

## 6. APPEALS

### A. LODGED

4/01063/17/FUL Bowhouse Dental  
PITCHED ROOF EXTENSION OVER EXISTING FLAT ROOF TO  
PROVIDE SECOND STOREY AND ALTERATIONS TO EXISTING  
PITCHED ROOF  
75 WESTERN ROAD, TRING, HP23 4BH  
[View online application](#)

4/02581/17/FHA Oakwood Property Solutions Lyd - Mr Whitehead  
REMOVE OF FRONT BOUNDARY WALL  
257 HIGH STREET, BERKHAMSTED, HP4 1AB  
[View online application](#)

4/02725/17/FUL Doolan  
CONSTRUCTION OF A DETACHED ONE BEDROOMED, TWO  
STORY DWELLING WITH ASSOCIATED PARKING.  
REAR OF 19 DOWLING COURT, HEMEL HEMPSTEAD, HP3 9NF  
[View online application](#)

### B. WITHDRAWN

4/01569/17/MFA W E Black Ltd - Mr E Gadsden  
DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40  
DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS  
ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION  
OF INFORMAL PUBLIC OPEN SPACE  
  
CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL,  
AYLESBURY ROAD, TRING, HP23 4DL  
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### C. FORTHCOMING INQUIRIES

4/02889/17/ENA IVOR GREGORY  
APPEAL AGAINST ENFORCEMENT NOTICE - USE OF LAND FOR  
COMMERCIAL/RESIDENTIAL PURPOSES AND CONSTRUCTION OF  
STORAGE AREAS AND CONCRETE PAD  
THE RICKYARD, ASTROPE LANE, ASTROPE, TRING, HP23 4PN  
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## D. FORTHCOMING HEARINGS

None

## E. DISMISSED

4/00620/17/FUL

MR & MRS D JOHNSTON  
DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND  
CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION  
AND SINGLE STOREY REAR EXTENSION. DIVISION OF PROPERTY  
TO CREATE AN ADDITIONAL SEMI-DETACHED DWELLING WITH  
ASSOCIATED PARKING AND VEHICULAR ACCESS

10 WRENSFIELD, HEMEL HEMPSTEAD, HP1 1RN

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Decision

1. The appeal is dismissed.

Procedural matter

2. The evidence shows that amended plans were submitted before the application was determined. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded on the basis that the plans under consideration in this appeal are Drawing Nos 1336/01/Rev L and 1336/001/Rev L. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

Main issues

3. The Council has raised no concerns regarding the impact of the development upon: (a) the living conditions of neighbouring occupiers at No 8 Wrensfield ('No 8') with specific regard to light and outlook; (b) the living conditions of neighbouring occupiers at No 12 Wrensfield ('No 12') with specific regard to privacy and outlook; (c) the local highway network and pedestrian safety; and (d) trees.

4. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issues are the effect of the development on:

? the character and appearance of the host dwelling and surrounding area;

? the living conditions of neighbouring occupiers, with specific regard to privacy at No 8 and light at No 12.

Reasons

Appeal site context

5. The character of Wrensfield generally accords with the Counters End Character Appraisal<sup>1</sup> in that it consists of a low-density 1960s/1970s development containing detached houses and chalet-bungalows set on relatively large plots with curved building lines and well-planted open-plan front gardens. A further defining characteristic of the road is the strong sense of architectural cohesion generated by the consistent use of low pitched roofs, dormer windows, tile hanging and integral garages. Overall, I found Wrensfield to be a very attractive and well-designed post-war estate with a distinct sense of spaciousness set around mature street trees and a large wooded green.

<sup>1</sup> Area Based Policies, Supplementary Planning Guidance, May 2004, Dacorum Borough

Council

6. The appeal site contains a large detached house, set well back from the road on a considerable plot with a line of trees to its rear boundary that are protected by a Tree Preservation Order. It is linked to its neighbour at No 12 by a pair of single storey garages that provide parking for both properties. A particularly distinctive feature is that it forms part of a row of 6 houses (Nos 6-16) that are built to the same architectural style and have broadly symmetrical elevations in 3 distinct pairs (Nos 6 and 8, 10 and 12, 14 and 16), with two of these linked by single storey flat roof garages (Nos 10 and 12, and 14 and 16). Large open gaps exist between each pair of dwellings and above the interconnecting garages, which gives them a well-defined sense of spaciousness.

Character and appearance

7. The proposed 2-storey side extension would sit flush with the profile of the existing roof and project towards No 8. Whilst I agree with the appellant that it would only be slightly wider than the existing single storey side extension, there would be a considerable difference in impact between both structures as the existing extension is set back from the front elevation, much smaller in scale and has a subordinate character to the host dwelling. Set against this context, the new 2-storey extension would not be subservient in character or appearance and its additional width and roof bulk would result in a significant erosion of the open gap between both properties which I consider makes an important contribution to the character of the host dwelling and wider area.

8. Furthermore, the prominence of: - (a) the ground floor front elevation door and window alterations; (b) the front elevation dormer windows; (c) the 2-storey side extension; and (d) the additional driveway and parking area, would collectively transform the character of the host building and front garden to that of a pair of semi-detached dwellings. This would be quite different to prevailing settlement pattern of large detached houses set on spacious landscaped plots and would as a consequence obliterate the distinctive and broadly symmetrical elevations of Nos 10 and 12 and the wider architectural unity, composition and rhythm of Nos 6-16.

9. The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Wrensfield, which would intensify this harmful impact.

10. In reaching my decision, I have noted that the Counters End Character Appraisal has identified that there are occasional examples of semi-detached housing within its boundaries, but I found none on Wrensfield, which is reinforced by the appellant's own evidence identifying the locations of such properties. 11. The appellant states that the proposal would not add to the two front doors that already exist and that the original design of properties has changed over time. However, it is the overall number of changes to the fenestration and door details that collectively give rise to my concerns that the scheme would unbalance the elevations and give the building a wholly different appearance out of character with the area. I am also satisfied that whilst many properties in the area have been subject to alterations, this has not undermined the overall cohesiveness and character of the area.

12. Turning to the matter of the 2-storey and single storey rear extensions, although I have concerns over the compatibility of the central catslide and flat roofs with the host dwelling, I am satisfied that their obscure location would not harm the character and appearance of the host dwelling or wider area when viewed from the public realm.

13. I have noted the appellant's reference to the scheme not involving alterations to a listed building and not being in a conservation area or an area of special character. However, this does not negate the need for the scheme to be of a high design quality that is compatible with the character and appearance of the area.

14. In view of the above, I have concluded that the development would be harmful to the design of the host dwelling and settlement pattern, streetscene and spacious suburban character of the area. The proposal would therefore conflict with Policies CS1, CS11 and CS12 of the Core Strategy<sup>2</sup> and appendices 3 and 7 of the Local Plan<sup>3</sup> which collectively seek, amongst other things, to ensure that new development integrates with streetscape character, respects its local identity, maintains the neighbourhood pattern, and enhances space between buildings.

<sup>2</sup> Core Strategy, adopted 25 September 2013, Dacorum Borough Council

<sup>3</sup> Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004

15. I recognise that the Counters End Character Appraisal allows scope for variety, innovation and modernity in design. However, this does negate the need for the development to have

regard to other aspects of this guidance, which it fails to comply with for the following reasons: (a) the 2-storey side extension would not be subordinate in scale and height to the parent building; (b) the new front gardens would not be common in size and layout to adjacent dwellings; (c) the existing soft-landscaping would not be maintained and enhanced; and (d) the conversion of the existing dwelling into two smaller units would be harmful to the character and appearance of the area.

#### Living conditions

16. The proposed 2-storey side extension would have a first floor bedroom and bathroom window to its south-west gable. These openings would be in much closer proximity to No 8 than the existing bedroom windows and it would accordingly be possible to gain clear and uninterrupted views into two of its side elevation first floor bedroom windows. As a consequence, the scheme would significantly erode the privacy enjoyed by the occupants of No 8 and harm their living conditions.

17. I recognise that it would be possible to protect the privacy of the occupiers of No 8 by requiring both windows to be faced with obscure glazing. However, whilst I would consider this appropriate for the bathroom window, it would not be acceptable for the bedroom window as it would result in a poor internal outlook, which would as a consequence be harmful to the living conditions of future occupants. In reaching this conclusion, I have noted the appellant's reference to permitted development rights which require side elevation windows to be fixed and faced in obscure glass, but this is not applicable as a fallback position in this instance and in any event, I would not consider this to be suitable for a bedroom's only source of light and outlook.

18. The appellant also states that the closer proximity of the new bedroom window should be balanced against the impact of the existing side elevation which has two windows connected to two bedrooms. However, I am of the view that the closer proximity of the proposed bedroom window will be significantly more harmful than the present arrangement.

19. The 2-storey and single storey rear extensions would project a considerable distance from the rear elevation of the original dwellinghouse. Although this would result in a loss of diffuse daylight and sunlight to two first floor side elevation windows to No 12, one of these is connected to a shower room which I do not consider to be a main habitable room and the other is connected to a bedroom which has a further unaffected source of light to the front elevation.

20. The proposed rear extensions would also erode the amount of diffuse daylight and sunlight received by No 12's ground floor side elevation kitchen door, but given that this room has a further largely unaffected source of light via a window to the rear elevation, I am satisfied that it would not be harmful to the living conditions of its occupants. There would also be a modest loss of diffuse daylight and sunlight received by No 12's first floor rear dormer window above the garage/cloakroom, but I would not consider this impact to be so significant as to warrant dismissal of the appeal.

21. The scheme would also result in a reduction of diffuse daylight and sunlight received by two external store doors, a garage pedestrian door and a cloakroom window to No 12's rear elevation, together with a side elevation garage window (inside the carport). However, given that I do not consider any of these facilities to be main habitable rooms, I am satisfied that the development would not harm the living conditions of its occupants.

22. A further erosion of diffuse daylight and sunlight would occur to the rear patio area of No 12. However, I am satisfied this space would continue to receive an adequate amount of diffuse daylight because of its generally open aspect and that the loss of direct sunlight would be primarily concentrated on the area to the rear of the garage and carport in the latter half of the day and therefore only have a modest impact.

23. In view of the above, I have concluded that the development would be harmful to the living conditions of neighbouring occupiers at No 8 by reason of loss of privacy. The proposal would not therefore accord with Policy CS12 of the Core Strategy and appendix 3 of the Local Plan which collectively seek, amongst other things, to ensure that new development would not be harmful to the amenities of neighbouring occupiers by reason of loss of privacy.

#### Other matters

24. Given my conclusion on the main issues that the development is unacceptable, the objections raised by third parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

25. I note the appellant's frustrations that officers supported the scheme in pre-application

discussions and their final recommendation. However, this has little bearing on the planning merits of the scheme before me and is a matter between the parties. 26. The appellant states that they could develop up to 50% of the garden under permitted development rights and that the extensions account for much less than this. However, I have no evidence before me that the appellant would be likely to develop their garden in this manner, and in any event, I am not persuaded that this would be more harmful than the scheme currently proposed.

#### Planning balance

27. Although the appellant states that the development should be considered against Paragraph 49 of the Framework<sup>4</sup> and the presumption in favour of sustainable development, there is no evidence before me that the Council does not have a 5-year housing land supply. Furthermore, I have also concluded that 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.

28. Paragraphs 56 and 64 of The Framework collectively state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused. Paragraph 17 (bullet point 4) further states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Although the site is located in a sustainable location where the principle of development is acceptable and accords with the Council's settlement strategy, for the reasons set out above, I conclude that the harm to the design of the host dwelling and spacious suburban character of the area would significantly and demonstrably outweigh the social and economic benefits that the scheme would contribute, namely, making an efficient use of land, the provision of an additional dwelling that would allow future modifications to be made to accommodate age or disability, and local employment during construction.

#### Conclusion

29. I have found that the appeal proposal would be harmful to the character and appearance of the host dwelling and wider area, and the living conditions of neighbouring occupiers. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/01845/17/MFA

McCarthy & Stone Lifestyles Ltd  
DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT  
TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II  
SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH  
ASSOCIATED COMMUNAL FACILITIES, PARKING AND  
LANDSCAPING  
27-33 HEMPSTEAD ROAD, KINGS LANGLEY  
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#### Impact on character and appearance of street scene

Character of immediate site surroundings is of an attractive, verdant, leafy, mainly residential environment, on a main route out of the village.

The proposed development would change the character of the appeal site by introducing a density much greater than the surrounding residential properties. The scale of development would also occupy a significantly larger footprint and would have a greater bulk, height and mass than the adjacent existing houses. The area in front of the proposed building would be dominated by the parking and access arrangements, with limited scope for landscaping to soften the appearance.

Although the church and hotel (immediately adjacent to the site) are large buildings they have a much narrower width facing the road and are well set back from it with substantial distances to their respective boundaries.

Conclusion: the proposed building, due to the combination of scale, mass, height and width, would have a dominant overbearing and cramped appearance. The development as a whole

would have an urbanising effect that would detract from the suburban character of this part of Hempstead Road and would not amount to good design that mitigates the incompatibility with the townscape or that is particularly innovative as set out in the national Planning Practice Guidance.

#### Impact on listed buildings and conservation area

The appeal site adjoins The Common Conservation Area and is not within any part of the Kings Langley Conservation Area. The undeveloped nature of the rear of the appeal site reinforces the significance of The Common Conservation Area, by focusing the experience of the largely unchanged Common and the historic buildings. The rear part of the appeal site therefore forms part of the setting of the conservation area.

The proposed development would not have a direct effect on the Listed Buildings to the rear of the site. The rear gardens of the appeal site comprise part of the open views to the rear of Pound Cottage and Vine Cottage and contribute to the understanding and appreciation of their heritage values. The rear part of the appeal site therefore forms part of the setting of both Pound Cottage and Vine Cottage.

The proposed development would position a very substantial building much closer to the Listed Buildings and conservation area and, due to the number of proposed units, would result in increased activity in the proposed outdoor amenity spaces at the rear of the proposed building detracting from the appreciation of their historically separate and quiet setting.

Conclusion: harm would be caused to the settings of the Grade II Listed Buildings, Pound Cottage and Vine Cottage and to the contribution to significance of the setting of The Common conservation area. Due to limited views of the development from this perspective the effect on the significance of the wider Kings Langley conservation area heritage asset, taken as a whole, would be very limited. The harm identified would be less than substantial. Public benefits of the proposal would outweigh this limited harm.

#### Public benefits of the proposal:

Direct employment as well as employment during construction; increased footfall to support the local economy; New Homes Bonus; contributions towards affordable housing and the provision of specialist accommodation for older people.

#### 5 Year Housing Supply

5 year land supply projection for Period 2017 to 2022, including a 20% buffer is 7.1 years; and for the period 2018 – 2012, with the same buffer, is 7.9 years.

The appellant considers that the CS does not provide for the OAN figures, as evidenced in the latest Strategic Housing Market Assessment February 2016. The OAN has not been tested and is a matter for Inquiry into the emerging Local Plan.

Taking account of the level of Housing Land Supply demonstrated against the Core Strategy figures and the revised timetable for the emerging Local Plan, the Core Strategy policies for the supply of housing are up-to-date and the Council can demonstrate well in excess of a five year land supply.

Conclusion: Even if there were shortfall in the five-year housing land supply on the scale suggested by the appellant (3 years) and that relevant policies for the supply of housing should not be considered to be up-to-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the combined benefits. As a consequence, the proposal would not be sustainable development and the presumption in favour of such would not be engaged.

4/02210/17/ENA

Messenger

APPEAL AGAINST ENFORCEMENT NOTICE

LILAS WOOD, WICK ROAD, WIGGINTON, TRING, HP23 6HQ

[View online application](#)

The Enforcement Notice was served against the use of the site as a woodland weddings venue, together with associated structures, toilets, marquee, hardstanding, etc. The site is located in the Green Belt, the Chilterns AONB and Ancient Woodland. The EN was appealed on Grounds (a), (b), (c), (f) and (g).

In respect of the ground (b) appeal (i.e. 'That the breach of planning control has not occurred as a matter of fact') this appeal was limited to a discussion as to whether the trailer toilets, metal container and wedding marquee amounted to operational development as alleged in the notice. The Inspector agreed with the Council on all three counts that these amounted to operational development due to the number of months they had been permanently on the site (with no intention for these to be temporary structures) and the presence of a base and connection to services (in respect of the trailer toilets), the size and weight of the metal container, and the skill and experience required to erect the marquee. As such the ground (b) appeal was dismissed.

In terms of the ground (c) appeal, (i.e. 'That there has not been a breach of planning control'), the Inspector accepted the Council's two arguments. Firstly that by having 15 weddings a year with a day either side for setting up and clearing the site, this amounts to 45 days usage a year, in excess of the 28 days temporary permitted development rights. Secondly, that as the site was not put into another use between weddings, then the character of the land has been permanently altered. As such the ground (c) appeal failed.

Moving on to the ground (a) appeal, (i.e. 'That planning permission should be granted for what is alleged in the notice') the Inspector concluded that both the use and the operational development aspects represented inappropriate development within the Green Belt and attached substantial harm in that respect. Furthermore, the Inspector's concerns relating to the effect on the ancient woodland and protected species weighed strongly against the development. The Inspector also gave no weight to the fall-back position of implementing temporary permitted development rights. On the other hand the Inspector concluded that there has been little effect on the openness of the Green Belt or on the character and appearance of the area, including the AONB, and that moderate to significant weight should be attached to the economic benefits of the development. Nevertheless these positive factors did not outweigh the harms outlined above and as such no very special circumstances exist to justify the grant of planning permission and the ground (a) appeal failed.

In terms of the ground (f) appeal, (i.e. 'That the steps required to comply are excessive'), the Inspector agreed with the Council that there is no specific need to refer to the protection of temporary permitted development rights within the Notice. These temporary permitted development rights are still open to the appellant once the permanent use has ceased. Therefore, the ground (f) appeal was dismissed.

Finally, in respect of the ground (g) appeal, (i.e. 'That the time given to comply with the notice is too short'), the Inspector partly allowed this appeal and gave three months for the structures, paraphernalia, hardstanding, etc. to be removed.

4/03469/16/FHA

Mr & Mrs Fairey

FIRST FLOOR EXTENSION ABOVE EXISTING SINGLE STOREY  
DINING ROOM/WC. SINGLES STOREY GARAGE EXTENSION  
CHERRY CLUSTER, 15 DELMAR AVENUE, HEMEL HEMPSTEAD,  
HP2 4LY

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Main Issue

2. The main issue is the effect of the proposal on the living conditions of The Oaks, 6 Badgers Croft with regards outlook and the effect on 17 Delmar Avenue with regards outlook, light and privacy.

#### Reasons

3. The appeal site is a 2 storey detached dwelling with single storey front projection at the end of

an access road off Delmar Avenue. Although located in a residential area comprising primarily of 2 storey properties, to the side at a slight angle, is a dormer bungalow, The Oaks, 6 Badgers Croft which forms part of a separate cul de sac. The 2 properties are separated by a narrow footpath.

4. The extension would face directly opposite The Oaks. The 2 storey element would be clearly visible from the dwelling with the existing boundary treatment of fencing and vegetation only providing some screening to the development which would be insufficient to mitigate the impact given the size of the proposal. Whilst the 2 storey element of the existing property is evident at the rear of The Oaks, the impact would be exacerbated by the extension creating an oppressive sense of enclosure. Although there is some separation between properties, the proposal would still appear prominent and visually intrusive when viewed from the rear garden and windows of The Oaks given the close proximity and overall scale and mass of the development.

5. The main amenity space for The Oaks may be located elsewhere on the property but as witnessed on my site visit the area to the rear is used by the occupants for amenity purposes with the presence of a table and chairs providing outdoor seating. Despite the angled orientation of The Oaks the proposal would appear overbearing and would harm the outlook of the occupants of the neighbouring property. I acknowledge that the proposal may not breach the test for obstructing daylight and that windows would be positioned to avoid overlooking and loss of privacy. However, this is outweighed by the harm I have found to outlook.

6. The development would be located to the rear side of No 17 Delmar Avenue. Whilst the scale of the existing development would increase there is not substantive evidence that this would materially affect the level of light to the neighbouring property. The location of the extension in relation to the existing dwelling combined with the distance of the extension from No 17 leads me to take the view that the proposal would not materially harm the light to No 17.

7. Similarly, whilst the first floor extension of the proposal would contain windows facing towards the rear of No 17, any views would be at an oblique angle. There would therefore not be a harmful loss of privacy given the separation distance between the dwellings.

8. Whilst the proposal would not cause harm to the living conditions of the occupants of 17 Delmar Avenue, the prevailing matter is the impact of the proposed extension in the outlook of The Oaks, 6 Badgers Croft to which there would be harm. The proposal would consequently be contrary to the parts of Policy CS12 of the Dacorum Core Strategy 2006-2031 which seeks to ensure that new development avoids visual intrusion and respects adjoining properties in terms of scale, height and bulk.

Conclusion

9. For the reasons identified, I conclude that the appeal should be dismissed.

**F. ALLOWED**

None