

6. APPEALS UPDATE

A. LODGED

None

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00415/16/FUL BULL HOMES LTD
DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF 9
DWELLINGS
33 & 35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ
[View online application](#)

With respect to character and appearance considerations, the Inspector opined that in this instance of backland development, the rear line of five dwellings would be isolated and unrelated to the street frontage, although due to gently rising levels to the rear and their scale, the buildings to the rear would be highly prominent; concluding that the bulk, massing and scale of the dwellings would introduce significant structures behind the road frontage which would be alien and uncharacteristic. The proposal would have the effect of shifting the building pattern closer to the adjacent field to the rear of the site and diminish the openness and inter-visibility of the remaining undeveloped gardens either side, appearing cramped in its context. Nearby developments that give depth to development along the street are not located within a series of contiguous rear gardens. Boundary treatment and screening to the rear would not overcome these objections.

In terms of noise, the Inspector described the access road leading to the development and particularly the rear line of dwellings, would have a distinct highway function and character, and would result in a level of activity that would be incongruous in this quiet amenity space where residents can expect a degree of separation from the noise associated with the comings and goings of vehicles and their occupants. If fencing higher than the 1.8m is needed to mitigate the effects of the development, this would weigh against the proposals and would be incongruous in a garden setting.

Tree planting would not mitigate the loss of privacy of adjoining occupiers as trees would take some years to establish and cannot be presumed to exist in perpetuity.

It was also noted that the rear line of the development would significantly encroach into the outlook of occupiers of neighbours either side, and would have a moderate enclosing and overbearing effect; however would not warrant dismissal in the absence of other concerns.

The decision concludes with a brief section on paragraph 14 (NPPF) and the planning balance.

4/01857/16/FUL

WHISTON
NEW DWELLING WITH VEHICLE ACCESS FROM GRAVEL LANE
(AMENDED SCHEME).
1 BARBERRY ROAD, HEMEL HEMPSTEAD, HP1 1SD
[View online application](#)

Dismissed appeal attached following a delegated refusal for an infill detached dwelling in Counters End HCA8. The locality surrounding the site is low density, very spacious and well-landscaped. The immediate Gravel Lane street scene features a staggered building line formed by four / five detached dwellings and the proposed dwelling would be sited forward of this which the Inspector found would appear at odds with the prevailing pattern of development. As a consequence, it would be an unduly dominant feature in the street scene, eroding the overall integrity of the relationship between the existing line of dwellings and the highway. The shorter front garden depth compared with its neighbour would create the impression of a high-density development tightly squeezed on the site. The public views of the development and its relationship with neighbouring dwellings would be clearly visible when approaching from both ends of the street, thereby intensifying this harmful impact. Dwelling design and spacing between dwellings would not reduce the visual impact identified. With respect to the garden size, it would be functional, however the restricted depth would not allow for the same extent of landscaping as adjoining properties and reinforces the incongruity of the development, contrary to Policies CS11 and CS12.

Decision concludes acknowledging that other developments put forward as examples by the appellant are not directly comparable to the current proposal in terms of dwelling proposed and townscape character, and any pre-application discussions have little bearing on the planning merits of the scheme considered.

4/02205/16/FUL

Williams
PART DEMOLITION OF EXISTING STORE AND GARAGE, EXTENSION
AND SUBDIVISION OF EXISTING DWELLING FORMING LINKED NEW
DWELLING. ALTERATIONS TO LANDSCAPING PARKING AND
CROSSOVERS
24 NETTLEDEN ROAD NORTH, LITTLE GADDESDEN, BERKHAMSTED,
HP4 1NU
[View online application](#)

The main issues are the effect of the development on:

- ? The character and appearance of the Little Gaddesden Conservation Area (CA) and the setting of the Grade II listed building, 22/23 Nettleden Road (No 22/23);
- ? The living conditions of occupiers of 23/23 Nettleden Road with particular regard to privacy; and,
- ? Whether the development would be compliant with relevant local policies in respect of small scale development in rural areas.

In the light of the above, I conclude that the development would be contrary to the provisions of both the Act and the Framework which seek to conserve and enhance the historic environment. It would also be contrary to Policy CS27 of the Local Plan which requires development to conserve and enhance the appearance and character of CAs and protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets.

However, on balance and in relation to the garden, I conclude that the development would be contrary to LP Policy CS12 which requires development to avoid loss of privacy.

However, this development would have a significant impact on the character and appearance of the countryside, and would therefore be contrary to the provisions of LP Policy CS7.

Interested parties have raised an issue as to whether the site constitutes previously developed land. However, the development would replace permanent ancillary buildings. Furthermore, although gardens within built-up areas are not considered to be previously developed land, I am not satisfied that the appeal site could be considered to be within a built-up area. This is reinforced by the Council's application of LP

Policy CS7 which relates to rural areas.

However, even if the Council was unable to demonstrate sufficient housing land supply, the development would make a very limited contribution to local housing. Furthermore, in this instance, the adverse impacts of the development, particularly in regard to the CA and the setting of the adjacent listed building, would significantly and demonstrably outweigh that limited benefit.

For the reasons given above and taking all matters into account, I conclude that the development would be contrary to national policies in relation to heritage assets, and the relevant policies of the Council's Local Plan. Therefore the appeal should be dismissed.

4/02899/16/MOA 499 London Road Ltd
DEMOLITION OF EXISTING RETAIL CAR SHOWROOM, WORKSHOP AND
ASSOCIATED FACILITIES AND CONSTRUCTION OF OFFICES WITH
RETAIL AND LOBBY AREAS (ALL MATTERS RESERVED)
499 LONDON ROAD, HEMEL HEMPSTEAD, HP3 9BG
[View online application](#)

The appeal was against the refusal for outline planning permission (all matters reserved) for the proposed demolition of existing retail showroom, workshop and associated facilities and construction of offices with retail and lobby areas.

The application was refused by DBC due to a lack of information to confirm that the proposal would not adversely impact upon both the highway network and the health and vitality of the town centre.

On the matter of highway impact, the Inspector was satisfied that there was insufficient information provides to confirm that the development would not conflict with the requirements of Saved Policy 51 and Core Strategy Policy 9.

With regards to the impact of the proposals on the health and vitality of the town centre, the Inspector concluded that there was insufficient evidence to enable them to conclude that the development would not have an adverse effect on the viability and vitality of retail outlets in other locations, including the town centre. This would be contrary to CS Policy CS16 as outlined above, as well as Saved Policy 44 of the Local Plan which requires a sequential approach to site selection in order to demonstrate need for development and ensure it would not damage the vitality of nearby town or local centres.

The Appellant's application for costs was also dismissed.

4/03073/16/MOA 499 London Road Ltd
DEMOLITION OF EXISTING RETAIL CAR SHOWROOM, WORKSHOP AND
ASSOCIATED FACILITIES AND CONSTRUCTION OF OFFICES WITH
RETAIL AND LOBBY AREAS, CAFETERIA AND INTERGRATED BASEMENT
PARKING (ALL MATTERS RESERVED)
499 LONDON ROAD, HEMEL HEMPSTEAD, HP3 9BG
[View online application](#)

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Local Plan which requires a sequential approach to site selection in order to demonstrate need for development and ensure it would not damage the vitality of nearby town or local centres.

In addition for these reasons for dismissal, the Inspector also stated that the spread of development would be likely to encroach beyond the current building line. The positioning of a structure beyond the building line would be overbearing, particularly given the relatively narrow road and footway width and the scale of the existing dwellings on both sides of Boxmoor. This section of London Road a distinctive semi-rural character which would be diminished by development on a scale that neither respected nor reflected its context.

It was concluded that the proposals would have an adverse effect on the character and appearance of the area. This would be contrary to Paragraph 17 of the Framework which requires development to be of high quality and to take account of the different roles and character of different areas amongst other considerations, and Paragraph 58 which requires development to reflect the identity of local surroundings, also amongst other aims.

The Appellant's application for costs was also dismissed.

4/03387/16/FHA

Mr B Sterling

FIRST FLOOR REAR EXTENSION, INTERNAL WORKS AND NEW FENCING
OLD PALACE LODGE, 69A Langley Hill, Kings Langley, WD4 9HQ

[View online application](#)

Owing to the unified and symmetrical appearance of the front elevation, the rear elevation, which is viewed in two main parts (a late 18th Century part and a 19th century element), was deemed to be of particular importance. The Inspector shared the Council's view that the listed building derives its significance from the differences in architectural style clearly visible on the rear elevation, and in particular the dichotomy between the 18th and 19th Century elements.

The proposed extension would obscure much of the existing rear elevation, and through the use of a render finish, try to replicate the late 18th Century part of the building, whilst feeding off the 19th Century element.

The removal and repositioning of the oriel window from the rear elevation (at 1st floor level) to the flank wall of the ground floor extension would have two negative effects:

Erosion of the evolutionary character of the building; and

Misrepresentation of the building's evolution.

Whilst the Inspector acknowledged that it is preferable to re-use historic features wherever possible, he did not consider that this provided justification in itself for changing the context of where the window currently is within the building.

In terms of the internal works the Inspector concluded that, given that the external works had already been deemed unacceptable and that the internal works would be hard to separate from the external works, it would not be necessary to undertake any further assessments. No consideration was given to the formation of the new doorway for the en-suite; which, it should be noted, did not form part of the external works.

The arguments in favour of the GRP fence were dismissed out of hand due to a lack of information in terms of its visual appearance (and apparently because it would not be located within the appeal site??).

Less than substantial harm would result from the proposal; however, the Inspector opined that, whilst private benefit would undoubtedly accrue to appellant, no public benefits would result which could justify the harm to the heritage asset.

4/03388/16/LBC

Mr Sterling

FIRST FLOOR REAR EXTENSION, INTERNAL WORKS AND NEW FENCING
OLD PALACE LODGE, 69A Langley Hill, Kings Langley, WD4 9HQ

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Owing to the unified and symmetrical appearance of the front elevation, the rear elevation, which is viewed in two main parts (a late 18th Century part and a 19th century element), was deemed to be of particular importance. The Inspector shared the Council's view that the listed building derives its significance from the differences in architectural style clearly visible on the rear elevation, and in particular the dichotomy between the 18th and 19th Century elements.

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The arguments in favour of the GRP fence were dismissed out of hand due to a lack of information in terms of its visual appearance (and apparently because it would not be located within the appeal site??).

Less than substantial harm would result from the proposal; however, the Inspector opined that, whilst private benefit would undoubtedly accrue to appellant, no public benefits would result which could justify the harm to the heritage asset.

F. ALLOWED

None