

<u>Location:</u>	<b>1 The Drive Blackmore End St Albans Hertfordshire AL4 8LE</b>
<u>Applicant:</u>	<b>Mr and Mrs Beale</b>
<u>Proposal:</u>	<b>Erection of self-build detached dwelling and associated external works to include pedestrian/vehicular access to the highway.</b>
<u>Ref. No:</u>	<b>25/00872/FP</b>
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

11 June 2025

**Reason for delay:**

Committee cycles.

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the application being called in by Cllr Muncer for the following reasons:

*Following representations made to me by Kimpton Parish Council, should Officers be minded to grant permission to application number 25/00872/FP, it is my view that it would be in the public interest for this application to be determined by the Planning Committee.*

*There are concerns that by reason of its restricted plot size and limited useable garden area the proposed dwelling would appear cramped and an overly urban form of development that would be at odds with the prevailing pattern of development, and as such the proposed development would be an overdevelopment of the site and harmful to the character and appearance of the area contrary to Policies SP9 and D1 of the Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework (2023).*

*Another concern that has been raised is that the proposed development would be likely to result in future pressure to remove trees covered by a Tree Preservation Order that contribute to the visual amenities of the area and therefore the development would be harmful to the character and appearance of the area and contrary to the provisions of Policy SP9 and D1 of the North Herts Local Plan 2011 - 2031.*

**1.0 Relevant Site History**

- 1.1 04/00344/1 - Detached 4 bedroom dwelling and attached triple garage with residential annex above following demolition of existing dwelling and garages – Approved 29/04/04.

- 1.2 03/01955/1 - Detached 4 bedroom dwelling and attached triple garage with residential annex above following demolition of existing dwelling and garages – Refused 06/02/04 for:

1. By reason of its siting, height and bulk the proposed replacement dwelling and annexe accommodation would result in a materially greater visual impact upon the locality, contrary to Policy 30 of the North Hertfordshire District Local Plan No 2 with Alterations. In addition the height of the annexe is excessive and would result in accommodation for which a genuine need has not been shown and which is not considered to be small, contrary to Policy 33 of the District Local Plan no 2 with Alterations.

Adjoining Site - Land At 51 Beech Way

- 1.3 24/00797/FP - Erection of one detached 3-bed dwelling including installation of vehicular crossover. (Amended plan received 09/05/24) – Refused 13/06/24 for:

1. By reason of its restricted plot size and limited useable garden area the proposed dwelling would appear cramped and an overly urban form of development that would be at odds with the prevailing pattern of development. As such the proposed development would be an overdevelopment of the site and harmful to the character and appearance of the area contrary to Policies SP9 and D1 of the Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework (2023).

2. The proposed development would, by reason of its close proximity to No. 1 The Drive to the north, result in an overbearing impact, loss of sunlight to a garden area and the perception of overlooking to the detriment of the residential amenity enjoyed by existing residential occupiers. As a consequence the proposed development would be contrary to the provisions of Policies of D1 and D3 of the Local Plan 2011 - 2031.

3. The proposed development would be likely to result in future pressure to remove trees covered by a Tree Preservation Order that contribute to the visual amenities of the area. As such the development would be harmful to the character and appearance of the area and contrary to the provisions of Policy SP9 and D1 of the North Herts Local Plan 2011 - 2031.

Appeal dismissed 23/05/25.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport

SP9 – Design and sustainability

SP12 - Green infrastructure, landscape and biodiversity

T1 – Assessment of transport matters

T2 – Parking

D1 – Sustainable Design

D3 – Protecting Living Conditions

D4 – Air quality

NE2 – Landscape

NE4 - Biodiversity and geological sites

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 15 - Conserving and enhancing the natural environment

### 3.0 **Representations**

#### 3.1 **Neighbouring Properties:**

Eight objections and comments were received on the following grounds:

- Should be refused.
- The Council recently refused application 24/00797/FP for the erection of a new dwelling on an adjacent parcel of land.
- All the reasons for refusal apply equally to this application.
- Increased risk of traffic accidents from new access.
- Risk exacerbated by nearby bus stop.
- Make it more difficult for vehicles leaving and entering The Drive.
- Would make walking this part of the road even more dangerous as there is no footpath on either side, and increases potential for conflicts between cars and pedestrians.
- Endorse the points made by Kimpton Parish Council.
- Development out of character with the local area.
- Exploitative behaviour by developers in respect of the laissez-faire approach of NHDC to development in Blackmore End.
- Very substantial increase to density of dwellings in the area following planning permission granted for two large dwellings in Lime Avenue.
- Impacts on utilities such as water and broadband.
- Removal of many mature trees before determination is unfortunate.
- Significant ecological impacts if approved.
- Point 6.19 of the Planning and Design and Access Statement is not correct as No. 48 Kimpton Road has a flank facing double door window.
- Concerned there would be overshadowing of No. 48 Kimpton Road.
- Not clear if a gate is proposed for the new access. Any gate should be set back sufficiently to allow accessing vehicles to be fully clear of Kimpton Road.

#### 3.2 **Parish Council:**

Kimpton Parish Council considered this planning application at the council meeting held on 23rd April and agreed to recommend refusal.

The development is out of keeping with the area's prevailing character and setting, including residential gardens. The density of this development is considerably more than that prevailing in the area, and especially the other properties along Kimpton Road and The Drive.

Good design is a key aspect of sustainable development, creates better places in which to live and work, helps make development acceptable to communities, and should be sympathetic to local character and history (including the surrounding built environment and landscape setting). This proposal, given the limited size of the site, appears cramped and without amenity space, unlike neighbouring properties along both Kimpton Road and The Drive.

Vehicle access to the property has been proposed right next to an existing bus stop, almost opposite another bus stop, and between two busy road intersections, one of

which has limited visibility. Kimpton Road suffers from excessive speeding that would exacerbate the potential hazard of introducing a residential access at this position would be a danger to road users and local residents.

There is an ongoing appeal process, with the Secretary of State, regarding Planning Application 24/00797/FP located on part of the adjoining property at No 51 Beech Way. If both applications were to be approved there would be considerable and cramped development in a small area of land which is out of character with the local environment and which would severely limit the amenity space of four properties: the occupiers of the new dwellings, No 51 Beech Way and No 1 The Drive. It is to be noted that No 1 The Drive protested vehemently against the planning proposal for No 51 Beech Way, suggesting over-development, yet has submitted a similar proposal for the adjoining site that they own.

This planning application requires a Tree Survey to be conducted for the site, with planning conditions to retain those trees that make a positive contribution to the character and appearance of the area. Many trees in the Blackmore End area are protected by TPOs and local residents noticed the cutting and burning of the beautiful, large and mature trees on the proposed site three weeks ago! It is to be ascertained if these trees were subject to TPO's, as are many of the trees associated with the former site of Blackmore Manor, and it has been suggested that this action may have been a cynical attempt to remove this requirement that also enhances the local area and character of development.

Furthermore there are resident concerns that property developers (a property developer is behind this submission) are taking advantage of the relaxed and flexible attitude of NHDC towards planning applications, when purchasing plots for development in the Blackmore End area, when compared with the rigidity and inflexibility of the adjoining council of St Albans and District, at the other Wheathampstead end of the community where new property development/builds is very limited/non-existent. This seems inconsistent within this desirable community and is promoting excessive levels of development within the NHDC area of control.

This proposed development fails to provide any enhancement to the local plan for high quality, beautiful and sustainable buildings with amenity spaces, in keeping with other properties in the area. The planning applications for No 51 Beech Way and No 1 The Drive on adjoining properties on a busy road indicate overdevelopment that could prove hazardous to road users and local residents. Planning permission should be denied due to poor design which fails to reflect local policies and character.

**3.3 Statutory Consultees:**

3.4 Environmental Health (Noise/ Air Quality) – No objections.

3.5 Waste Officer – No objections.

3.6 Ecologist - The provision of the March 2025 Preliminary Ecological Appraisal (PEA) is welcomed. Pre-app comments provided advised the need for a BNG calculation, whilst mandatory 10% BNG is not required for a self-build North Herts Local Plan policy NE4 still applies so a baseline value of the site is required. It is noted that the PEA site visit was undertaken in January which is not an optimum time for botanical survey. Indeed species such as primrose and bluebell are visible in case officer site photos but missing from the species list in the PEA.

The PEA does include a habitat map which shows the extent of tree cover on site but come the time the Arboricultural survey is undertaken this has been reduced to just 16

trees. The PEA advises the need for bat survey should the giant sequoia or oak be impacted and yet the sequoia is missing from the arb report, the size of the loss illustrated by the single remaining piece of trunk shown on page 2 below.

A footnote in the PEA states a suitably qualified and experienced specialist contractor undertook the site clearance so whilst criminal activity can be discounted the removal of such a significant tree which would appear to have had potential for a biodiversity interest is still a great loss.

From the information provided I do not feel that the applicant has sufficiently demonstrated that a net gain for biodiversity can be secured and hence the proposal would be contrary to policy. However, should the case officer be minded to approve the application, recommendations made in the PEA for other opportunities to provide enhancements for wildlife including integrated bird, bat and bee bricks and hedgehog boxes in part 4 should be conditioned.

- 3.7 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission subject to the following conditions.

The proposal includes to construct a 4-bed detached dwelling onto lands adjacent to 1 The Drive. It also proposes to create vehicular access off Kimpton Road which is an unnumbered classified road type -C. Kimpton Road is classified as a residential street (P2/M1) in the HCC's Place & Movement Planning Design Guide and speed limit is restricted to 30mph.

Considering only one dwelling, the proposed access arrangement (Bellmouth) as shown on the drawing (Ref- 578-PL03) is far from ideal. The HCC's new Place& Movement Planning Design Guide (P&MPDG Marc 2024) says that "A vehicle crossover is suitable on P&M category P2/M1, P3/M1 and P3/M2 streets for up to 2,000 Passenger Car Units (PCU) per day on the entry arm" (Ref- Part3 Chapter 9 Para 3.2).

Therefore, the above condition is recommended to make sure that a Vehicle Cross Over (VXO) is created to serve the only dwelling and a pedestrian link is provided ease of pedestrian movement between the site and the existing bus stop located to corner of application site.

Taking all into account, the highway authority consider that the development is small in scale and will not have significant impact to local highway network. Hence no objection is offered subject to the aforesaid condition and informative.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site is a rectangular area of land that is part of the relatively large curtilage of two storey detached dwelling No. 1 The Drive, which is near the west boundary of the site. The site is part of the rear garden of No. 1. North, east and south boundaries are comprised of 1.8m high fences and higher trees and vegetation, with the west boundary being more open. The southern part of the site is characterised by a group of trees covering much of that area. A smaller number of small trees are near the north boundary.
- 4.1.2 The character of the locality is residential, with detached and semi-detached two storey dwellings nearby. The locality also has a wooded sylvan character. The site is within the settlement boundary of Blackmore End, a Category B Village in Policy SP2 of the Local Plan. An Area Tree Preservation Order (reference TPO/040) is in the adjoining

site to the south No. 51 Beech Way (this TPO does not cover trees in the application site).

## 4.2 **Proposal**

- 4.2.1 The erection of a detached two storey four bedroom self-build dwelling with a pitched roof, and the associated subdivision and change of use of the land to a new residential plot. The new dwelling and its curtilage would be separated from No. 1 The Drive by a new 1.8m high fence. The dwelling would be constructed of red/brown bricks and orange/brown clay roof tiles. Solar panels would be included on the south roof slope.
- 4.2.2 A new vehicular access would be created to the dwelling off Kimpton Road to the east. A parking and turning area would be connected to the access and east of the dwelling. Bin and cycle storage are shown near the west boundary of the site. New hard and soft landscaping is shown. A new timber gate would be inserted into an existing timber fence on the north boundary. Some minor vegetation would be removed, with the trees remaining.

## 4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
  - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
  - The impact that the proposed development would have on the living conditions of neighbouring properties.
  - Future living conditions of occupants
  - The impact that the proposed development would have on car parking provision and the public highway in the area.
  - The impact that the proposed development would have on trees, landscaping, and ecology.

### Principle of Development:

- 4.3.2 The site is in the Category B village of Blackmore End where Local Plan Policy SP2 supports infilling development which does not extend the built core of the village. Infilling is defined in the Local Plan as:

*The development of a relatively small gap between existing buildings.*

- 4.3.3 An application for a new dwelling on land adjacent to No. 51 Beech Way (reference 24/00797/FP), the adjoining plot to the south of the site, considered that that plot was in the core of the village. That site was considered to be in the core of the village as Blackmore End is dominated by housing with no easily defined core, and Beech Way is in a central location. Given the site for the new dwelling (the subject of this application) is proposed east of No. 1 and near to that site, it is considered that this site is also in the core of the village. This was not disputed in the recent appeal decision for the 2024 application.
- 4.3.4 The dwelling refused under 24/00797/FP was considered to be infilling, which would have had dwellings on three sides. The dwelling now proposed east of No. 1 would have dwellings to its west and north, with a larger distance to the closest dwelling to the south. As this southern dwelling is visible from Kimpton Road where the proposed new entrance would be, it is considered that the proposal would be infilling. The proposal is considered acceptable in principle. The proposal complies with Policy SP2 of the Local Plan.

Character and appearance:

- 4.3.5 The proposal will introduce a new dwelling onto the site. This is considered acceptable given that the existing site is part of a larger residential garden and curtilage, is close to existing dwelling No. 1 The Drive, and as there are other dwellings nearby to the north and south.
- 4.3.6 The proposal will be a new dwelling fronting onto Kimpton Road with an access from that Road, which differs from No. 1 The Drive. However, there are no objections to this as Nos. 48 to 34 Kimpton Road to the north, and Nos. 56 and 58 Kimpton Road to the south, are mostly oriented with their front elevations facing onto Kimpton Road and all but one dwelling have vehicular accesses onto Kimpton Road. The distance of the front of the dwelling from Kimpton Road is considered to be acceptable as it would be similar to Nos. 48 to 34, and more than that of No. 56. These aspects of the development are considered acceptable.
- 4.3.7 The dwelling would have a footprint of approx. 159 m<sup>2</sup>, on a site that is approx. 1150 m<sup>2</sup> in area (0.115 ha). This would result in the number of dwellings per hectare on the site being 8.7; and the percentage of the site that would be occupied by the dwelling would be 13.8%.
- 4.3.8 The amount of development within the site would be denser than No. 1 The Drive both on that site as a whole, and on the remaining part of No. 1 The Drive outside of the application site. The amount of development relative to the size of the site would however be less than or comparable to most other nearby dwellings, in particular Nos. 48 to 36 Kimpton Road; Nos. 2a, 3 and 5 The Drive; Nos. 56 and 58 Kimpton Road, and 1b and 1a Beech Way. The size of the dwelling relative to the site and the density of dwellings per hectare are considered acceptable.
- 4.3.9 The new dwelling would be a minimum of approx. 4m from the closest east wall of No. 1 The Drive, which is the rear wall of an attached triple garage with roof accommodation including front and rear dormers. This distance would increase to 9m from the roof ridge of the triple garage to the midway area of the rear roof of the proposed dwelling, and further still to the ridge of the roof of the new dwelling.
- 4.3.10 The new dwelling would be approx. half the size of No. 1 and at most 0.45m lower than the highest part of No. 1. As such, it's not considered that the proposed dwelling would appear cramped in relation to No. 1 as it would be and would appear noticeably smaller than it.
- 4.3.11 Within the site, the dwelling would be 2m from its rear boundary, which would be the new boundary with No. 1 The Drive. The dwelling would be 7.7m from the north boundary, 8.5m to 13.1m from the east boundary, and 33m from the rear boundary. The new dwelling would be approx. 10m from the group of trees in the southern area of the site. The proposed dwelling due to the above is considered to appear sufficiently spacious within the site to not appear cramped in relation to its boundaries and the largest trees to the north and south, which is considered is represented by the Proposed Site Sections plan.
- 4.3.12 The proposed dwelling would be oriented such that its rear faces the rear elevation of the triple garage 'wing' of No. 1 The Drive, although overall this is considered to form part of the east side elevation of No. 1. Such an arrangement is not uncommon in the locality as the rears of Nos. 48 and 46 Kimpton Road face the side of No. 2a The Drive north of the site, and to the south the rear of No. 58 Kimpton Road faces the side of No. 1a Beech Way.

- 4.3.13 The proposed dwelling would be closer to No. 1 The Drive than Nos. 48 and 46 Kimpton Road are to No. 2a The Drive. The spacing would however be comparable to that between Nos. 2a and 2 The Drive, 46 and 44 Kimpton Road, and 56 Kimpton Road and 1b Beech Way. The orientation and spacing of the proposed dwelling is therefore considered comparable and in keeping with the pattern and grain of development in the wider locality.
- 4.3.14 The proposed dwelling would be of a more traditional design and appearance, with a red/brown/orange palette of external materials. The proposed dwelling would be considered to appear as a smaller version of No. 1 The Drive, and therefore its size and detailed design are considered acceptable as the new dwelling would be read mainly in the context of No. 1. If permission was to be granted, details of external materials would be required by condition. It's considered that permitted development rights for enlargements including roof enlargements, and outbuildings, should be removed by condition on the basis that allowing such enlargements could detrimentally affect the character and appearance of the dwelling and the site.
- 4.3.15 Some of the objections, including those from the Parish Council, cite the refused planning application 24/00797/FP (now dismissed at appeal), as a factor that should be taken into account in determining the present application at No. 1 The Drive.
- 4.3.16 The Parish Council were concerned over the cumulative impacts if the 2024 application and the application at No. 1 were to be approved. As the 2024 appeal has been dismissed, that scheme and the present proposal can no longer be built together. Therefore there would not be cumulative impacts the Parish Council are concerned about.
- 4.3.17 The third reason for refusal of the 2024 application concerned future pressure to remove trees covered by a TPO, where there was an area TPO within that site. This is not considered to be the case with the application at No. 1, as the proposed dwelling would be approx. 33m from those trees. The second reason for refusal of the 2024 application concerned harmful impacts on No. 1 The Drive, which would not occur with the present application as it's within the curtilage of No. 1.
- 4.3.18 The first reason for refusal of the 2024 application related to overdevelopment due to a restricted plot size and limited usable garden area causing a cramped form of development. The proposal at No. 1 in contrast is on a site approx. twice as large as the 2024 site with more spacing between the dwelling and trees and between the dwelling and site boundaries.
- 4.3.19 The appeal Inspector for the 2024 application was particularly concerned with the distance between that dwelling and the TPO-protected trees. That dwelling was proposed to be approx. 2.3m, 6m, 8.9m and 12.1m to trees protected by the area TPO in that site. The dwelling proposed at No. 1 would be 33m from the TPO trees, and a minimum of 10m from the largest group of trees in that site to the south, therefore due to the additional spacing it's not considered that the proposed dwelling would appear cramped within the site when viewed in relation to existing trees.
- 4.3.20 With regard to the reasons for the call-in, the trees covered by the TPO referred to are some 33m from the proposed dwelling outside the site in the garden of No. 51 Beech Way. There is a group of trees within the southern half of the site that are about 10m from the dwelling, which are proposed to be retained. They will be required to be retained by condition, and would also serve to shield the TPO trees from the development. It's not considered that the proposed development would result in future pressures to remove the TPO trees due to the above.



- 4.3.21 On the first reason for the call-in, the Parish Council concerns are acknowledged. Some of those relate to Planning Application 24/00797/FP, which was awaiting the outcome of an appeal when the call-in was received and when the PC submitted their comments, but the appeal was then dismissed on 23 May, therefore that application and the proposal at No. 1 The Drive couldn't be carried out together.
- 4.3.22 In considering the plot size and usable garden area, the plot size is about twice that of the size of the site for 24/00797/FP; and is larger than Nos. 3, 5, 2a The Drive, 48-36 Kimpton Road, 56 and 58 Kimpton Road, and 1b and 1a Beech Way. The usable garden area would be 10m by 15m to the south of the dwelling, and approx. 8m by 25m to its north, with further space within and around the group of trees in the south of the site due to their high canopies and spacing between some of them. This is more space than the proposed garden area for dismissed appeal 24/00797/FP, with that dwelling being only 2m from the TPO trees in that site. The amount of usable garden area also compares favourably with Nos. 56 and 58 Kimpton Road, 1b and 1a Beech Way, 2a, 3 and 5 The Drive, and 48-36 Kimpton Road.
- 4.3.23 The size, siting and design of the proposed dwelling is considered acceptable on its own merits, and would not be considered to result in the issues that resulted in the appeal being dismissed for the dwelling proposed to the south. The proposal complies with Policy D1 of the adopted Local Plan; and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

- 4.3.24 The closest dwelling to the proposed development is No. 1 The Drive, which is owned by the applicant and is not a neighbour outside the red-edged and blue-edged sites. The only dwelling that adjoins the site is No. 51 Beech Way to the south, which due to being 33m from the proposed dwelling to its boundary and large intervening trees, would not experience harm to its amenity.
- 4.3.25 The closest dwelling outside the site is No. 48 Kimpton Road to the north, who have objected raising concerns that the proposed dwelling would cause overshadowing. The proposed dwelling would be approx. 13.2m from the boundary of No. 48, and 16.1m from the facing side elevation of No. 48.
- 4.3.26 Due to the above separation distances, it's not considered that the proposed dwelling would appear harmfully overbearing or cause loss of privacy. Impacts would be further reduced by intervening trees and vegetation.
- 4.3.27 No. 48 does have a pair of double doors in its side elevation facing the proposed dwelling. The dwelling would be approx. 18m from those doors, which is considered sufficient to avoid harmful impacts. Shadowing from the dwelling would be considered to be mainly limited to the application site and highway The Drive, with minor shadowing and impacts on the curtilages of No. 48 and 46. Furthermore, the closest parts of the curtilage of No. 48 are a driveway, and a gravel strip behind a 2m high hedge, therefore the main rear garden area of No. 48 will not be harmed.
- 4.3.28 Some of the objections from neighbours and the Parish Council have been addressed elsewhere in this report. In response to other neighbour and Parish Council comments, there will be different policy and site considerations between applications made in the St Albans District Council and NHDC areas of Blackmore End which could explain the perceived differences between the two authorities (NHDC did though refuse planning permission for the new dwelling at No. 51 Beech Way, therefore NHDC will refuse planning permission if this is considered to be justified).

4.3.29 A single new dwelling is not considered to adversely affect water and broadband, in any case the impacts of which are not material planning considerations for this application. The proposed plans do not show an entrance gate for the proposed access, however a condition will be imposed removing permitted development rights for potential new gates here to prevent such gates from interfering with the operation of the public highway. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

#### Future living conditions

4.3.30 This concerns living conditions for potential occupants of the proposed dwelling, and No. 1 The Drive. Starting with the proposed dwelling, its main rooms would be of a size sufficient to provide acceptable living standards, outlook, privacy and light. The main private garden of the dwelling would be of a sufficient size and quality for occupants of the new dwelling.

4.3.31 Turning to impacts on No. 1, its private garden area would be reduced, however the remaining garden area would be large and sufficient for existing and future occupants of that dwelling. The proposed dwelling would not be considered to adversely affect the remaining rear garden of No. 1 due to its proposed siting.

4.3.32 The proposed dwelling would be near the rear elevation of a triple garage projecting wing of No. 1. The ground floor openings of this part of No. 1 serve the garage, a store, and a utility room. The new dwelling would be visible from these rooms, however this is not considered harmful as these rooms are not main habitable rooms.

4.3.33 The triple garage contains first floor accommodation above including three rear dormers, which consists of a bathroom, living room, and bedroom, from south to north respectively within the roof of the garage. The rear wall of the proposed dwelling would be approx. 5m from the rear dormers.

4.3.34 The proposed dwelling would alter the outlook from the rooms served by the dormers. As one room is a bathroom and not a main habitable room, the impacts on the bathroom are not considered unacceptable. The other two rooms are main habitable rooms, however those rooms also have similar dormers on the front of the garage which would also provide outlook, therefore those rooms would not be considered to experience overbearing impacts from the new dwelling.

4.3.35 The habitable rooms above the garage would be considered to continue receiving adequate daylight due to their front windows and the gap between the rear windows and the proposed dwelling. The rear first floor windows of the rooms above the garage are clear glazed. The proposed dwelling includes one first floor rear window that could result in overlooking and loss of privacy, however that window would serve a bathroom and could be required to be obscure glazed by condition if permission was to be granted. For the reasons above, future living conditions are considered acceptable. The proposal complies with Policies D1 and D3 of the Local Plan and Section 12 of the NPPF.

#### Highways and Parking:

4.3.36 The new dwelling would have four bedrooms, which would require a minimum of two parking spaces. More than two spaces would be provided, which is acceptable. At least one cycle could be accommodated internally, which is acceptable. Visitor parking is not required for the single dwelling, however in this case there would be ample parking for visitors. Bin storage has been shown against the rear wall of the dwelling where it would be a short distance to The Drive for collection, which is

considered acceptable. Parking and access for No. 1 The Drive would not be affected.

4.3.37 The County Council highways officer has not objected to the application, subject to a condition being imposed relating to the proposed access, which is recommended in this report. The amount of vehicular traffic from the proposal would be small and is not considered harmful to the public highways network.

4.3.38 It's not considered that public highways would be adversely affected by the proposal, and that the access for the proposed dwelling is considered acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

#### Trees and landscaping

4.3.39 The site previously contained more trees in its northern half, including some substantial ones. It's unfortunate that they have been removed, however they weren't protected. Four trees are proposed to be retained near the north boundary of the site, and a larger group of trees would be retained in most of the southern half of the site. It's not considered that the proposed dwelling would harm these trees during its construction or result in future pressures for their removal.

4.3.40 The site would have a relatively small amount of new hard and soft landscaping. The new hard landscaping is not considered excessive in relation to the size of the proposal. If permission was to be granted, details of new hard and soft landscaping would be required by condition. The proposal complies with Policy NE2 of the Local Plan.

#### Ecology

4.3.41 The site has been surveyed for protected and important species, with surveys not finding any. There are no objections from the Council's Ecologist, and a condition recommended by the Ecologist to provide ecological measures in accordance with the March 2025 Preliminary Ecological Appraisal would be imposed on any permission granted.

4.3.42 The proposed dwelling would be self-build and is exempt from needing to provide the mandatory 10% Biodiversity Net Gain, which would normally be required by a standard BNG condition. Local Plan Policy NE4 can still require new developments to provide a BNG, which is considered could be achieved with the condition recommended by the Council's Ecologist. The proposal is considered acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

### 4.4 **Balance and Conclusion**

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance in para. 11 d) ii of the NPPF is engaged, where in this case the adverse impacts are not considered to outweigh the benefits of the provision of a single new dwelling.

4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

### 4.5 **Alternative Options**

4.5.1 None identified.

#### 4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

#### 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and informatives:

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to commencement of the approved development, landscaping details shall be submitted to the LPA for approval and shall include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in the March 2025 Preliminary Ecological Appraisal as already submitted with the planning application and agreed with the local planning authority prior to commencement of the approved development, demonstrating that a biodiversity net gain can be achieved from those measures/works.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework. To comply with Policy NE4 of the Local Plan.

8. The west facing first floor north elevation window of the approved new dwelling shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D3 of the Local Plan.

9. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

10. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

11. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

12. No gates shall be provided across the approved vehicular access to the site.

Reason: In the interests of highway safety and to comply with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.

13. Before commencement of the development, additional plans must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the provision of VXO off Kimpton Road, visibilities and pedestrian link to the existing bus stop and all these works shall be completed prior to first occupation of the development hereby permitted. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 115 -117 of the NPPF (December 2024). To comply with Policy T1 of the Local Plan and Section 9 of the NPPF.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

## **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.