

A. LODGED

4/00534/18/FUL

BELGRAVE PROPERTY DEVELOPMENTS LTD
DEMOLITION OF EXISTING GARAGE & WORKSHOP BUILDING AND
CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING, DETACHED CAR
PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING
R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1
[View online application](#)

4/02450/17/FUL

Bull Homes Ltd
DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED
HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS,
TOGETHER WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN
AMENITY SPACES AND EXTERNAL BIN STORES.

143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00091/18/ENA

Peters
APPEAL AGAINST ENFORCEMENT NOTICE - COMMERCIAL USE OF
BUILDING AND METAL FRAMED BUILDING
LAND ADJ. TWO BAYS, LONG LANE, BOVINGDON, HP3 ONE
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

4/01060/17/FUL

Land Key Developments
DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO
3-BED DWELLINGS

2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG
[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing property and replacement with two semi-detached dwellings at 2 Kitsbury Road, Berkhamsted, HP4 3EG in accordance with the terms of the application, Ref 4/01060/17/FUL, dated 11 April 2017, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The Council does not advance in its decision notice any concerns from the appeal proposal on the Berkhamsted Conservation Area (CA), nor does it cite any conservation policies from the development plan against which it finds conflict. However, the officer report is quite clear that the effect of the development on the character and appearance of the CA is a key consideration.

3. For the avoidance of doubt and to discharge my statutory duty which I set out below, I shall treat the main issue as the effect of the proposal on the character and appearance of the site, its surroundings, and the CA.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. The appeal site lies within the CA. The building proposed for demolition is a detached dwelling located in a prominent position on a road with a mixture of detached, semi-detached, and terraced houses. This architectural variety is reflected in the street scene but the unifying characteristic of the road is its topography and how the properties respect the falling land levels towards the High Street. 6. Given the variety of buildings within the area, I consider that there is no overall architectural theme which a proposed new building should respond to. The key assessment is whether the scale, form, and positioning of the building would respond successfully to the constraints of the site. In this respect, the Council considers that the proposal would represent a large and overbearing feature within its plot, to the detriment of the appearance of the area and consequently, the CA.

7. The proposed building would be larger than the building it would replace. It would be wider, includes windows at second floor level and the first floor mass to the rear of the building would also be greater. However, when viewed within the street scene, the proposal would maintain the gap with its neighbour to the south-west. Whilst the gap with 305 High Street would decrease, the remaining gap would be contextually appropriate and consistent with other gaps between buildings in the street, particularly the series of semi-detached houses that are located close to the appeal site. The space between the buildings would also be emphasised by the introduction of a hipped roof which would reduce the visual bulk of the building and also references the roof form of the semi-detached houses. Furthermore, the asymmetric nature of the roof pitch would also ensure that the eaves height would remain consistent, despite the introduction of some accommodation at second floor level. In light of the context of the street scene, and the design of the proposal which seeks to maintain the visual gaps between buildings, I consider that the proposal would not represent a large or overbearing feature within its plot. Instead, I conclude that the proposal would be a well-considered and contextually appropriate addition to the street scene.

8. The Council also consider that the garden depths of the proposal would be less than that normally required by residential development, and contend that this is another indicator that the scale, form and positioning of the building would represent an overdevelopment of the site. Whilst the gardens would be shallow, they would be functional and would broadly replicate the depth of the existing garden. Moreover, due to the variety of amenity space sizes in the immediate locality, the size of the gardens would not be out of character. The mass of the building and its relationship with the rear boundary is not significantly different to the existing situation and I therefore consider that the position of the building in this respect would not represent an overdevelopment of the site.

9. For the reasons identified above, the proposal would have an acceptable effect on the character and appearance of the site and its surroundings and would also preserve the character and appearance of the CA. It therefore accords with policies CS11 and CS12 of the Dacorum's Local Planning Framework Core Strategy, September 2013 which, taken together, promote development that preserves attractive streetscapes and respects adjoining properties in terms of layout, site coverage, scale, height, and bulk.

Other Matters and Conditions

10. The layout of the proposal is such that it would not provide any on-plot car parking spaces. The Council contend that this is another indication that the proposal would represent an overdevelopment of the site and that additional parking pressure would affect the amenity of existing residents. I observed on my site

visit that many houses in the locality, including the appeal site itself, do not provide off street car parking spaces. In this respect, the proposal would not be an anomaly within the street. As confirmed in the officer's report, Local plan policy 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. The proposed dwellings would be located in a highly accessible location and whilst I note the comments from interested parties in relation to the provision of car parking, I have not been provided with any specific evidence in terms of car parking surveys to suggest that the proposal would give rise to significant pressure for car parking. Moreover, I note that the Council's consultee on highway matters raised no objection to the proposal.

11. Therefore, based on the evidence I have before me, and the fact that the proposal would result in a net gain of only 1 unit, I am satisfied that development of the site without on-plot car parking would be acceptable in this context. It would not have an unacceptable effect on the amenity of existing residents and would not give rise to unacceptable parking pressure in the area. It would therefore not result in a layout and level of site coverage that would represent an overdevelopment of the site in that regard.

12. I note the comments from interested parties in relation to bin storage and the concerns regarding demolition and building work. The site is located close to neighbouring properties and is also located within the CA and for these reasons, I am satisfied that whilst not suggested by the Council, it would be necessary and reasonable to control these matters by way of suitably worded conditions. I have therefore imposed a condition that requires the submission of a construction method statement as well as full details of bin storage.

13. In the interests of certainty, I have also imposed the standard time limit for the implementation of the development, and in the interests of clarity, a condition is necessary to list the approved drawings. Due to the site's location within the CA, it is necessary to impose conditions requiring material details to be submitted to and agreed by the Council, although I have changed the trigger as the required details do not go to the heart of the permission and could be agreed after development commences.

14. Conditions that relate to a written scheme of investigation are also necessary due to the archaeological sensitivity of the site. Finally, in light of the potential for contamination at the site, conditions are required to secure the necessary contaminated land report and subsequent remediation.

Conclusion

15. For the reasons identified above, the appeal is allowed.

4/02389/16/FUL

Mr P Cowman

RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE)

11 BANK MILL, BERKHAMSTED, HP4 2ER

[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for a pair of three bedroom semi-detached dwellings at 11 Bank Mill, Berkhamsted, HP4 2ER in accordance with the terms of the application, Ref 4/02389/16/FUL, dated 1 September 2016, and the plans submitted with it, subject to the following conditions:

1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no alterations or extensions to the roof of the building hereby permitted.

2) The windows at first floor level in the north west and south east elevations of the development hereby permitted shall be permanently fitted with obscured glass.

3) No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 600mm.

Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account in my reasoning.

3. In allowing the appeal, I have changed the description of development from that which was on the original planning application form. I have removed the reference to the retention of the building as well as the word 'retrospective' because these are not acts of development. In doing this, I am satisfied that neither party is compromised.

Main Issue

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

Reasons

Site history

5. The appeal site has a long history and planning permission was first granted for a pair of semi-detached dwellings in 2010. Since then, there have been a number of planning applications and appeals that have sought various alterations to the development, much of which relate to the profile of the mansard roof. The most notable decision as I see it is that of the allowed appeal in April 2014 (APP/A1910/A/13/2203847) which the Council's officer report refers to as the 'benchmark scheme against which the proposal must be considered'.

6. Much of that appeal related to the profile of the mansard roof and a comparison between what was originally approved and what was subsequently being proposed. In allowing the appeal, the Inspector commented that 'I doubt that the ordinary man in the street would be able to appreciate the difference between the profile of the roof as approved and that as now proposed and both the Council's and the Appellant's comparison drawings illustrate how very little the difference is between the two.' This appeal decision represents a significant material consideration as a legitimate fall-back position.

7. The proposal now seeks the retention of the houses as built. The key differences between this proposal and that allowed at appeal are the profile of the roof and the introduction of a kicked sprocket at the base of the lower slope of the roof.

Character and appearance

8. As identified above, the site has a long history, much of which has focussed on the profile of the mansard roof. In refusing planning permission, the Council state that the roof form remains unduly large and box-like and consequently, the bulk and mass of the roof dominates the site and appears obtrusive and overbearing in terms of the established character of Bank Mill.

9. The mansard roof of the as-built scheme is bulky and when combined with the eaves overhang and the location of the first floor windows, the building does have a slightly top-heavy appearance. However, in this regard, I share the view of the previous Inspector who stated that 'It seems to me that in accepting accommodation arranged over three floors, two of which are contained within the roof, a significant compromise to the traditional form of mansard was necessary.' The appellant has sought to reduce this compromise by introducing a kicked sprocket detail, similar to the neighbouring property. Whilst this does have a subtle effect on reducing the profile of the roof, the roof is still the dominant feature of the building.

10. Regardless of the different roof profiles that are discussed in the evidence before me, since the 2014 allowed appeal there has been a fundamental change in circumstances and that is the redevelopment of the neighbouring property, no 13. The result of this is that the gable of the appeal building no longer 'rises well above the traditional sloping roof of the bungalow at No. 13'

a matter observed by the previous Inspector. Instead, the appeal site is now seen in the context of the adjacent two storey building. This helps to create a cohesive street scene where the adjacent properties are comparable in terms of bulk and height. Whilst the Council consider that the roof form has diminished in quality from that allowed at appeal in 2014, I consider that the building as built integrates successfully with the street scene when viewed in the context of the redeveloped site next door and the variety found elsewhere in the street. For this reason, I conclude that it is not harmful to the character and appearance of the area.

11. In relation to the proportions of the bay windows, I agree that the cill height does result in the windows having a horizontal emphasis and a slightly squat appearance. That said, they are not the principal feature of the building, and instead, they are one of a number of design features that together make up the composition of the building. When read as a whole and viewed in its context, the building represents an acceptable addition to the street scene and I consider that the proportions of the bay windows do not tilt the balance away from this conclusion.

12. Despite not forming part of their reason for refusal, in their supporting evidence for the appeal, the Council also raise concern that the proposal has a harmful effect on the setting of the Berkhamsted Conservation Area (CA) as well as views out of it. The boundary of the CA is located to the south west of the appeal site and the building can be viewed from within the CA, the Council is therefore entitled to come to a view in relation to the impact of the development. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. In light of my findings in relation to the effect of the development on the character and appearance of the area more generally, I am satisfied that the proposal also preserves the views out of the CA and consequently its setting. Because of this, there is no need to weigh the effect of the proposal against public benefits as required by the National Planning Policy Framework (the Framework).

13. For the reasons identified above, the proposal does not have a harmful effect on the character and appearance of the area. Consequently, the proposal accords with policy CS12 of Dacorum's Local Planning Framework, Core Strategy (2013) (CS) requires, amongst other things, development to integrate with the streetscape character and respect adjoining properties in terms of layout, scale, height and bulk.

Conditions

14. The Council have suggested a condition to remove householder permitted development rights in the interests of safeguarding the residential and visual amenity of the locality. Paragraph 53 of the Framework

states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Moreover, the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. Due to the merits of this case, it is necessary to restrict permitted development rights in relation to roof alterations but I consider that there are no exceptional circumstances to impose a more onerous restriction.

15. In the interests of highway safety, a condition is necessary in relation to the height of front boundary treatments and a condition is also necessary to ensure that obscure glazing remains in the first floor side windows so as to safeguard privacy levels for neighbouring occupants.

Conclusion

16. The appeal is allowed.