

## 6. APPEALS

### A. LODGED

4/02389/16/FUL                      Mr P Cowman  
RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE)  
11 BANK MILL, BERKHAMSTED, HP4 2ER  
[View online application](#)

4/03329/17/ENA                      Ellisdon  
APPEAL AGAINST ENFORCEMENT NOTICE - ROADWAY  
THE HOO, LEDGEMORE LANE, GREAT GADDESSEN, HEMEL  
HEMPSTEAD, HP2 6HD  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

4/02210/17/ENA                      Messenger  
APPEAL AGAINST ENFORCEMENT NOTICE  
LILAS WOOD, WICK ROAD, WIGGINTON, TRING, HP23 6HQ  
[View online application](#)

### E. DISMISSED

4/02147/16/OUT                      Messrs JC, AG and AC Barker and DLA Town Planning and Wakelin  
Associates  
CONSTRUCTION OF FOUR CHALET BUNGALOWS WITH ASSOCIATED  
ACCESS, PARKING AND AMENITY SPACE  
LAND AT LOVE LANE, KINGS LANGLEY, HERTS WD4 9HW  
[View online application](#)

The appeal follows the refusal of the application on the grounds that the proposal did not constitute infilling on a limited scale.

The appeal decision sets out that for the proposal to meet the exception to inappropriate development in the Green Belt it must fall within 'limited infilling in villages'. Therefore to qualify for this exception the proposal must be both 'limited infilling' and in a 'village'.

The Inspector considered that the proposal (courtyard arrangement of four dwellings) would be limited infill

in so far as it would fill a gap with four dwellings. Nevertheless, it would consolidate development in this location.

With respect to whether in a village, the Inspector acknowledges there is development on three sides however the site remains on the edge of the settlement. In this regard it contributes as open and transitional landscape in an edge of settlement location. It was further noted that the scheme would not have a physical or visual link to surrounding development.

There would be a harmful impact on openness to the Green Belt.

The proposed dwellings due to their substantial footprint and scale would detract from the rural character of this part of Love Lane to the detriment of the character and appearance of the area which the Inspector found contrary to Policy CS5.

Lastly the Inspector notes that even if it was concluded there is a shortfall in 5 year housing supply and that relevant policies should not be considered up-to-date, the adverse impacts would significant and demonstrably outweigh the benefit of provision of dwellings in this case. As such, no very special circumstances have been identified.

## **F. ALLOWED**

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](#)

### Decision

1. The appeal is allowed and planning permission is granted for removal of existing 2 bedroom bungalow and erection of 2 five bedroom dwellings at Symonsdown, Vicarage Lane, Bovingdon HP3 0LT, in accordance with planning application, Ref 4/00022/17/FUL, dated 4 January 2017, subject to the conditions set out in Annex A to my decision.

### Procedural Matter

2. Even though the address and description of development are different on the Council's decision notice, I have used the address and description of development from the appellant's application form, as they adequately describe the location and development sought.

### Main Issues

3. Whether the appeal development would preserve or enhance the character or appearance of the Bovingdon Conservation Area (BCA) and the locality generally;

4. Whether it would preserve the special architectural or historic interest of Church Lane House and Church Gate, both grade II listed building, including their settings; and

5. The effect of the appeal development on the living conditions of neighbouring occupiers with regard to outlook, daylight, sunlight, privacy and noise and disturbance.

### Reasons

#### BCA and Listed Building

6. The appeal site includes a chalet bungalow that fronts onto Vicarage Lane. It is set back behind a frontage of grass and hardsurface with a partly planted boundary, which is set at a slightly higher level than the street. It is located within the BCA and the locality in which the appeal site is located includes part of that Conservation Area.

7. The BCA includes the High Street and the area around the Church, including Vicarage Lane. It includes green open spaces and planting, which result in a generally spacious and rural feel. Whilst historic buildings predominate, there is variety in their size, age, form, style, detailing and layout. Generally the BCA has a diverse, rural and spacious character and appearance. The appeal dwelling, being a twentieth century building of limited architectural quality, makes a limited contribution to that character and appearance. However, its partly grassed frontage, planting and its generally spacious layout significantly contribute to the character and appearance that I have identified. These conclusions generally accord with

those set out in the Dacorum Borough Council's Bovingdon Conservation Area Appraisal and Management Proposals (BCA CAA).

8. The appeal development would be set back into the appeal plot behind the line of the existing dwelling. It would retain a deep frontage and some greenery and planting near to the street. The rear gardens would be large. Further, the proposed dwelling nearest to Belvedere would be further from the joint boundary than the existing building and Green Lodge is set at an angle to its joint boundary. For all these reasons, and as the appeal plot is wide, the proposed layout would retain a sense of spaciousness consistent with the street scene. Even though the proposed dwellings would be close to one another, this would not appear out of place or overdeveloped within this locality or the BCA, which has some diversity in the layout of buildings and spacing between them.

9. The scale of the proposed dwellings would be in general accordance with other dwellings I observed in Vicarage Lane. Their three storey form would respect the height of buildings in the locality. Even though they would have a deep footprint, the proposed dwellings would not appear out of place in this locality or the BCA as a whole, which has some variety in its built form. Whilst they would be larger and have a greater bulk than the existing building, for all these reasons the appeal houses would not appear out of place. Whilst the flank wall of the proposed dwelling nearest to Green Lodge would be visible in some street views, for the same reason, no material harm would result. The proposed dwellings would employ different materials to each other and I saw similar materials in the BCA. Further, the two dwelling would comprise small scale development in relation to the BCA as a whole. For these reasons, the proposed development would retain the BCA's generally unplanned character. Whilst the proposed dwellings would include rear dormers, they would not be visible from the street and in any event they would sit comfortably within the rear roof slopes. All in all, for all these reasons, the proposed designs would be appropriate.

10. I note that car parking would be accommodated on the frontage and that incorporation of a turntable mechanism is proposed. On my site visit I observed that the existing dwelling accommodates parking on the frontage along with other properties in the locality. For this reason, it would not jar. The incorporation of greenery and some planting on the frontage would mitigate against the proposed frontage appearing uncharacteristically urban. This, along with proposed refuse storage could be controlled through a suitably worded planning condition. For all these reasons, the proposed car parking arrangement would not appear out of place.

11. Church Lane House and Church Gate are located opposite the appeal site. Both are grade II listed buildings. Being the former parsonage house, they are set within landscaped grounds with a prominent brick and flint boundary wall and planting. Together, they once formed a larger building that is now divided into two dwellings. That closest to the appeal site is Church Gate, which sits roughly at right angles to Vicarage Lane and the appeal site. Its setting includes its close relationship to Church Lane House and its landscaped grounds along with its prominent planted and walled boundary and the trees and planting along Vicarage Lane. Church Lane House has a similarly landscaped, spacious and rural setting. Those settings contribute to the listed buildings' significance as heritage assets. Due to the separation distance, the incorporation of green space and planting on the frontage and as the proposed dwellings would be set back within their plots, no material harm to the settings of those listed buildings would be a consequence.

12. I conclude that the appeal development would generally preserve the character and appearance of the BCA and the locality generally and the special architectural or historic interest of Church Lane House and Church Gate, including their settings. For these reasons, it would generally be consistent with Policy CS12 and CS27 of the Dacorum Borough Council Core Strategy 2006-2031 (2013), BCA CAA and section 12 of the National Planning Policy Framework. Those policies, together, generally, aim to conserve and enhance the historic environment and create quality in the built environment, with particular regard for site design.

Living Conditions

13. The appeal dwellings would be closer to the neighbouring properties, Green Lodge and Belvedere. The bulk of the appeal dwellings would extend a short distance past the rear elevations of those properties. Green Lodge would be angled away from the proposed nearest dwelling, and the nearest dwelling to Belvedere would be further away than the existing chalet bungalow. For these reasons, in association with the separation distance, the existing boundary features and the absence of sole windows to habitable rooms on the nearest side elevations of those neighbouring properties, the appeal dwellings would not be harmfully dominant or overbearing in views from those properties.

14. Due to the orientation of the proposed development in relation to Belvedere, there would be no material change in the sunlight received into that property. There would be some reduction in sunlight received into the windows on the side elevation of Green Lodge. However, I consider that it would not be harmful. This is due to the separation distance, that Green Lodge is set at an angle, the boundary treatment and the absence of sole windows to habitable rooms on the side elevation of that property. Further, and for the same reasons, most importantly the separation distances and boundary treatments, daylight to properties on either side would not be harmfully impacted.

15. In relation to privacy, the appeal dwellings would not include windows to habitable rooms in their side elevations. Any overlooking from other internal spaces would be very limited. Whilst a dormer window would be included in the rear roof slopes which would provide some views into the rear gardens of the

neighbouring properties, as those windows would be roughly centrally located within the rear roof slopes such views would not be direct and would be at some distance. Views into the sitting areas closest to the neighbouring houses would be at an oblique angle and very limited. As the rear gardens to the neighbouring properties are large and any views afforded limited, on balance I conclude that harmful overlooking into the private areas of those gardens would not be a consequence.

16. Due to the separation distance and as there exists a window at high level looking towards Church Gate, direct overlooking into the lounge of that property would not result. Whilst there would be an increase in the overall number of high level windows looking towards that property, for the reasons stated, harmful overlooking would not result.

17. I note that the appeal dwellings would have five bedrooms and would accommodate more people than the existing dwelling. However, as I observed other properties of a similar size in the locality, harmful noise and disturbance that would be out of character in this locality, would be an unlikely consequence of the appeal.

18. Overall, I conclude that the appeal development would not adversely affect the living conditions of neighbouring occupiers at Green Lodge, Belvedere or Church Gate, with regard to outlook, daylight, sunlight, privacy or noise and disturbance. For this reason, the appeal development would generally accord with CS Policy CS12, in this regard. That policy aims for quality site design, including avoiding visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

#### Other Matters

19. I have limited substantive evidence to suggest that the proposed development would put pressure on the sewerage system. I note that the Council does not raise concern regarding highway safety. The proposed houses would be close to some local shops and facilities and off street car parking, sufficient for the two proposed dwellings would be provided. As cars would be able to enter and exit the appeal site in a forward gear and on the basis of the speed limit in force along Vicarage Lane, the existing access and parking at the appeal site and the road conditions that I observed in terms of the amount of traffic, I have no reason to take an alternative view to the Council on this matter, that no adverse effect on highway safety would be a consequence. On the basis of the addition of just one additional dwelling and the appeal site's location close to some local facilities and services, no material effect on the air quality of the area is a likely consequence. Whilst I appreciate that there would be additional built form at the appeal site, as a deep frontage would be retained and the materials to be used could be conditioned, no material effect on flooding at the appeal site would be likely.

20. Concerns regarding private views are not a planning matter. A property called Little Madison to the east is referred to in the Council's evidence, but no further information is before me. In any event, I am making my decision on the basis of what I have read and what I saw on site. Whilst I note concerns regarding consistency in the Council's decision making, this is a matter between the parties involved in the first instance.

#### Planning Conditions

21. A list of suggested planning conditions is before me. I have agreed with the imposition of these, subject to refinement to improve clarity and ensure consistency with national policy and guidance.<sup>1</sup> A list of planning conditions to be imposed is set out in Annex A to my decision.

22. Standard time and plans conditions are required to ensure clarity and certainty in the planning process. Control of external materials, rooflights, hard and soft landscaping and means of enclosure are necessary to ensure that the proposal is of a high quality and responds to its historic environment. A condition to ensure the provision of parking and turning space as shown on the appeal plans along with details of surface water drainage are required to ensure highway safety. A condition to ensure that any site contamination is dealt with in a satisfactory way is required in the interests of public health.

#### Conclusion

23. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be allowed, subject to the planning conditions set out in Annex A to my decision.

#### Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with approved plans: Site location plan; wren naj 97 2016; wren naj 97a 2016 Rev D; wren naj 97b 2017 Rev D; wren naj 97c 2016 Rev D; wren naj 97j 2016; wren naj 97i 2016.
- 3) Prior to the commencement of development, details including a full schedule of all materials to be used externally in the construction shall be submitted to and approved in writing by the local planning authority. The development shall be built using only the approved materials.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) means of enclosure;
  - ii) proposed and existing finished floor levels;
  - iii) planting plans, including specification of species, sizes, planting centres, planting method and number

and percentage mix;

iv) details of all external hard surfaces, including the car parking area and drainage detail.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in