

## 7. APPEALS UPDATE

### A. LODGED

4/00579/17/FHA Mr West & Miss Cordell  
TWO STOREY SIDE AND REAR EXTENSION  
102 BELMONT ROAD, HEMEL HEMPSTEAD, HP3 9NX  
[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](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

None

### E. DISMISSED

4/00086/17/ENA MR & MRS K DOLLMAN  
APPEAL AGAINST ENFORCEMENT NOTICE - RETENTION OF  
AMENITY LAND AS RESIDENTIAL GARDEN  
1 CHEVERELLS CLOSE, MARKYATE, ST ALBANS, AL3 8RJ  
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This enforcement case related to the erection of 2 metre high fencing and posts on Open Land, thereby incorporating it into the residential garden of No.1 Cheverells Close. After an appeal against the refusal of planning permission was dismissed an Enforcement Notice was served, requiring the residential use of the land to cease and the reinstatement of a boundary treatment along the previous residential boundary. An appeal was made on Ground (a) 'planning permission should be granted and Ground (f) 'that the requirements of the Notice are excessive'. The Planning Inspector dismissed both grounds of appeal.

The Inspector concluded that the area of land concerned was capable of being considered Open Land, despite being smaller than the 1ha required to be defined as open land in the Core Strategy, because when looking at the total open land in Markyate it exceeded 1ha and due to the fact it is designated as Open Land on the Proposals Map. The Inspector agreed with the previous Inspector in concluding that the development removed an important landscaped buffer that once softened the visual appearance of surrounding development. Furthermore, the Inspector concluded that the development could not be made acceptable by means of a landscaping condition. Other arguments put forward by the appellant (that the land had become a dumping ground and that the trees were destabilising the house) the Inspector felt could be resolved with less draconian measures than this development. Overall, the Inspector concluded that the development was out of keeping with the prevailing open and spacious character of the area. The height and proximity of the fencing and posts to Pickford Road constituted an unduly prominent visual feature that is a harmful influence on the semi-rural character of the surrounding environment.

In terms of the ground (f) appeal the Inspector concluded that it was not excessive to require a replacement boundary treatment of the appellant's choosing up to 2m in height that delineates the curtilage so that the visual appearance of the amenity land is defined and kept free from any use as a residential garden.

4/01641/16/FUL

Banister c/o Agent

EQUINE REPRODUCTION AND REHABILITATION CENTRE -  
COMPRISING A MAIN BUILDING ; BARN ; OFFICE ; HORSE BOXES ;  
STAFF AREA; STORAGE BARN ; QUARANTINE BARN AND  
MENAGE.

LAND AT (ADJ HARESFOOT FARM), HARESFOOT PARK, CHESHAM  
ROAD, BERKHAMSTED, HP4 2SU

[View online application](#)

This appeal relates to a proposal for an equine production and rehabilitation centre comprising: main building together with breeding barn, office, mare and stallion boxes and staff area; storage barn; quarantine barn; and manege. Main considerations around Green Belt.

Based on the specifics of the proposal and how the site and buildings would be used, the Inspector raised concerns that the primary use of the proposed facilities would not be for outdoor sport and recreation. The development would also not meet the definition for agriculture (under the Town and Country Planning Act 1990).

In terms of openness the overall extent of buildings would be significant and would compromise additional facilities beyond stables and storage for the horses; including vets rooms, an office and residential accommodation. As such the development would represent an adverse encroachment of the countryside in this location.

Consideration was also given to the following factors:

Support from DEFRA and guidelines of Animal and Plant Health Agency - moderate weight attached;

Parkland conservation, reinstatement of a wildlife corridor and a Woodland Management Plan endorsed by the Forestry Commission to benefit the ecology and biodiversity of the area - given some weight also there is little evidence to justify the development is required to enable the implementation of such management measures;

Positive contribution to rural economy - moderate weight attached;

Support provided for equestrianism within Hertfordshire area and beyond and need for facilities -

considerable weight given.

In balancing the above considerations the Inspector found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt and conflict with the purposes of including land within it. The considerations in favour of the development outlined above were not found, either individually or cumulatively, to outweigh the harm that would result to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist, and the proposal would be contrary to Green Belt aims of Policy CS5 of the Core Strategy and the NPPF.

## **F. ALLOWED**

4/01664/16/FUL

Mr R Cowling

FIRST-FLOOR REAR EXTENSION AND CONVERSION OF HALL AND BEDSIT INTO TWO RESIDENTIAL FLATS

31, 31A & 31B HIGH STREET, KINGS LANGLEY, WD4 8AB

[View online application](#)

1. The description of development in the header above is taken from the planning application form. However, in my formal decision, I have used the description given on the Council's decision notice. I consider that this more accurately describes the proposal, which would provide a studio flat and a 2 bedroom flat, rather than the 2 studio flats referred to on the application form and the 2 x 2 bedroom flats referred to in the Council's appeal statement.

Decision

2. The appeal is allowed and planning permission is granted for first floor rear extension and conversion of hall and bedsit into two residential flats at 31, 31a & 31b High Street, Kings Langley, Hertfordshire WD4 8AB in accordance with the terms of the application, Ref 4/01664/16/FUL, dated 6 June 2016, subject to the attached schedule of 4 conditions.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on parking provision.

Reasons

4. 31 High Street lies adjacent to the junction of Little Hayes with the High Street within the Kings Langley Conservation Area. The appeal site is at the end of a row of buildings. Although the building on the appeal site is not listed, it adjoins Grade II listed buildings at Nos 33, 35 and 37. The building is two-storey on the frontage of the site, reducing in height to a single-storey village hall at the rear. The ground levels on the site drop toward the village hall.

5. At ground and first floors behind and above the retail unit on the site's frontage, there is a 2 bedroom flat which is accessed via the passageway to the northern side of the building. This existing unit is described as No 31a and is not subject to any alteration through this planning application.

6. Policies CS8 and CS12 of Dacorum's Local Planning Framework Core Strategy 2012 (CS) seek provision of sufficient safe and convenient parking for development, while policy 57 of the Dacorum Borough Local Plan 2004 (LP) states that parking provision and management will be used to encourage reduced car ownership and usage and that the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards. Policy 58 of the LP requires parking needs to be met on site, but confirms that parking provision may also be omitted or reduced dependent on the type and location of the development, including conversion or reuse in close proximity to facilities, services and passenger transport. Appendix 5 of the LP sets out maximum car parking standards, described as the starting point for progressive reductions in on-site provision. For C3 residential use, the maximum standards for this site are therefore expressed as 1.25 parking spaces per 1 bedroom unit/bedsit and 1.5 parking spaces per 2 bedroom unit.

7. The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking

standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification.

8. The Council's concerns regarding the proposed development centre on the lack of parking provision for the 2 residential units proposed, and the effect of any resultant on-street parking on congestion and highway safety. The existing 2 bedroom flat, bedsit and hall do not have any off-street parking provision. As I observed on my site visit, the High Street is subject to parking restrictions which operate from Monday to Saturday 0830 – 1800. Within the restricted hours, it is possible to park for one hour, with no return within 2 hours. At the time of my mid-morning site visit, I observed that parking spaces were available on street.

9. Although the proposed development would not include any on-site parking, this is no different to the current circumstances for the existing residential units and the village hall. Neither the bedsit nor the village hall appeared to be in use at the time of my site visit, but I saw nothing which prevented their use in the future. Furthermore, the appeal site lies in a sustainable location within the local centre. In addition to having good access to services, the appeal site lies in close proximity to bus stops on the High Street for services running between Watford and Hemel Hempstead and is approximately 20 minutes' walk from Kings Langley railway station. The use of sustainable transport should therefore be encouraged.

10. At my site visit, I did not see any restrictions on parking on the highway in streets neighbouring the High Street nor did there appear to be a high degree of parking stress and overload in the locality. In the absence of more detailed evidence of a clear parking problem, I consider that it has not been demonstrated that the proposal would materially harm highway safety.

11. Concluding on this main issue, I find that as the site lies in a sustainable location, where development using alternative means of transport should be encouraged, the proposed development would not cause harm to the surrounding road network, congestion and highway safety. The proposed development therefore broadly accords with policies CS8 and CS12 of the CS and saved policies 57 and 58 and Appendix 5 of the LP. The aims of these policies are set out in the paragraphs above. It would also meet the aims of the Framework and WMS outlined above.

#### Other Matters

12. I note the concerns raised by the Parish Council and local residents with regard to the loss of a community facility. However, the former owners have confirmed that it was not possible for them to rent the hall out at a viable rent to allow reasonable maintenance of the hall and that the hall was in competition with other better-appointed facilities in the locality. In the absence of evidence from the Council that the loss of this community facility would have a harmful effect on the availability of community facilities locally, I do not consider that this would render the appeal proposal unacceptable.

13. A local councillor has raised concerns about the effect of the proposed development on the Conservation Area. I concur with the Council's view that the extension would be acceptable in its context. I consider that the proposed development would not cause harm to neighbouring listed buildings and the Conservation Area, instead it would maintain an existing building in active use. The proposed development would not therefore cause harm to the significance of designated heritage assets in accordance with the requirements of Section 12 of the Framework. The proposed development would also preserve the character and appearance of the Conservation Area.

14. Concerns have been raised by local residents that bats are present at the appeal site within the eaves and the chimney stack. The planning application documents include a Preliminary Roost Assessment (PRA) (Ref: 3101/28092016/RCmjb) dated 28 September 2016. The PRA advised that no evidence of bats was recorded during the survey.

15. The Council has suggested a condition to require that if any bats were discovered during the course of the development, the development would be carried out in line with the mitigation strategy set out in the PRA. I consider that this would be an appropriate means of addressing the presence of any bats and that this would be compliant with policy CS26 of the CS, which seeks to ensure the conservation of species.

16. With regard to further concerns about the effect of the development on the living conditions of

neighbours, I do not consider that the window to the proposed extension or the existing windows to the hall would cause a loss of privacy to neighbouring occupiers. Furthermore, given the position of the existing building and the small size of the proposed extension, I do not consider that there would be any significant loss of light or outlook to the neighbouring working studio or the house and garden at No 33. Although the construction of the development may cause some disruption in terms of noise and dust, this would be temporary. It would not be reasonable to prevent development from coming forward on this basis.

#### Conditions

17. In addition to the condition addressing the protection of bats discussed above, I consider it necessary to specify conditions limiting the lifespan of the planning permission, confirming the approved plans and the materials for the proposed development. All of these conditions are required to ensure certainty, with the condition on materials also ensuring that the appearance of the development is satisfactory within the Kings Langley Conservation Area.

#### Conclusion

18. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be allowed.