



**Community and Place Delivery
Christine Trail – Strategic Director**

Our Ref: 5/2024/0950
Your Ref: S62A/2024/0046
E-mail: planning@stalbans.gov.uk
Date: 01/08/2024

The Planning Inspectorate
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2 The Square
Bristol
BS1 6PN

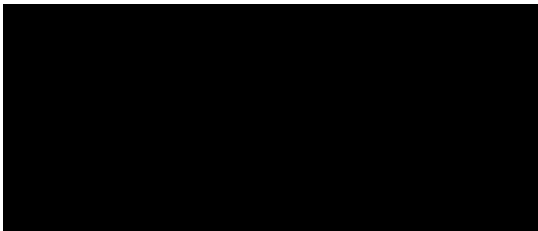
F/O the case officer

Re: 9a/9b Rosebery Avenue, Ref: S62A/2024/0046.

I write to you on behalf of St Albans City and District Council as the Local Planning Authority regarding the Section 62A Application at 9A & 9B Rosebery Avenue Harpenden Hertfordshire AL5 2Qt.

Noting the above, I attach the Local Authority comments. Some draft conditions have been included at the end of the consultation response should you look to approve the application.

Yours faithfully,



**Christine Trail
Strategic Director
Community and Place Delivery**

St Albans City and District Council – S62A comments

Site / Surroundings: No. 9A/9B is a two-storey building, containing a flat at ground floor and first floor. The properties are situated within a residential area of Harpenden. The site is within the St Albans Conservation Area.

Proposal: Section 62a designation - Demolition of existing dwellings and construction of a replacement five-bedroom house including attic accommodation & soft landscaping

Relevant Plan History:

5/2013/2962: Conversion of garage and alterations to openings (Conditional Permission granted 09/01/2014)

5/2017/2701: Demolition of existing porch and construction of two storey extension (Conditional Permission granted 23/02/2018)

5/2021/0343: Certificate of Lawfulness (proposed) - Rear dormer loft conversion (Refused 01/04/2021)

5/2021/1236: Single storey side extension with rooflights, garage conversion, first floor front terrace extension, loft conversion with rear dormer and front rooflights, alterations to openings (Refused 27/07/2021)

5/2021/3051: Single storey side extension with rooflights, garage conversion, first floor front terrace extension, loft conversion with two rear dormer windows, front and rear rooflights and Juliette balcony to rear, alterations to openings (resubmission following refusal of 5/2021/1236) (Conditional Permission 18/02/2022)

5/2023/2197: Demolition of existing building and construction of replacement dwelling with associated landscaping works, parking and new access (Withdrawn 10/05/2024)

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994 and Harpenden Neighbourhood Plan.

The National Planning Policy Framework is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 224 and 225 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

National Planning Policy Framework 2023

St. Albans District Local Plan Review 1994:

Policy 2	Settlement Strategy
Policy 4	New Housing Development in Towns
Policy 10	Loss of Residential Accommodation
Policy 34	Highways Considerations in Development Control
Policy 39	Parking Standards, General Requirements
Policy 40	Residential Development Parking Standards
Policy 69	General Design and Layout
Policy 70	Design and Layout of New Housing
Policy 74	Landscaping and Tree Preservation

Harpenden Neighbourhood Plan 2019:

ESD1	Design Strategy
ESD14	Trees and Hedges
ESD15	Sustainability and Energy Efficiency
T11	Residential Parking Standards

Supplementary planning Guidance/Documents

REPRESENTATIONS

A site notice was displayed on 16/07/2024.

While the site notice and notification letter stated to direct comments to The Planning Inspectorate, some comments have been received directly to the Local Planning Authority. The comments are summarised below;

11 Rosebery Avenue

- support the proposal
- care has been taken over the presentation and design of the proposals
- in the past 10 years only one family as lived in 92 on a permanent basis

16 Longcroft Avenue

- support the proposal
- existing properties are of a poor design with low quality materials

20 Rosebery Avenue

- replacing 2 small apartments with a large family home is unlikely to reduce the number of occupants
- No.11 rosebery avenue used to be 5 flat and is now a single family home
- Out of keeping with the original dwelling

Harpenden Society also provided comments;

- Object to proposal
- Concerned that the proposal will result in the reduction of dwellings at a time when additional homes are required.
- The society acknowledged that other older houses In Rosebery Avenue, which had been converted into separate flats, have been permitted to revert back to single dwelling, in this case the proposal is to demolish 2 modern dwellings and replace with one.
- This contrasts with a number of developments in Rosebery Ave and nearby where a single unit has been replaces by a pair of semi-detached houses.
- Having regard to the acknowledged need for more less expensive properties, the Society is opposed to proposal.
-

Town / Parish Council: Harpenden Town Council were consulted. No response has been received at the time of writing this report.

Consultations:

Hertfordshire County Council Landscaping:

The following comments are given with regards to landscape matters in line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework² (NPPF) confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes,³ and recognising the intrinsic character and beauty of the countryside.

Decisions should also ensure that new developments, are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

LOCAL DEVELOPMENT PLAN

- • Policy 1 Metropolitan Green Belt
- • Policy 69 General Design and Layout
- • Policy 70 Design and Layout of New Housing
- • Policy 74 Landscaping and Tree Preservation
- • Policy 75 Green Space within Settlements
- • Policy 80 Floodlighting
- • Policy 85 Development within Conservation Areas
- • Policy 104 Landscape Conservation
- • Policy 143A Watling Chase Community Forest

Design Advice Leaflet No.1 – Design and Layout of New Housing

Harpenden Neighbourhood Plan – 2018 - 2033

Conservation Area / Listed Building / Scheduled Ancient Monument / Registered Park & Garden – Conservation Area – Harpenden, Locally Listed Buildings surrounding.

ARBORICULTURAL IMPACT ASSESSMENT

TREE SURVEY & IMPACT ASSESSMENT

The submitted Tree Report identifies the following tree removals and works:

- We understand that it is proposed to remove 3 trees to facilitate the proposed development. It is noted that as these trees are located within the Conservation Area an application for removal will need to be made to SADC.

- We acknowledge the submission of the Tree Protection Plan that highlights the proposal to include tree protection fencing within the rear garden.

LANDSCAPE PROPOSALS

It is acknowledged that the house is not locally listed, but the dwellings adjacent are, the Design and Access Statement states that the character of the existing house is not the same as the surrounding built form.

We note that it is proposed to include new soft landscaping to the frontage of the new dwelling, a new hedge is also proposed to mirror that of No.11 behind a low brick wall. This is a supported approach to integrate the new dwelling with the surrounding character of the street.

The Design and Access Statement makes reference to the loss of 1 tree in the rear garden, however there are 3 proposed for removal. This should be clarified as the Harpenden Neighbourhood Plan Policy ESD14 – Trees and Hedges, states that any loss should be mitigated at a 2:1 ratio.

Further clarification around the soft landscaping for the site is required as the submitted plans do not show a consistent approach. The Proposed Soft Landscaping Plan should include the existing trees that are to be retained in the rear garden as currently it does not.

SUMMARY & CONCLUSION

As mentioned above clarification around the No. of trees removed from the rear garden should be clarified and the proposed mitigation planting should be stated. The applicant should also produce a Proposed Soft Landscaping plan that includes the retained trees.

A consistent set of proposed plans should be included that have the final proposed layout included. As currently the Proposed Soft Landscaping Plans do not match to the Proposed Plans and Elevations.

We therefore advise the LPA that further clarification is required around the soft landscaping proposals for the site as the submitted plans are not consistent.

Hertfordshire County Council Highways:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

COND1) Provision of Pedestrian Visibility Splays

Prior to the first occupation of the development hereby permitted 0.65 x 0.65 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

COMMENTS

Context: Rosebery Avenue is an unclassified local access road and is highway maintainable at public expense. A 30mph speed limit applies, on HCC's Place and Movement network, Rosebery Avenue is classed as P2/M1 (Eg. Residential Street). No reportable highway collisions recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (on the PRow map) directly affects the site or would be affected by the proposal. The county council considers Rosebery Avenue not to be a traffic sensitive road. A footway is located across the front, and to the side, of the site.

Proposed Development: Involves the demolition of existing dwellings and construction of a replacement five bedroom house including attic accommodation & soft landscaping.

Access: An existing dropped kerb and vehicle crossover provides for vehicular access from the highway to the frontage of the site. The application form states that no new or altered vehicular or pedestrian access is proposed to or from the public highway. New side and front boundary treatments are proposed, a condition is recommended to safeguard pedestrian visibility.

Trip Generation: The additional habitable space to be created as a result / nature of the proposed development is unlikely to result in an increase in additional vehicle trips to and from the site. No significant, or severe, impact on the transport network is identified.

Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be achieved within the boundary of the site and not overhang the highway, including the highway footway / grass verge / vehicle crossover. A hard-surfaced driveway would make provision for on-site parking spaces.

Accessibility: A footway is located to the front and side of the application site, providing pedestrian access to the local area and amenities on Luton Road. Harpenden Town Centre is approximately 650m to the east of the site. Several bus stops are located within a short walk from the site (Luton Road) with both northbound and southbound services. Harpenden Train Station is approximately 1.1km to the southeast of the site (approximately 16-minute walk)

Surface Water Flood Risk to the highway: The transport network needs to be resilient to the risks from the impacts of climate change, including changing weather patterns and extreme events. Policy 5 and of the Hertfordshire Local Transport Plan (LTP4) seek to secure developer mitigation measures to limit the impacts of development on the network. HCC's Place and Movement Planning Design Guide, states that water from areas that are not adoptable highway must not be allowed to run onto areas of adopted highway. The Government's flood risk maps for planning indicate parts of the nearby highway carriageway to be at low risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>

The application indicates that surface water will be discharged by way of a soakaway, an informative is recommended on this respect (AN4).

Emergency Vehicle Access: Consistent with the National Planning Policy Framework (2023), paragraph 116 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2). Requirements are set out in the Building Regulations: Fire Safety Approved Document B, Vol 1, Dwellings, 2010 (as subsequently amended). Access for a pumping appliance should be provided to within 45m of a single dwelling house (and within 45m of all points within the dwelling house). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.

Access for Waste Collection Vehicles: The proposal will not affect existing access arrangements for kerbside collection.

CONCLUSION: HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above highway condition and informatives/ advisory notes.

Hertfordshire County Council Ecology:

Overall Recommendation: Application can be determined with no ecological objections (with any Informatives/Conditions advised below).

Summary of Advice: An **Informative** for a precautionary approach to works should be added to any permission granted.

Precautionary Approach to Works

Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in trees if suitable features and conditions are available. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young.

The Hertfordshire Environmental Records Centre (HERC) does not have any existing habitat or species data for this site, however given that proposals involve demolition, as well as the removal of trees, in the unlikely event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted:

“If bats or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

In order to protect breeding birds, their nests, eggs and young, vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”

Biodiversity Net Gain (BNG)

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.

- a) Self-build and custom build applications:
 - a. An exemption applies to this type of development when it meets all the following conditions:
 - i. consists of no more than 9 dwellings;
 - ii. on a site that has an area no larger than 0.5 hectares;

iii. consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1 (A1) of the Self-build and Custom Housebuilding Act 2015.

The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it at face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.

Trees & Woodlands: No response has been received at the time of writing this report.

Environmental Compliance: No response has been received at the time of writing this report.

DISCUSSION

Main Issues:

The main considerations, in relation to the determination of this application are the principle of development, character and appearance, impact on the amenities of future occupiers, and impact on the amenities of neighbouring residents, the impact on trees and landscaping, the impact of the proposal on surrounding highways and parking standards, sustainability and energy efficiency and Biodiversity net gain.

Principle

The Council cannot demonstrate a 4 year housing land supply as set out in the NPPF, and the absence of a 4 year supply is a material consideration that carries significant weight.

The site is located in Harpenden, which is identified as a Town in Policy 4 of the St Albans District Local Plan Review 1994. Policy 4 states that in Towns, there is a presumption in favour of housing on sites where housing would be consistent with the other policies contained within the Local Plan.

The proposal would result in the loss of the existing building which currently contains 2, 3 bedroom flats. While the existing floor plans appear to indicate that there are only 2 bedrooms at first floor, the property was recently listed on letting websites as containing 3 bedrooms each. The proposed replacement dwelling would contain 5 bedrooms and would therefore result in the loss of one housing unit.

Policy 10 of the Local Plan states '*proposals which would result in a net loss of dwellings through demolition, or the loss of part or all of a dwelling by a change of use will normally be resisted.*'

The Design and Access statement provides the following statement in relation to the loss of a housing unit.

'Although the proposal here involves the loss of one bedroom residential unit, this is insignificant in relation to the general housing stock in Harpenden and there is already precedent from the planning detriment for the reduction in residential units already on the road at 1 Rosebery Avenue and 11 Rosebery Avenue...a house out of keeping with the road in terms of its

architectural character and appearance is being replaced with a single dwelling much more in keeping with the road in terms of its aesthetic appeal and visual amenity.. It would also replace an old 1970's house which is not environmentally satisfactory in terms of heat loss and energy consumption'

Firstly, while the comments are noted citing other residential units that have been replaced No.1 Rosebery Avenue was an application from the change of use from C2 (residential institution to C3 (dwelling house). The proposal was therefore considered to have gained 1 residential housing unit. The discussion of the conversion of No.11 Rosebery Avenue from four flats to one dwelling is noted, however this was pre NPPF and the housing land supply position has worsened considerably since this decision. It is not therefore considered that a precedent has been set for the loss of housing units within the area.

The comments in relation to the existing house appearing to be out of keeping with the road in terms of its architectural character and appearance are noted. While the existing house does not architecturally replicate the immediate neighbouring dwellings, No's 16, 18 and 20 which are sited opposite the application site all represent different architectural styles. In any case, the design of the existing building is not considered to significantly outweigh the loss of one housing unit. Likewise, the unsatisfactory heat loss and energy consumption is not sufficient justification for the loss of one housing unit.

While the above is noted, it has not been sufficiently evidenced why the provision of two housing units has not been explored on site. There is also an argument that there is a greater identified need for a 2 3 bedroom dwellings over the need for one 5 bedroom dwelling.

Overall, given the council cannot demonstrate a 4 year housing land supply, as required by the NPPF, the proposed loss of one housing unit is considered unacceptable and would be contrary to Policy 10 and the relevant provisions of the National Planning Policy Framework 2023.

Character and Appearance, Impact on Conservation Area

The site is located within the Harpenden Conservation Area. Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of Listed Buildings and Conservation Areas Act (1990).

Chapter 16 of the National Planning Policy Framework (NPPF) also sets out guidance relating to conserving and enhancing the historic environment. It notes that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of proposed development on the significance of a designated Heritage asset, such as a conservation area, the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. With regards to non-designated heritage assets, such as locally listed buildings, the NPPF guides that local authorities should make a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

This will be assessed in relation to Policy 69, 72, 85 of the Local Plan which are consistent with the aims of the NPPF and therefore weight should be attached to the provision of these policies.

The existing building is two-storeys in height and features a front gable and balcony. Notwithstanding the above assessment on the loss of a housing unit, no objections are raised to the loss of the existing building upon the character and appearance of the Conservation Area. The character of the surrounding area is predominantly made up of two-storey dwellings located on spacious plots and a variety of building styles are present, however these remain traditional in design.

The application proposes a two-storey dwelling with habitable loft accommodation. While an area of flat roof is proposed, this would be hipped on all sides, reducing visibility in the street scene. A front gable element is proposed which is considered to have an acceptable impact on the street scene. Two small flat roof dormers are proposed as part of this application. While rear dormer windows are not a characteristic feature of this area, they are comparable to those approved under 5/2021/3051 at the application site. Solar panels are proposed on the side roof slope facing towards No.9 and on the flat roof area. While some visibility may exist from the street scene, they are indicated to be flush to the roof slope and are therefore not considered to be a harmful addition in this case.

While the existing and proposed floor levels are indicated, these refer to finished floor level. A condition requiring the structural slab levels to be provided would be attached to any permission.

The application proposes the use of red facing brickwork, dark brown plain clay tiles and white timber Georgian style casement windows. The elevations would also benefit from Portland stone detailing around the windows and door. While these materials would appear acceptable, given its position within the conservation area, any permission would be accompanied by a condition requiring a sample of materials.

Given the above, the development is acceptable and will not detract from the character and appearance of the street scene, in compliance with Policies 69 and 70 of the St Albans District Local Plan Review 1994, ESD1 and ESD2 of the Harpenden Neighbourhood Plan 2019 and the National Planning Policy Framework 2023.

Landscaping and Trees

The site benefits from some trees on site which currently from the boundary between 9a and 9b Rosebery Avenue. The details provided in the submitted arboriculture report indicates that three trees would be removed. Given these are indicated to be category C and U trees, their loss is considered acceptable. The other trees on site are indicated to be retained and protected during development. Providing the tree protection is in place as identified and secured via condition, the proposal is therefore in compliance with Policy 74 of the St Albans Local Plan 1994..

The application does indicate that the proposal would constitute a loss of 3 trees. In alignment with Policy ESD14 of the Harpenden Neighbourhood Plan 2019, replacement planting is proposed and therefore the proposal is not considered to result in a net loss of trees. A condition will be attached to any permission requiring the planting of these.

Future Amenity

The proposal is considered to have an acceptable impact on the amenity of future occupiers of the dwelling and would therefore comply with Policy 70 of the St Albans District Local Plan Review 1994.

The proposed five bedrooled dwelling would have an amenity space of approx. 506sqm, in excess of the requirements of Design Advice Leaflet No.1. The dwelling would exceed the he Government's Technical Housing Standards – Nationally Described Space Standards that sets of that a two-storey 5-bedroom dwelling should have a gross internal area (GIA) of at least 128sqm. Defensible space of 3m is provided between windows of habitable rooms at ground floor level and areas to which the public has access.

Policy 70 of the St Albans District Local Plan Review 1994 sets out that a tolerable level of visual privacy should be provided to habitable rooms, and to a lesser extent private gardens. A window to window distance of 27m should be provided and a distance of 13.5m should be provided between the rear elevation of the dwelling and the application site boundary. A distance of approx. 27m is retained to the rear boundary and around 53m to the rear window of dwellings on Longcroft Avenue. This is considered acceptable.

Internally, all main habitable rooms within the dwelling would have an acceptable outlook and standard of environment.

Neighbouring Amenity

Amenity of Neighbouring Residents Policy 72(v) of the Local Plan Review seeks that proposed extensions in residential areas do not cause harm to the amenities of neighbours.

No's 18, 20, 22 Longcroft Avenue

The proposal is situated approx. 27m from the rear boundary with a further separation distance of around 53m to the rear elevation of the dwelling situated on Longcroft Avenue. Sufficient space is retained.

No.11 Rosebery Avenue

The two-storey built form is not indicated to project beyond the rear elevation of No.11. While the single storey element projects beyond the rear elevation, given its depth would be minimal and it would be set off the boundary, it is not considered to be overbearing in nature. The single storey element does not appear to intersect the BRE 45 degree approach for the ground floor openings and is therefore not considered to result in a loss of light.

No.11 benefits from two first floor openings however these appear to serve non habitable rooms which would not result in a loss of amenity. The window contained within the second floor is indicated to serve a spare bedroom. Given the separation distance and level change, the proposed dwelling would not appear to be overbearing or breach the BRE 25 degree approach to this window.

Whilst the first floor windows facing the dwelling are considered acceptable, any permission would be accompanied by a condition requiring these to be obscure glazed.

No.9 Rosebery Avenue

No.9 is situated to the south of the application site and benefits from a single storey side garage sited close to the boundary. The proposed two-storey built form would extend around 4.6m beyond the rear elevation of the garage, while the single storey element would extend a total of approx. 7.5m beyond this elevation. The proposal would appear to be splayed away from the boundary with No.9 and is not considered to be overbearing in nature.

It is noted that No.9 has permission to convert the garage to a gym. This conversion had not taken place when a site visit was carried out in March 2024 however it is unclear whether or not this has commenced. The two storey part would appear to breach the BRE 45 degree on plan form and elevation, therefore it would be necessary to make an assessment whether or not this would result in a harmful loss of light.

At present, No.9 benefits from two side facing windows facing the application site. While one of these windows serves a landing area, the other window served a bedroom. The second floor also has a side-facing window serving a sixth bedroom. These windows would appear to be the sole source of light serving these rooms. Given a distance of approx. 11m is retained to the side boundary; it does not appear to intersect the BRE 25 degree line of visibility.

The side rooflight appears acceptable and would be accompanied by a condition requiring this to be obscure glazed and non-opening below a height of 1.7m.

Air source heat pumps are indicated on the external flank wall. A condition seeking a noise assessment in relation to these would be attached to any permission.

Impact on Highways Safety and Parking Provision

The application proposes a 5-bedroom replacement dwelling. The total requirement of the redevelopment is therefore 3.5 parking spaces. The submitted plans indicate that 3 parking spaces would be provided, however the scale of the driveway would indicate that more than 3 vehicles could be accommodated. The proposal is therefore in accordance with Policies 39 and 40 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

An existing dropped kerb and vehicle crossover provides vehicular access from the highway. The application form states that no new or altered vehicular or pedestrian access is proposed. HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of highway conditions and informative.

The proposal is therefore in accordance with Policies 34 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

Sustainability and Energy Efficiency

Policy ESD15 of the HNP states that ‘Developments should be designed to minimise energy consumption including through the use of sustainable materials, high-energy efficiency levels. The incorporation of renewable energy initiatives and the efficient design of the building’. Sustainability is discussed within the design and access statement submitted as part of this application and is considered to comply with Policy ESD15 of the Harpenden Neighbourhood Plan 2019.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Planning Balance

The proposal would result in the loss of one housing unit. Given the council cannot demonstrate a 4-year housing land supply, as required by the NPPF, the proposed loss of one housing unit is considered unacceptable and would be contrary to Policy 10 and the relevant provisions of the National Planning Policy Framework 2023.

The benefits in regards to sustainability are not considered sufficient to outweigh the loss of a housing unit in this case.

Recommended Conditions should the inspector wish to grant permission

- 1. Time limit condition – 3 years***
- 2. Approved plans***
- 3. Sample of Materials***

Condition - Prior to works above ground commencing in respect of the construction of the replacement dwelling, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the finished appearance of the building is satisfactory. To comply with Policies 69 and 72 of the St. Albans District Local Plan Review 1994 and ESD1 of the Harpenden Neighbourhood Plan 2023.

4. *Slab levels*

Condition - No above ground works in respect of the replacement dwelling, other than demolition and site clearance works, shall take place until details of existing levels and proposed structural slab levels have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall proceed in accordance with the agreed details.

Reason - In the interests of visual amenity and to retain control over the development. To comply with Policy 69 of the St. Albans District Local Plan Review 1994.

5. *Tree protection*

Condition - The development hereby approved shall be carried out in accordance with the measures as set out within the Arboricultural Report, which included the provisions.

Reason - To protect significant trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2023.

6. *Replacement planting*

Condition - Prior to the first occupation of the dwelling, a plan detailing replacement tree planting at a ratio of 2:1 to compensate for trees lost by the development has been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall proceed in accordance with the approved details. Replacement tree planting shall be carried out within 3 months of first occupation of the dwelling, or in accordance with a programme as otherwise agreed with the Local Planning Authority.

Reason - To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy ESD14 of the Harpenden Neighbourhood Plan and Policy 74 of the St. Albans District Local Plan Review 1994.

7. *Hard and soft landscaping condition*

Condition - Prior to works above ground, in respect of the replacement dwelling, other than demolition, details of both hard and soft landscape works to the front

garden shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (a) proposed finished levels and contours; (b) means of enclosure/boundary treatments; (c) car parking layouts; (d) other vehicles and pedestrian access and circulation areas; (e) hard surfacing materials

Reason – To ensure that the development does not detract from the appearance of the locality. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition- Soft landscape works required to be submitted under Condition 7 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.

Reason - To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

8. *Obscure glazing*

Condition - The windows to be created in the first floor side elevations facing towards No.11 Rosebery Avenue and the rooflight facing towards No.9 Rosebery Avenue shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

9. *Air source pumps*

Condition - Prior to first use of the air source heat pumps hereby permitted, a noise assessment should be carried out, submitted to and approved in writing by the Local Planning Authority in consultation with SADC Environmental Compliance to establish whether the air source heat pumps to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that noise from the air source heat pumps does not, at any time, increase the ambient equivalent continuous noise level at the boundary of nearest noise sensitive receptors.

Development thereafter shall be carried out in accordance with the approved details.

Reason - To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

10. Highways Visibility splays

Condition - Prior to the first occupation of the development hereby permitted 0.65 x 0.65 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason - To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

11. Biodiversity Net Gain

Condition - The dwelling(s) hereby approved shall be constructed as self-build and custom housebuilding dwelling(s) within the definition of self-build and custom build dwellings in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended):

- i) The first occupation of each dwelling in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling;
- ii) The Council shall be notified, in writing, of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.

Reason - To ensure the development complies with the self-build and custom house build exemption from biodiversity net gain as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Informative recommended by consultation responses

1. Biodiversity Net Gain
2. Highways
3. Ecology