaries.
- Issues relating to the bin storage.
- Impact on drainage and sewerage networks.
- Issues relating to the boundary treatment.
- Increased risk of flooding.
- Impact on local amenities.
- Issues relating to emergency and refuse vehicles entering the site.
- Back garden development not necessary in the area.
- Issues relating to the design of the dwellings.
- Issues relating to affordable housing provision.
- Issues relating to the proposed access.
- Issues relating to manoeuvrability within the site.
- Importance of trees.
- Unfair that Lodge Avenue residents can sell land for development which will negatively impact others.
- Increase in traffic from development at 35 Lodge Avenue.
- Garages would not be used for car parking.

6.0 Consultations

<table>
<thead>
<tr>
<th>Service</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Services</td>
<td>No objection raised. Condition relating to drainage required to be imposed.</td>
</tr>
<tr>
<td>Highways HCC</td>
<td>No objection raised. Concern is raised over the parking layout but</td>
</tr>
</tbody>
</table>
this is a view the LPA is required to consider.
Submission of methodology statement and surface water drainage required to be imposed.

Hertfordshire County Council
No objection raised.
Request Section 106 monies.

The Hertfordshire Environmental Records Centre
No objection raised.
Precautionary approach is required to be taken.

Parish Councils
Objection raised.
Over development of the site.

Hertfordshire Fire & Rescue Service
No response received.

EDF Energy Networks
No response received.

National Grid Company Plc
No response received.

Thames Water Development Planning
No response received.

Affinity Water Strategic Planning
No response received.

7.0 Policy Designation

7.1 Urban area of Elstree. No specific policy designation within the Local Plan (2003, saved by way of direction in 2013).

8.0 Relevant Planning Policies

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Hertsmere Local Plan Policies</td>
<td>D20</td>
<td>Supplementary Guidance</td>
</tr>
<tr>
<td>2</td>
<td>Hertsmere Local Plan Policies</td>
<td>D21</td>
<td>Design and Setting of Development</td>
</tr>
<tr>
<td>3</td>
<td>Hertsmere Local Plan Policies</td>
<td>E2</td>
<td>Nature Conservation Sites - Protection</td>
</tr>
<tr>
<td>4</td>
<td>Hertsmere Local Plan Policies</td>
<td>E3</td>
<td>Species Protection</td>
</tr>
<tr>
<td>5</td>
<td>Hertsmere Local Plan Policies</td>
<td>E7</td>
<td>Trees and Hedgerows - Protection and Retention</td>
</tr>
<tr>
<td>6</td>
<td>Hertsmere Local Plan Policies</td>
<td>E8</td>
<td>Trees, Hedgerows and Development</td>
</tr>
<tr>
<td>7</td>
<td>Hertsmere Local Plan Policies</td>
<td>H8</td>
<td>Residential Development Standards</td>
</tr>
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<td></td>
<td>Hertsmere Local Plan Policies</td>
<td>H10</td>
<td>Back Garden Development</td>
</tr>
<tr>
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</tr>
<tr>
<td>10</td>
<td>Hertsmere Local Plan Policies</td>
<td>M2</td>
<td>Development and Movement</td>
</tr>
<tr>
<td>11</td>
<td>Hertsmere Local Plan Policies</td>
<td>M12</td>
<td>Highway Standards</td>
</tr>
<tr>
<td>12</td>
<td>Hertsmere Local Plan Policies</td>
<td>R2</td>
<td>Developer Requirements</td>
</tr>
<tr>
<td>13</td>
<td>Hertsmere Local Plan Policies</td>
<td>L5</td>
<td>Recreational Provision for Residential Developments</td>
</tr>
<tr>
<td>14</td>
<td>Development Plan Document Core Strategy</td>
<td>SP1</td>
<td>Creating sustainable development</td>
</tr>
<tr>
<td>15</td>
<td>Development Plan Document Core Strategy</td>
<td>SP2</td>
<td>Presumption in favour of development</td>
</tr>
<tr>
<td>16</td>
<td>Development Plan Document Core Strategy</td>
<td>C1</td>
<td>The supply of new homes</td>
</tr>
<tr>
<td>17</td>
<td>Development Plan Document Core Strategy</td>
<td>C2</td>
<td>The location of new homes</td>
</tr>
<tr>
<td>18</td>
<td>Development Plan Document Core Strategy</td>
<td>CS4</td>
<td>Affordable Housing</td>
</tr>
<tr>
<td>19</td>
<td>Development Plan Document Core Strategy</td>
<td>CS12</td>
<td>The Enhancement of the Natural Environment</td>
</tr>
<tr>
<td>20</td>
<td>Development Plan Document Core Strategy</td>
<td>CS21</td>
<td>Standard charges and other planning obligations</td>
</tr>
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<td>21</td>
<td>Development Plan Document Core Strategy</td>
<td>CS22</td>
<td>Securing a high quality and accessible environment</td>
</tr>
<tr>
<td>22</td>
<td>Development Plan Document Core Strategy</td>
<td>CS24</td>
<td>Development and accessibility to services and employment</td>
</tr>
<tr>
<td>23</td>
<td>Development Plan Document Core Strategy</td>
<td>CS25</td>
<td>Accessibility and parking</td>
</tr>
<tr>
<td>24</td>
<td>Hertsmere Planning &amp; Design Guide</td>
<td>PartD</td>
<td>Guidelines for Development</td>
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<tr>
<td>25</td>
<td>Supplementary Planning Document</td>
<td>PS</td>
<td>Parking Standards Supplementary Planning Document</td>
</tr>
<tr>
<td>26</td>
<td>Supplementary Planning Document</td>
<td>PO</td>
<td>Planning Obligations Supplementary Planning Document Parts A</td>
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<tr>
<td>27</td>
<td>Supplementary Planning</td>
<td>AH</td>
<td>Affordable Housing Supplementary Planning Document</td>
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</tbody>
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9.0 Key Issues

9.1 • Principle;
• Affordable housing;
• Spatial layout;
• Spacing and setting;
• Height, mass and size;
• Architectural detailing;
• Residential amenity;
• Parking design;
• Highways;
• Parking;
• Amenity;
• Trees and soft landscaping;
• Ecology;
• Refuse; and
• Section 106.

10.0 Comments

Principle

10.1 A previous scheme on the site, application TP/12/2644, was for the erection of 6 dwellings on the site. The application was refused by the Planning Committee on the following points

• Over development.
• Lack of S106.
• Lack of affordable housing.
• Access issues.
• Under provision of car parking.
• Impact on existing residential amenity.

The current application has been submitted for the erection of 5 dwellings on the site. Issues in relation to S106, affordable housing, access and parking have been overcome. However, issues relating to over development and impact on residential amenity have not. These matters are discussed within the Committee Report.

10.2 Directly behind the proposed site is Tauber Close, which is a cul-de-sac. Next to Tauber Close is Fir Tree Court which is also a cul-de-sac. Next to Fir Tree Court is Nash Close, which is also a cul-de-sac. Tauber Close and Nash Close have small gardens compared to the properties along Lodge Avenue. The proposal has attempted to adopt the cul-de-sac arrangement through the inclusion of book ends along the access road, however, the type of proposed spatial layout does not conform with the surrounding types of cul-de-sacs. This is discussed further within the Committee Report. What is clear from the context is that the area is made up of cul-de-sacs. Thus, it is
argued that the prevailing character of the immediate surrounding area is defined by cul-de-sacs. Therefore, the proposal is in line with section 9.7 (d) of the Planning and Design Guide Part D (2013) which states that if cul-de-sacs are a prevailing character then a proposed cul-de-sac is considered acceptable. No objection is raised to the principle of the erection of a cul-de-sac development on this site. However, objection is raised to the proposed scheme based on the Local Plan (2003) policies H8 and H10.

10.3 The Local Planning Authority has policy H10 of the Local Plan (2003, saved by way of direction in 20013) which relates to ‘Back Garden Development’. The two criteria identified by policy H10 relate to (i) the proposed access and (ii) compliance with policy H8. A detailed assessment in relation to the access and policy H8 has been undertaken within the Committee Report which raises objection to the proposal. These policies form separate reasons for refusal. It is not considered that the proposal should be refused on principle given the assessment in paragraph 10.2. The argument in paragraph 10.2 is that the proposal is in line with section 9.7 (d) of the Planning and Design Guide Part D (2013) which states that if cul-de-sacs are a prevailing character then a proposed cul-de-sac is considered acceptable.

Affordable housing

10.4 Under the Core Strategy (2013) Policy CS4, this site would be expected to provide 35% of units as affordable housing, which is a total of 1.75 affordable units. The proposal is providing one unit as an equity share unit and the remaining 0.75 requirement as a commuted sum payment.

10.5 Plot 5, which has 4 bedrooms, is to be the equity share unit. It has been agreed that the unit is to be sold at 50% of the open value market with the remainder of the equity being held by the Borough Council. For example, if the property value is £600,000, then the dwelling house would be sold at £300,000 with the Borough Council holding the remaining £300,000 equity. The commuted sum payment has been calculated at £161,700. This sum would go towards a pot of commuted sum payments to aid in providing an affordable housing unit within the Elstree area, which the Housing Department are satisfied with.

10.6 No objection is therefore raised by virtue of the NPPF (2012), Policy CS4 of the Core Strategy (2013), Section 106 affordable housing requirements (April 2013) and the Affordable Housing SPD (2008).

Spatial layout

10.7 The proposal is not designed as the existing cul-de-sacs in the area (See Figure 1). The existing cul-de-sacs appear to have a standard design in terms of their orientation around their access road in a curved spatial layout. The proposal is in a ‘T’ shape tandem form which is not orientated around the access road. Part D of the Planning and Design Guide (2013) provides guidance in relation to what is deemed as an acceptable spatial layout. The proposal illustrates 4 dwelling houses to the rear of 36 to 44 Lodge Avenue with unit 1 and 4 acting as a book end. A ‘T’ shaped tandem form which is not orientated around the access road is not acceptable in line with Part D of
In terms of the spatial layout, objection is raised. This is because unit 1 and unit 4 are situated in very close proximity to the shared boundaries with existing neighbouring properties. Further, unit 4 is sited to have direct views from habitable rooms on the first floor in to the rear garden of 38 and 40 Lodge Avenue. These elements demonstrate that the proposed spatial layout of the proposal is not acceptable and this could be attributed by the number of units on the site. The proposal is in a 'T' shape layout form which is not orientated around the access road in a curved manner. This does not follow the cul-de-sac design approach which is required by Part D of the Planning and Design Guide (2013) and is a characteristic of the area. This cul-de-sac design cannot be achieved on the site given the design of the plot buildings and their orientation around the access road.

Figure 1: Cul-de-sacs within the immediate area. The site is hashed.

Overall, objection is raised to the proposed spatial layout of the proposal given its cramped nature. The proposed layout indicates an over development of the site which is unable to accommodate 4 large units to the rear of the site comfortably. The over development of the site does not only relate to the close proximity to the boundaries and the awkward relationship with adjoining neighbours. This is discussed further within the report. Objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS22 of the Core Strategy (2013), Part D of the Planning and Design Guide (2013) and the NPPF (2012).

Spacing and setting

The Planning and Design Guide Part D (2013) stipulates that a proposal should ensure that the ground and first floors of buildings are located at least 2 metres from the side boundary totalling 4 metres between the flank elevations. This relates to low density areas that are characterised by significant separation between buildings.

The spacing around unit 5 complements the general area in that a sky gap is still retained between unit 5 and 40 Lodge Avenue. The building line has
been staggered back from number 40, which also complements the pattern and building line of the street scene. Consequently, no objection is raised to this element of the scheme.

10.12 Objection is raised in relation to the spacing and setting of unit 1 and unit 4. These properties are situated off the shared boundaries by a minimum of 1m. Having very minimal spacing around these units is not deemed acceptable and harms the overall setting of the proposal within the immediate area. Such a small gap of 1m would not allow for sufficient landscaping to break up the flank elevation of plot 1 and plot 4 when viewed from the rear gardens of Lodge Avenue. Further, there are very few examples of other such developments within the area that have minimal spacing around them and are directly upon the shared boundaries. This is an indication of over development of the site and that the overall size of the properties are not acceptable.

10.13 In relation to the relationship between units 1, 2, 3 and 4 in terms of the side to side distances, this is deemed acceptable given the context of the area. Although the garages on the ground floor are closer to the shared boundaries this does not cause concern. This is because the first floor and roof scape area have much larger separation distances and thus views can be afforded through the units. However, views can only be afforded through the units at the expense of units 1 and 4 being sited on the shared boundaries. As discussed previously, this is not acceptable.

10.14 Overall, objection is raised to the proposed setting and spacing of the proposed development due to the lack of separation distances on the site between the shared boundaries. Objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS22 of the Core Strategy (2013), Part D of the Planning and Design Guide (2013) and the NPPF (2012).

Height, size and mass

Policy

10.15 Policy H8 of the Hertsmere Local Plan (2003) sets out the detailed considerations that will be taken into account when an application for new residential development is proposed. This policy seeks to ensure a residential development is harmonious to the street scene, does not over dominate the existing scale and pattern or adversely affect the general character of surrounding buildings. Additionally, Policy D21 supports this aim, by requiring new developments to respect their surroundings in terms of scale, massing, materials, layout, bulk and height. The provisions of Policies H8 and D21 are supported by the Council’s Planning and Design Guide Part D, which is incorporated within Policy D20. This is also reiterated by policy CS22 of the Hertsmere Core Strategy (2013).

Height

10.16 The Planning and Design Guide Part D (2013) and the Hertsmere Local Plan (2003) state that the heights of proposed developments must respect the
surrounding heights of the area and respect the topography of the area.

10.17 The existing 42 Lodge Avenue is to be demolished and then a new dwelling house is to be erected in its place. The new dwelling house is to be higher than the existing house it is replacing. It would be higher than number 42 Lodge Avenue and a similar height as 44 Lodge Avenue. Thus, given that the increased ridge height would be in line with the adjoining properties, no objection is raised to this element of the scheme.

10.18 The properties along Lodge Avenue vary in height between 7.9m high and 8.7m high. The proposed dwelling houses range from a height of 8m to 8.5m high. There would be an increase in height between the proposed units and those along Lodge Avenue. However, the proposed units are situated at a distance of over 20m away from Lodge Avenue properties and thus the height difference would not be highly noticeable from visual terms.

10.19 The closest residential dwelling house to the proposed units is 3 Tauber Close. This property has a ridge height of 123.46 when taken from a fixed datum. The properties along Tauber Close are substantially higher than those along Lodge Avenue. The proposed dwelling houses would be lower than those on Tauber Close, given Tauber Close's elevated position. Thus, given that the ridge heights between Lodge Avenue, the proposed units and Tauber Close gradually increase, no objection is raised to the staggered increase in height of the proposal which complements the topography of the area.

Size and mass

10.20 Unit 5 is narrower than the dwelling houses at 40, 42 and 44 Lodge Avenue. However, if the wider context is taken into account the width of the property does not cause concern. Further, the properties along Lodge Avenue (even numbers) have been extended to both the side and rear. Thus they appear wider on the submitted plans but the plans do not distinguish between the single storey side and rear additions and the parent buildings. Although it would have been preferable to have a wider property at 42 Lodge Avenue, it does not warrant a reason for refusal. Furthermore, the proposal does not have a crown roof and the pitch of the roof matches those along Lodge Avenue. Therefore, no objection is raised to the overall size and mass of unit 5.

10.21 Unit 1, 2, 3 and 4 have large rear single extensions with flat roofs. Originally these roofs were designed to be crowned, which added unnecessary bulk and mass. The roofs of the extensions have been altered to flat roofs with a small parapet detailing. No objection is raised to these elements of the scheme. The built form of the units also follows similar form to those at 40, 42 and 44 Lodge Avenue.

Overall

10.22 To conclude, in terms of size, and mass, taking into account the combination of factors assessed under the above paragraphs, it is considered that the proposal would not harm the character of the area. No objection is raised by
virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS22 of the Core Strategy (2013) and Part D of the Planning and Design Guide (2013). Further, no objection is raised to the height of the proposed units in terms of visual amenity.

Architectural detailing

Background

10.23 The appearance of proposed developments should be of a high standard to promote inclusive communities and to complement the character of existing development in the vicinity of the site and to maintain a harmonious and holistic street scene. Therefore, the key objective for all developments should be to ensure that the design is informed by its surrounding context, to avoid creating an ‘anywhere type development’ and promote strong architectural identity associated with this site. Also, it should be important for the development to integrate with the surrounding environment and compliment the neighbouring buildings and the local area more generally.

Unit 1 to unit 4

10.24 The proposed scheme introduces dwelling houses with differing architectural cues within the fenestration and interest is added to the front elevations by the incorporation of projecting wings. Different types of materials are used on the elevations breaking the elevations up. Brick plinths have been introduced. Above the windows and doors are brick detailing to add further characteristics. Below the windows are window chills that add further character to the development. Strong eaves line have been introduced to give the proposal a more domestic appearance in line with the general street context. Throughout the development strong verticality has been introduced, which gives the development a more traditional approach in terms of design. This is in line with best practice design principles, which the Local Planning Authority actively promotes and embraces, based on the NPPF (2012).

Unit 5

10.25 Unit 5 has been designed to match the proposed dwelling houses to the rear of the site. This is to ensure that the proposal conforms with the proposed cul-de-sac layout. The NPPF (2012) states that Local Planning Authorities should promote or reinforce local distinctiveness but avoid unnecessary prescription or detail. This is a fine balance that is required to be achieved. The dwelling house has been designed with a projecting gable which is very similar in design to the existing projecting gables at the properties serving the Lodge Avenue properties (even numbers). No objection is raised to the design approach to the dwelling house.

Overall

10.26 No objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS22 of the Core Strategy (2013) and Part D of the Planning and Design Guide (2013).
Residential amenity

Policy

10.27 Policy H8 relates to the protection of residential amenity and Supplementary Planning Document Part D provides further guidance. The guidelines note that where developments propose buildings that face (front or rear) onto the side of existing buildings and vice a versa, they should be a minimum of 10 metres apart (this does not specifically refer to single storey buildings). Furthermore, the document also states that where there are directly opposing elevations within new developments containing windows to habitable rooms, one and two storey buildings should be a minimum of 20m apart.

44 Lodge Avenue and unit 1

10.28 The ground floor extensions to 44 Lodge Avenue have not been demonstrated on the plans. However, these are single storey and the extension in question does not have primary windows facing unit 1. The side of unit 1 and the rear of 44 Lodge Avenue would be 18m away. This is in line with the requirements of Part D of the Planning and Design Guide (2013).

40 and 44 Lodge Avenue and unit 5

10.29 There would be no breach in the 45 degree line when drawn from the edge of the neighbouring windows to the front and rear at 36 and 40 Lodge Avenue with unit 5. Consequently, no objection is raised. It also is noted that there is to be an access road running down the side next to 44 Lodge Avenue. However, given that there are no primary windows on the flank elevation, it is not envisaged that this would cause demonstrable harm. Concern is raised by Officers in relation to unit 5 having no windows facing the access road. This does not promote safety down the access road as no overlooking would occur, as this would not allow for passive surveillance.

Unit 2 and unit 5

10.30 There is a separation distance of excess of 20 away from the front of unit 2 and the rear of unit 5. This is in compliance with the required distance stipulated within Part D of the Planning and Design Guide (2013).

36, 38 and 40 Lodge Avenue and unit 2, 3 and 4

10.31 There is a separation distance in excess of 20m away from the front of unit 2, 3 and 4 and the rear of 36, 38 and 40 Lodge Avenue. This is in compliance with the required distance stipulated within Part D of the Planning and Design Guide (2013).

Unit 1 and 7 Knowl Way

10.33 Unit 1 has side windows on the first floor serving ensuites and a bathroom. Thus there would no direct overlooking into the rear garden of 7 Knowl Way. A condition can also be imposed to ensure that no windows are inserted on the first floor. The rear elevation of 7 Knowl Way to the shared boundary with
unit 2 is over 20m. Thus, the separation distance is in excess of the required 10m and no objection is raised by virtue of Part D of the Planning and Design Guide (2013).

Unit 4 and 13, 14, 15, 16, 17 and 18 Fir Tree Court

10.34 The flank elevation of plot 4 has 3 windows facing the rear amenity area of Fir Tree Court. These windows serve ensuites and a bathroom. Thus, no demonstrable overlooking would occur to those using the amenity of Fir Tree Court.

10.35 The units at Fir Tree Court are angled away from unit 5 and unit 6. When a 45 degree line is taken from the rear windows at Fir Tree Court there is a breach in the 45 degree line but at a distance of 21m. This breach only relates to the first floor element of the units because the conservatories are much closer to the side boundaries. However, given the existing boundary treatment a detrimental impact cannot be caused by the conservatories to those residing at Fir Tree Court. Overall, no objection is raised to this element of the scheme.

45 and 47 Allum Lane and unit 4

10.36 Unit 4 has no side windows on the first floor. Thus there would no direct overlooking into the rear gardens of 45 and 47 Allum Lane. A condition can also be imposed to ensure that no windows are inserted on the first floor. The rear elevations of 45 and 47 Allum Lane to the shared boundary with unit 2 is over 30m. Thus, the separation distance is in excess of the required 10m and no objection is raised by virtue of Part D of the Planning and Design Guide (2013).

3 Tauber Close and unit 1, 2 and 3

10.37 3 Tauber Close is situated on a more elevated level than the site. There has been substantial tree cutting which has reduced the screening between the site and 3 Tauber Close. Further, 3 Tauber Close is angled towards the site and thus has more elevations facing the site making the impact to 3 Tauber Close more exposed. Thus, the combination of these facts means that the windows on the rear and flank elevations are more exposed. The development of the proposed site is hindered by the siting of 3 Tauber Close. This is because of the elevated dwelling house and the position of the habitable windows on both the rear and side elevations.

10.38 The flank and rear elevations of 3 Tauber Close are situated at a proximity of 4m to the shared boundary with unit 1, 2 and 3, which have shallower rear gardens. Thus, the windows of 3 Tauber Close would be within 4m of the rear amenity of the units. This relationship is unacceptable to those residing at 3 Tauber Close and to the future occupants of unit 1, 2 and 3. The private amenity space of the units would not be deemed as private amenity as they would have windows within 4m of the boundary overlooking the shallow rear gardens.

10.39 The windows of 3 Tauber Close serve habitable rooms apart from the first
floor flank window which serves the bathroom. Whether the angle is taken straight from these windows or along a 45 degree line, the distance is less than 20m. This means that there would be a demonstrable harm caused to outlook and privacy of those who reside at 3 Tauber Close. Objection is therefore raised to the impact the proposal would have upon this property.

*Unit 1 and unit 2*

10.40 Unit 1 has windows serving bedroom 2 and bedroom 3 directly facing onto the flank wall of unit 2. The outlook of these 2 bedrooms is not acceptable given its close proximity to the flank elevation of unit 2. The proximity between the windows and the flank wall is 5m away only. The Planning and Design Guide (2013) states that the minimum distance should be 10m away.

*Unit 4 and 38 and 40 Lodge Avenue*

10.41 Bedroom 1 and 2 windows all face directly on to the rear garden of 40 Lodge Avenue. This is because the rear garden of 40 Lodge Avenue projects further out than number 36 and 38 Lodge Avenue. There is a 12m distance between bedroom 1 to the shared boundary of 40 Lodge Ave’s garden. Views into 38 Lodge Avenue can also be afforded given that the window to bedroom 1 is 4m away from the shared boundary when taken at a 45 degree line. The proposed habitable room’s proximity to the gardens of 38 and 40 Lodge Avenue is considered to be at a very close proximity which would harm the privacy of this area. Objection is therefore raised.

*Rooflights*

10.42 All rooflights situated within the roof scape are sited in the roof slope at a level above 1.7m from the finished floor level. Consequently, any views through these rooflights would be at oblique angles and would not cause demonstrable harm to privacy of the adjoining neighbours.

*Overall*

10.43 The impact the proposed development would cause harm to the existing residents and to their amenity areas is deemed as unacceptable. Specifically concern is raised relating to 3 Tauber Close, 38 and 40 Lodge Avenue and the relationship between plot 1 and plot 2. Objection is therefore raised by virtue of policy H8 of the Local Plan (2003) and Part D of the Planning and Design Guide (2013).

*Highways*

10.44 The existing access to 42 Lodge Avenue is to be altered to become a wide bellmouth. There would be scope within the bellmouth to enable one car to wait whilst the other car uses the access road. Those accessing 42 Lodge Avenue would do so by driving over the footpath leading to the proposed rear units.

10.45 The Highways Authority has raised no objection to the proposed scheme. The access width is 4.8m wide and there is a 1m pavement running along the
access road past plot 5. The proposal provides a turning head within the site. The access into the site has been increased to accommodate a bell mouth which is wide enough to enable a car to wait off the public highway whilst another car passes. No objection is raised by virtue of policy M12 of the Local Plan (2003), policy CS25 of the Core Strategy (2013) and the NPPF (2012).

Parking Design

10.46 Background

It is acknowledged that parking arrangements have a major impact on the quality of a development. Where and how cars are parked has major consequences to the quality of the development. Once the level of parking provision has been confirmed, the main consideration is how to incorporate parking in the development without allowing it to dominate everything around. Therefore parking should be behind, under, above or to the side of the buildings or sensitively incorporated into the street. This is stipulated within Part D of the Planning and Design Guide (2013).

Assessment

10.47 Plot 1 and plot 2 have a double garage with 2 spaces on the hard standing. Plot 2 and plot 3 have 1 space in the garage and 1 space on the hard standing with a shared space for another 2 car parking spaces in between the dwelling houses. Plot 5 has 3 car parking spaces to the front of the unit.

10.48 Plot 1 and plot 2 have car parking spaces to the front, however, these are screened by the rear gardens of Lodge Avenue boundary treatment. Plot 2 and plot 3 the spaces are recessed behind the principle elevation. Plot 5 follows a similar car parking arrangement to the majority of dwelling houses along Lodge Avenue. Consequently, it is considered that the overall approach to car parking on the site is deemed to be acceptable given that the majority are either set back to the side or screened by boundary treatment.

10.49 No objection is raised to the car parking design approach taken on the site. No objection is raised by virtue of the NPPF (2012), Part D of the Planning and Design Guide (2013) and D20 of the Local Plan (2003).

Parking

10.50 The Parking Standards (2008, revised 2010) require 3 car parking spaces per 4 bedroom properties. Plots 1 and 4 provide 4 car parking spaces. Plots 2, 3, 4 and 5 provide 3 car parking spaces. The scheme was amended by the Agent to ensure that the car parking spaces were adequate as the original submission did not provide the required amount of spaces. Consequently, no objection is raised by virtue of the Parking Standards (2008, revised 2010), policy M12 of the Local Plan (2003) and policy CS25 of the Core Strategy (2013).
Amenity

10.51 Four bedroom properties are required to provide in excess of 80m² in accordance with the Planning and Design Guide Part D (2013). All the properties, including the existing properties along Lodge Avenue, provide in excess of 100m². Consequently, no objection is raised.

Trees

10.52 The site is not protected by a Tree Preservation Order. However, there are a number of trees in and surrounding the site area which provide visual amenity to the area. There is a group of five trees next to the rear boundary of the site that are covered by a Tree Preservation Order. The trees are Ashes located to the rear of 4 Tauber Close and the proposed Unit 1 and 2.

10.53 The Tree Officer identified an early mature oak tree of reasonable form within the site. However, due to its proximity to the existing dwelling and its limited visibility to the surrounding area, the Tree Officer did not consider the tree suitable for protection by a Tree Preservation Order. The group of Ash trees are located a considerable distance from the proposed dwellings and so it is not considered that development would have a detrimental impact on these trees’ root protection area. Thus, the Tree Officer has raised no objection to the development in terms of the quality of trees on and around the site.

10.54 It is noted that the existing trees in the site provide significant screening and are a characteristic of the verdant nature of the gardens. The site plan does not indicate which trees will be retained, or if there is any intention to replace those which are removed. Many of the trees would, if retained, be located in the proposed garden areas and would shade and obscure sunlight to the new dwellings. However, given that the trees on the site do not warrant retention through placing a preservation order on them, it is considered that their removal and planting of trees can be conditioned.

10.55 No objection is raised by virtue of the NPPF 2012, Policy CS12 of the Council’s Core Strategy 2013 and Policies D21, E7 and E8 of the Hertsmere Local Plan 2003 however this is subject to conditions. Given that this application is recommended for refusal these conditions have not been put forward. However, if Members are minded to overturn the Officers recommendation conditions can be suggested.

Ecology

10.56 The Hertfordshire Biological Records Centre (HBRC) has no records of protected species on, or in close proximity, to the proposed site. Further, the Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there is the presence of protected species on the existing site. Consequently, it would be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted. Overall, no objection is raised by virtue of the NPPF (2012), policies E2 and E3 of the Hertsmere Local Plan (2003) and policy CS12 of the Core Strategy (2013).
Refuse

10.57 A refuse area is situated to the rear of plot 5. Each of the plots are to use this area to store the waste. No details of the refuse area has been provided in terms of elevations, however, this can be secured by way of condition. Given that the access road is now wide enough to accommodate a refuse vehicle and there is a turning head on the site, the siting of the refuse area is deemed to be acceptable in terms of its siting. It is a large enough area to accommodate the requirement for plots 1 and 4, and there is room to the front of plot 5 to accommodate for refuse bins. The proposal complies with the requirements of Part D of the Planning and Design Guide (2013) and the Waste Storage Requirements.

Section 106

10.58 The Heads of Terms in relation to Hertsmere Borough Council's and County Council's contributions were agreed in writing. The Heads of Terms are as follows -

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<tr>
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10.59 The Borough Council and the County Council would receive the full monies sought in relation to the scheme in accordance with the Section 106 SPD Part A and Part B (2010) and the NPPF (2012).

11.0 Conclusion

11.1 Objection is raised to the scheme on the basis of over development and demonstrable harm to residential amenity. Objection is therefore raised by virtue of the NPPF (2012), policy CS22 of the Core Strategy (2013), policies H8, D20 and D21 of the Local Plan (2003) and Part D of the Planning and
Design Guide (2013). Details of the reasons for refusal and their policies are detailed within the 'reasons for refusal' section of the Committee Report.

12.0 Recommendation

12.1 It is recommended that the planning application be refused based on the reasons for refusal listed in the Committee Report.

Reasons for Refusal

01. The proposed scheme would cause harm to those residing at 3 Tauber Close. The windows of 3 Tauber Close serve habitable rooms apart from the first floor flank window which serves the bathroom. Whether the angle is taken straight from these windows or along a 45 degree line, the close proximity to plots 1, 2 and 3 is unacceptable. There would be a demonstrable harm caused to outlook and privacy of those who reside at 3 Tauber Close. Further, the flank and rear elevations of 3 Tauber Close are situated at a proximity of 4m to the shared boundary with units 1 and 2. Thus, the windows of 3 Tauber Close would be within 4m of the rear garden amenity of the units. This relationship is not deemed acceptable to either those residing at 3 Tauber Close or to the future occupants of unit 1, 2 and 3. Objection is therefore raised by virtue of policy H8 of the Local Plan (2003) and Part D of the Planning and Design Guide (2013).

02. Policies H8 and D21 of the Hertsmere Local Plan (2003) seek to ensure that new development respects or improves the character of its surroundings in terms of layout amongst other things. This is supported by policy CS22 of the Hertsmere Core Strategy (2013). The proposal is deemed to be over development given the character of the proposal compared to the surrounding context as the proposal has the following characteristics:

- The proposal is in a 'T' shape layout form which is not orientated around the access road in a curved manner. This does not follow the cul-de-sac design approach which is required by Part D of the Planning and Design Guide (2013) and is a characteristic of the area. This cul-de-sac design cannot be achieved on the site given the design of the plot buildings and their orientation around the access road.

- Plot 1, namely bedroom 1 and bedroom 2, have been designed to have views straight onto the flank elevation of plot 2 at a distance at only 5m away. This would cause harm to the future occupiers of plot 1 in terms of outlook, sunlight and daylight. The minimum requirement as stipulated within Part D of the Planning and Design Guide (2013) is 10m.

- Plot 4 has been designed to have views straight into the rear gardens of 38 and 40 Lodge Avenue from bedroom 1. This would cause harm to the existing residents of 38 and 40 Lodge Avenue who would be harmed by privacy implications. Bedroom 1 of plot 4 is 13m away from the shared boundary with number 40 Lodge Avenue and is 4m away from the shared boundary with 38 Lodge Avenue.
• Plot 1 only has a 1m separation distance with the shared boundary with 44 Lodge Avenue. Having a 2 and a half storey flank elevation in such close proximity to the boundary would not allow sufficient landscaping to mitigate the impact of this elevation. It would harm outlook to the occupiers of 44 Lodge Avenue. The Planning and Design Guide Part D (2013) states that there should be a minimum of 2m separation distance between shared boundaries.

• Plot 4 only has a 1.29m separation distance with the shared boundary with 36 Lodge Avenue. Having a 2 and a half storey flank elevation in such close proximity to the boundary would not allow sufficient landscaping to mitigate the impact of this elevation. It would harm outlook to the occupiers of 36 Lodge Avenue. The Planning and Design Guide Part D (2013) states that there should be a minimum of 2m separation distance between shared boundaries.

The detriment that would be caused by reason of the position of the development would adversely detract from the character and appearance of the local area. The proposal would fail to comply with policies D20, D21, H8 and H10 of the Hertsmere Local Plan (2003), policies CS1 and CS22 of the Hertsmere Core Strategy (2013), Part D (2013) of the Hertsmere Planning and Design Guide SPD (2013) and the National Planning Policy Framework (2012).

13.0 Background Papers

1. The Planning application (13/2314/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

14.0 Informatives

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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. This determination refers to plans:

   • Design and Access Statement date stamped 12th November 2013.
   • 13/319/01 A date stamped 3rd December 2013.
   • 13/319/02 B date stamped 3rd December 2013.
   • 13/319/03 date stamped 3rd December 2013.
   • 13/319/04 B date stamped 3rd December 2013.
   • 13/319/05 A date stamped 3rd December 2013.
   • 13/319/06 A date stamped 3rd December 2013.
• 13/319/07 B date stamped 3rd December 2013.
• 13/319/08 A date stamped 3rd December 2013.
• 01 date stamped 12th November 2013.

Case Officer Details
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