

## 6. APPEALS

### A. LODGED

- (i) 4/01571/12/ENA Mr McLaughlin  
Appeal against Enforcement Notice – construction of 2 dwellings  
11 Bank Mill, Berkhamsted  
  
Delegated
- (ii) 4/01829/12/FUL Mr Cowman and Mr McLaughlin  
Construction of 2 No. 3-bed dwellings  
11 Bank Mill, Berkhamsted  
  
Committee
- (iii) 4/01555/12/FUL Mr and Mrs Ingman  
Dwellinghouse  
328 High Street, Berkhamsted  
  
Committee
- (iv) 4/00538/12/FUL Mr Mark Tully  
Change of Use from garage/workshop to dwelling  
Land at 59 Cowper Road, Hemel Hempstead  
  
Delegated
- (v) 4/00211/13/ENA Mrs Louise Atkins  
Appeal against Enforcement Notice - Material change of use of land from grazing land to residential  
Lodge Farm Cottage, Rossway, Berkhamsted  
  
Delegated
- (vi) 4/00371/13/LDP Mr Anastasiou  
Certificate of Lawful development for single storey rear extension  
High Clere, Tower Hill, Chipperfield  
  
Delegated

- (vii) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of  
extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden  
  
Delegated
- (viii) 4/00014/13/FHA Mr William Jenkins  
Replacement front door  
10 Shrublands Avenue, Berkhamsted  
  
Delegated
- (ix) 4/00146/13/FUL Mr S Wright-Browne  
Replacement dwelling  
Site at Ivycote, St Albans Hill, Hemel Hempstead  
  
Committee
- (x) 4/000171/13/FUL Mr & Mrs Gill  
Detached dwelling and garage  
R/o 21 Pancake Lane, Hemel Hempstead  
  
Delegated
- (xi) 4/00256/13/ROC Chipperfield Land Co.  
Variation to conditions 15 and 16  
The Pines, North Road, Berkhamsted  
  
Committee
- (xii) 4/02223/12/FHA Mr G Hosking  
Single storey rear extension and other works  
Oak Bank, Bell Lane, Berkhamsted  
  
Committee
- (xiii) 4/00415/13/FHA Khalid Ahmed  
Two storey side extension  
162, High St, Northchurch  
  
Delegated

- (xiv) 4/01749/12/FHA Clare Lawrence  
Parking bay  
14 Kingsland Road, Hemel Hempstead  
  
Delegated
- (xv) 4/00522/13/FHA L Stedman  
Two storey rear extension and front bay window  
Stockley, Love Lane, Kings Langley  
  
Delegated
- (xvi) 4/00224/12/FUL Chipperfield Land Co  
Demolition of garage, swimming pool and extension.  
Refurbishment of existing dwelling to form two  
dwellings and construction of 4 new dwellings.  
The Pines, North Road, Berkhamsted  
  
Committee
- (xvii) 4/00147/13/ENA Mr S Rasa & Mr S Rasa  
Two storey rear extension  
54 Aycliffe Drive, Hemel Hempstead  
  
Delegated

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

- (i) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of  
extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden  
  
Delegated

19 November 2013 in the Bulbourne Room

**D FORTHCOMING HEARINGS**

None

**E DISMISSED**

- (I) 4/02338/11/MFA Berkhamsted School  
Astroturf  
Kitchener's Field, Castle Hill, Berkhamsted  
Committee

Non-floodlit, all weather hockey pitch and athletics track, perimeter fence and soft landscaping on existing playing field (amended scheme)

Kitcheners Field, Castle Hill, Berkhamsted HP4 1HE

Committee

The Inspector identified two main issues :

- 1) The effect of the proposal on openness of the Green Belt and on the character and appearance of the area, which lies within the Chilterns Area of Outstanding Natural Beauty (AONB), and
- 2) Whether the material considerations in this case are sufficient to clearly outweigh the harm through inappropriateness, and any other harm, so as to justify the development.

Note: The Inspector concluded that the issues are 'finely balanced' clarifying that there are strong misgivings about whether there are viable alternative, less environmentally sensitive sites available to the appellants. The School's failure to refute this suggestion weighed against the proposal's benefits.

*The Green Belt's Openness/ Effect upon the AONB.*

The proposal constitutes inappropriate development in the Green Belt and the harm through inappropriateness is considerable. There will significant harm through loss of openness.

The fencing would appear as a significant structure and an interruption to views across the field and those neighbouring to the north extending built development further north into a part of the valley which is otherwise devoid of buildings, apart from a farm to the north. The proposal would be seen as a skyline feature when viewed from the south.

The artificial surfacing and the levelling of the north-east corner of the site would not affect openness to any significant degree.

The NPPF expects LPAs to enhance the beneficial use of the Green Belt including opportunities for outdoor sport and recreation. The proposal would comply with this objective.

*Effect upon the AONB*

DBLP Policy 97 (AONBs) ensures the AONB's conservation is the prime planning consideration. Intrusive fencing is not acceptable. There would be conflict with DBLP

Policy 97, Policy CS36 and with the NPPF's more recent advice.

The site forms part of an attractive landscape, where there is a mix of farmland and woodland in rolling countryside. The sports facilities at Kitcheners Fields mark a transitional zone between the town and the countryside. At present, the application site appears as well-tended grassed sports fields, which, although 'manmade', nevertheless fit in well with the adjacent farmland, gently merging with the open countryside.

In contrast, the proposed fencing, which would have a greater built presence and would be more akin to an urban or suburban development. The pitch's all-weather surface would stand out as being artificial, and it would be readily distinguishable from the undeveloped playing fields. The levelling and the cutting into the hill slope would also add to the site's artificial appearance.

In combination the fencing and levelling would result in serious harm to the AONB's beauty.

*Other Considerations:*

- *Need for the Facility*

The school does not have and needs an all-weather hockey pitch. Hockey is a winter.

The Active Hertfordshire Sports Facility Strategy 2007-2016 identifies a need for additional hockey pitches in the county and for artificial turf pitches in schools. The provision of a new hockey facility has benefits to the pupils and local clubs and others who might use it. The proposal accords with the NPPF's promoting healthy communities.

The proposal has Sport England's support, subject to it being available for use by the community to which the Inspector placed considerable weight.

- *Alternative Locations.*

The Inspector PINs noted that the School confirmed that there are no other locations on its premises within the town which could accommodate the pitch, without an adverse effect on the provision of other sports.

- *Traffic Implications: Traffic Generation & Parking.*

There is insufficient evidence to show that there would be significant increases in the volume of traffic using the site.

(ii) 4/02160/12/FUL

Mr Mark Smith  
3 Bedroom detached dwelling  
R/O 32 Ashlyns Road, Berkhamsted

Delegated

The Inspector considered that the loss of trees required by development on the wholly tree- and shrub-covered site would materially detract from of established character of the area. The house, to be built on raised ground, would be of poor design and would not provide the high quality required by the NPPF. The rear elevation would appear monolithic and would materially affect residents' living conditions. The garden would be of insufficient size for a three/four bed dwelling and would provide a poor quality area of amenity space which would not be functional.

The steep, single-track drive would provide the only access to parking for the dwelling. Access for service vehicles was considered inadequate and the Inspector concluded that the proposal would result in danger to pedestrians and vehicles.

He also opined that the proposal failed to make required provision to mitigate the impacts of development on infrastructure, services and facilities as there was no S106 unilateral undertaking.

**F ALLOWED**

None