

## **6. APPEALS**

### **A. LODGED**

- 4/00868/14/FUL MR A ASHFAQ  
CHANGE OF USE FROM RETAIL (A1) TO FAST FOOD OUTLET (A5),  
OPENING HOURS 11AM-11 PM AND INSTALLATION OF AN EXTERNAL  
FLUE PIPE  
ENTREAT, GOSSOMS END, BERKHAMSTED, HP4 1DD  
[View online application](#)
- 4/00881/14/FUL Chedgate Properties Ltd  
DEMOLITION OF EXISTING OFFICE BUILDING AND CONSTRUCTION  
OF 4 X 2 BED AND 2 X 1 BED FLATS WITH ASSOCIATED CAR  
PARKING  
17 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 5BS  
[View online application](#)
- 4/01012/14/FHA MR P JACKSON  
REPLACEMENT DOUBLE GARAGE WITH SELF CONTAINED  
ACCOMMODATION  
6 WESTWICK CLOSE, HEMEL HEMPSTEAD, HP2 4NH  
[View online application](#)
- 4/01970/14/FUL MR P BYRNE  
DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-  
BEDROOM DWELLING  
13 COBB ROAD, BERKHAMSTED, HP4 3LE  
[View online application](#)

### **B. WITHDRAWN**

None

### **C. FORTHCOMING INQUIRIES**

None

### **D. FORTHCOMING HEARINGS**

None

### **E. DISMISSED**

- 4/00322/14/FUL Mr & Mrs M Batchelder  
NEW DWELLING WITH VEHICLE/PEDESTRIAN ACCESS AND  
ASSOCIATED EXTERNAL WORKS (AMENDED SCHEME)  
GATES HEATH, SHOOTERSWAY, BERKHAMSTED, HP4 3NJ  
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Development was for an infill two storey detached house in the back garden of a corner plot.

The inspector agreed broadly with all the reasons for refusal .

Policy notes:

'The SPG significantly pre-dates the Government's National Planning Policy Framework ('the Framework'). Nevertheless, it remains relevant in my view and is sufficiently compatible with the principles of the Framework that I can continue to give its policies significant weight.'

This is another appeal decision I've had where the inspector doesn't make any reference to our saved DBLP appendices. Saved DBLP policy 99 (trees) has also been ignored.

Appearance/Street scene notes:

The inspector agreed the insertion of the dwelling in the back garden would unacceptably alter the layout, density and character of the area.

Although design was not a reason for refusal to which he agreed he added the unique style would draw the eye to the inappropriate siting and layout which would breach the dominant character of the area and would be visually emphasise the manner in which the new dwelling's plot size and layout was atypical of the area.

The proposed dwelling would intrude into the street scene to be visually discordant and mask some views of visually important trees.

Neighbouring Amenity notes:

Agreed overlooking would be unacceptable between donor and proposed property and adjacent property 1 Crossways but not The Ridge which is sited at an angle to the proposed property. By being sited forward of 1 Crossways the proposed property would also be unduly harmful to outlook and light.

Trees:

Inspector accepted there would be some risk to trees but could be overcome by appropriate conditions for Lawson cypresses and Yew tree located behind the proposed property. However A Beech tree near the front of the property on 1 Crossways land was considered to provide an important landmark and whilst possible to protect during construction the proximity would promote future conflict which would unacceptably alter the tree leading to harm to the character and appearance of the area contrary to CS11 and CS12

S106:

Agreed at later date therefore reason or refusal overcome. Agreed our standard template meets the relevant requirements.

Costs Application - Dismissed:

Appellant contended we had acted unreasonably due to having only received tree comments the day before the day of determination given them no realistic chance to respond. There had been a history of a previous refusal on site and TPO order put in place to which the appellants were involved in strongly objecting to.

The inspector agreed that the appellants significantly weakened their application for costs by being aware of the issues and not engaging in pre-application discussions. There were also

other substantive:

Issues for refusal and he was unconvinced a solution could have been reached given other concerns. Even if there was scope for a solution this is best to occur in an environment less dominated by targets and discussion before the application would have prevented the situation from occurring altogether.

## **F. ALLOWED**

4/00944/14/FHA

DR HELEN WATERHOUSE  
FIRST FLOOR SIDE EXTENSION AND TWO STOREY FRONT  
EXTENSION  
10 DEANS CLOSE, TRING, HP234AS  
[View online application](#)

The Inspector noted that the proposed first floor side extension would result in the gable wall of the appeal property being brought out approximately 2.8m closer to No. 23 and across most of the width of its rear garden. However, despite the proposed side extension resulting in the first floor gable being closer to No. 23; it being positioned on the shared boundary between the two properties; and the difference in ground levels, it was considered that the retained separation distance between the two dwellings would ensure that the proposal would not be unacceptably overbearing. In reaching a decision, the conservatory extension at No. 23 was taken into account, which has reduced the original garden length of the property; however this did not alter the Inspector's findings. Additionally, the removal of existing upper floor windows directed towards No. 23 was considered a benefit.