

6. APPEALS UPDATE

A. LODGED

- 4/00022/17/FUL Mr M Leach
DEMOLITION OF EXISTING BUNGALOW AND
CONSTRUCTION OF TWO 5-BED DWELLINGS
SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0LT
[View online application](#)
- 4/00837/17/FHA Mr &Mrs P Wallace
TWO STOREY SIDE EXTENSION
2 THE ORCHARD, KINGS LANGLEY, WD4 8JR
[View online application](#)
- 4/02210/17/ENA Messenger
APPEAL AGAINST ENFORCEMENT NOTICE
LILAS WOOD, WICK ROAD, WIGGINTON, TRING, HP23 6HQ
[View online application](#)
- 4/02232/17/ENA JODI ROGERS
APPEAL AGAINST ENFORCEMENT NOTICE - RAISED
PARKING PLATFORM
68 OAK STREET, HEMEL HEMPSTEAD, HP3 9TT
[View online application](#)
- 4/03171/16/FUL Porter
DETACHED THREE BEDROOM DWELLING.
105 LAWN LANE, HEMEL HEMPSTEAD, HP3 9HW
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00101/17/OUT C/oAGENT
OUTLINE APPLICATION FOR THE DEMOLITION OF THE
EXISTING DWELLING (11 COVERT CLOSE) AND THE
DEVELOPMENT OF A BLOCK CONTAINING 2 (2-BED) FLATS
AND 2 (3-BED) MAISONETTES, PARKING AND COMMUNAL
AMENITY SPACE. (REVISED SCHEME)
THE CHILTERNES, 11 COVERT CLOSE, NORTHCHURCH,
BERKHAMSTED, HP4 3SR
[View online application](#)

Design

The impact of this increase in scale and mass would be intensified by a significant reduction in ground levels to the rear of the building to accommodate the new basement, which would result in the creation of a 3 storey rear elevation (with an additional storey in the roof space). Although a crown roof has been proposed to minimise the visual impact of the scheme, this would not be in keeping with the prevailing roofscape of the surrounding area, which is characterised by fully hipped and gable roofs above first floor level.

The scheme also proposes 6 off-road car-parking spaces cut into the north-eastern side of the appeal site, to be accessed via Covert Road. This would result in a substantial reduction in ground levels, the loss of a significant part of the existing mature boundary hedge and the construction of new retaining walls.

The cumulative impact of the above works (basement and crown roof) and the increased mass of the north-east facing side elevation would result in the building appearing very tall and wide from Covert Road and out of proportion with the overall size of the plot. Size of parking area would not provide adequate provision for landscaping to mitigate visual impact.

Representations have been made about the potential visual impact that bins would have if stored in publicly visible areas. Although the appellant has proposed a number of bin stores for the flats and maisonettes, I have concerns over the functionality of these given their constrained position in front of parking spaces and set down a flight of steps in a private amenity area. This adds to my overall concerns about the layout, scale and design of the scheme and its impact upon the character and appearance of the area.

Three main entrance doors would reveal that the building is comprised of higher density flats/maisonettes, in contrast to the prevailing low-density detached and semi-detached dwellings which characterise the area.

The cumulative impact of the above factors would cause the building to appear stark and overbearing, and dominate what is a highly prominent corner plot in the streetscene.

Living Conditions

The proposed private rear gardens for the maisonettes would not comply with Appendix 3, Para. A3.6(ii) of the Local Plan in that they are less than 11.5 metres deep and fail to provide a garden of equal depth to an adjoining property. In addition, given the extent of cutting into the site that would be necessary to accommodate the basement, I am of the view that the height of the retaining boundary walls with fences above would give them an oppressive character. I would not consider the overall amenity space provision for these units to be acceptable in terms of quality or size and as a consequence, the scheme would be harmful to the living conditions of the future occupiers of these units. I also consider the communal amenity area for the two 2-bedroom flats to be unacceptable due to its position between the building and public highway and the corresponding lack of privacy and security that would result. Although it would be possible to provide secure fencing to enclose part or all of this area, this would result in the creation of additional harm to the visual appearance of the area.

Although No 10 Covert Close is set at a higher land level than the appeal site, by reason of the proposal's scale, mass and close proximity, I am of the view that it would be visually intrusive to its occupants when looking out of their north-east facing front elevation windows. In the absence of evidence demonstrating that the existing landscaping dividing the appeal site from No 53 would be protected and retained, the increased mass of the development would also be visually intrusive to its occupants. The proposal does not accord with the development plan and that the relevant policies referred to are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 14 of the Framework is not engaged in this instance.

4/00675/17/ENA

LAURA BEADON

APPEAL AGAINST ENFORCEMENT NOTICE

CRANBROOK, 22 NEWELL ROAD, HEMEL HEMPSTEAD, HP3
9PD

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The Enforcement Notice seeks the removal of tall fencing erected along the site frontage (or its reduction in height to 1m). The Planning Inspector agreed with the Council that the fencing is harmful in both the respects stated on the Notice, i.e. negative impact on both the character and appearance of the area and on highway safety. The Inspector further concluded that arguments regarding other fencing in the locality and the need for site security were insufficient to overcome the identified conflicts with the development plan. The deemed planning application is refused. As such the Enforcement Notice is upheld and now takes effect.

4/02329/16/FUL

CONSTRUCTION OF ONE 3 BEDROOM DWELLING

23 HOWARDS DRIVE, HEMEL HEMPSTEAD, HP1 3NE

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The main issue is the effect on the character and appearance of the area.

The proposed dwelling would reflect characteristics of the area and mirror the adjoining property in terms of the eaves and ridge height, rear building line, fenestration and materials. The proposal would however stand further forward than the neighbouring property and would not integrate into the terrace. Whilst there is some staggering within the terrace and in other terrace blocks in the area the group of 7 properties closest to the proposed development site follow the same consistent building line to create a strong front, rear and side building line. The proposal would consequently appear unduly prominent and incongruous when viewed from Cherry Orchard.

The side boundary of the house would be adjacent to the pavement on Howards Drive. However, properties on that side of the road are set back from the highway as part of a clear building line that runs from Galley Hill to Fennycroft Road. The proposal would break the views created by the building line and would appear dominant and overbearing as a result of the massing of the property.

The appellant has made reference to other examples of properties that have gable ends very close to the pavement. They however differ to the proposal. These developments cannot therefore be directly compared with the appeal proposal.

The appellant has contested that the Council cannot demonstrate a 5 year housing land supply. The Council has confirmed with reference to its Authority Monitoring Report for 2015/16, published in January 2017, that it has a 7.8 year supply 2017-2022. There is nothing to indicate that this is incorrect. The proposal would make a positive contribution in terms of providing additional housing in a sustainable location. Nevertheless, even if the Council were unable to demonstrate a 5 year supply of deliverable housing sites, the adverse impact on the character and appearance of the area would significantly and demonstrably outweigh the modest benefit of the provision of one new dwelling.

4/02486/15/MFA

Padero Solar
INSTALLATION AND OPERATION OF A SOLAR FARM (4.5
MW) AND ASSOCIATED INFRASTRUCTURE INCLUDING
PARKING SPACES AND EDUCATIONAL FACILITY
LAND NORTH OF GADDESSEN LANE, REDBOURN, HERTS,
AL3 7AF

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The Inspector's overall conclusion is that the environmental benefits of renewable energy, supported by the other benefits, do here outweigh the identified harm to the Green Belt, and to the designated heritage assets and that, with a modification to the hedging mitigation, they would also outweigh the harm to landscape and visual amenity. However in the absence of the trench trial which the archaeologist advises as necessary to fully assess the on-site archaeology in a location of identified archaeological interest, the Inspector was unable to assess what the impact on archaeology may be, whether they can be made acceptable in terms of NPPF para.98, and also whether or not there would be a significant effect in relation to Environmental Screening. In these circumstances the Inspector was unable to conclude that very special circumstances had been demonstrated to clearly outweigh the harm to the Green Belt and all other harm. The Inspector therefore dismissed the appeal.

F. ALLOWED

None