

6. APPEALS

A. LODGED

4/02205/18/MFA

Gleneden Plant Sales Ltd
DEMOLITION OF ALL BUILDINGS AND CONSTRUCTION OF A MAIN BUILDING AND TWO OUTBUILDINGS COMPRISING OF 46 DWELLINGS WITH ASSOCIATED SOFT AND HARD LANDSCAPING, BIN STORE, ENTRANCE GATES AND HIGHWAYS IMPROVEMENTS
CADDINGTON HALL, LUTON ROAD, MARKYATE, ST ALBANS, AL3 8QB
[View online application](#)

4/02770/18/FHA

Mr & Mrs Dix
FIRST FLOOR SIDE EXTENSION WITH REAR DORMER WINDOW
18 HUNTERS CLOSE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NF
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

4/02813/17/FUL

BANNISTER
20M X 40M MANEGE AND RETENTION OF STATIC CARAVAN, SMALL POLE BARN AND SINGLE STABLE
HARESFOOT GRANGE, CHESHAM ROAD, BERKHAMSTED, HP4 2SU
[View online application](#)

E. DISMISSED

4/00766/18/FUL

Hemel Hempstead Property Co (Apsley) Ltd
THREE BED DWELLING WITH ASSOCIATED PARKING AND LANDSCAPING (AMENDED SCHEME)
LAND AT 1 LAUREL BANK, HEMEL HEMPSTEAD, HP3 0NX
[View online application](#)

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Laurel Bank is a modern cul-de-sac of detached dwellings, all set back from the road by front gardens and driveways. Each plot is detailed in a similar way, with groups of the same house types repeated through the scheme. The existing development is of red brick, with red tiled roofs, white window frames. Some properties have details such as vertical tiling and box bay windows. The scheme is strongly suburban in terms of its layout, scale and materials.

4. The appeal site itself is a quite wide area of linear grassed land that sits between no's 1 and 2 Laurel Bank. It is of relatively shallow depth, bounded to the rear by a close-boarded garden fence marking the side to the rear garden of 2 Felden Lane. To the front of the site is a surfaced pedestrian footway. The remainder of the site is open to the street.

5. The site is situated within the HCA4 Character Area, which identifies that the wider area has limited public open space. However, I note that this is not a reason for refusal per se. Nevertheless, the proposal would result in the loss of an area of undeveloped land which contributes positively to the spacious feel of Laurel Bank.

6. The site is not within a conservation area and so there is not the statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of this area. However, it is a statutory requirement that my decision is made in accordance with the development plan unless material considerations indicate otherwise. Policy CS12 of the Dacorum Core Strategy 2013 (CS) seeks that, in the development of sites, proposals should integrate with streetscape character and respect adjoining properties in terms of matters which include layout and site coverage.

7. The loss of this open land fronting Laurel Bank through the erection of a house would detract from the visual relief and sense of openness currently provided which would create a more enclosed streetscape, harmfully out of keeping with the spacious character of this residential area.

8. In arithmetic terms, the proposal would still broadly reflect the current density of surrounding development. However, in terms of layout and site coverage the proposal would not reflect the prevailing pattern of road fronting housing with small front gardens and quite large rear gardens. The proposal is not entirely comparable to No 1 which occupies a corner plot with a frontage onto Felden Lane and a side return onto Laurel Bank. The appeal proposal occupies a plot of land that tapers in depth compared with that of the plot occupied by No 1. This limited site depth necessitates the dwelling proposed fronts quite closely onto Laurel Bank, with very little space behind and necessitating a somewhat contrived 'blind' rear elevation. Although there would be garden space to the side of the dwelling this is not typical of the general arrangement of housing this area. I consider the layout proposed to be both cramped and incongruous when compared with that of the surrounding housing.

9. For the above reasons the proposal would have a harmful effect on the character and appearance of the area and by failing to integrate with the existing streetscape character and respect the layout of surrounding development would conflict with Policy CS12.

Other Matters

10. A number of third parties have raised issues such as car parking and access to the site, however, I do not consider that these issues alone warrant a dismissal of this appeal.

11. I also note the planning history presented by interested parties regarding the surrounding area. However, I have focused on the individual merits of the development proposed for this particular site.

Conclusion

12. I have considered the proposal in the context of the National Planning Policy Framework (the Framework) and give weight to the small benefit of an additional dwelling towards housing supply in what appears to be a sustainable area. There would be also be local economic investment from the construction of the dwelling along with subsequent occupation.

13. However, the Framework also seeks to achieve well-designed places and the modest benefits would not outweigh the significant harm I have identified to the character and appearance of the area. I therefore conclude that the appeal should be dismissed.

4/01628/18/FUL

Kidd

NEW TWO BEDROOM DWELLING

LAND ADJ 1 ST MARGARETS CLOSE, BERKHAMSTED, HP4 2LH

[View online application](#)

The proposed building would be read in the context of the nearest dwelling at No. 31a from which it would have a separation distance of 1.2m, below the identified spacing range set out under BCA2 (Swing Gate) within the Area Based Policies SPG and therefore incongruous in the streetscene. Further, due to the scale and design of the dwelling and its height above No. 31a, the proposal would be a visually intrusive

addition to the street scene, would be detrimental to the character and appearance of the surrounding area and No. 31a and Swing Gate Lane in particular. It would have a cramped appearance and entirely inconsistent with SPG guidance, indicative of overdevelopment of a site which is too small to accommodate the scale and size of building proposed. In terms of planning balance the adverse effects described would demonstrably outweigh any benefits to meeting the Council's housing need.

4/02480/17/FUL

DALIA ROS
NEW DAY NURSERY BUILDING ON SITE OF EXISTING
CHERRY TREE DAY NURSERY, 15 HORSELERS, HEMEL HEMPSTEAD,
HP3 9UH
[View online application](#)

The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

The proposed building would have two floors. As the upper floor would be in the roof space the height of the proposed building would be less than that of the surrounding houses. However it would be noticeably higher than the adjacent garages even taking into account the siting at a lower land level than the main building. Although it would have a T shape floor plan, due to its size and the narrow gaps to the boundaries the building would appear cramped and contrived in relation to the host property and the adjacent garages. It would appear over dominant in views from the well-used pedestrian route to the open area behind; and from the gardens of Nos 15a and 13 Horselers, even though those houses are some distance away. In these ways it would not enhance the spaces between buildings as required by the Dacorum Core Strategy 2013.

The proposed building would occupy a sizeable proportion of the existing curtilage reducing the amount of external play space available. Together with the other buildings/structures within the appeal site, the overall available open space within the curtilage of No 15 would be noticeably less than that of adjoining houses. On this basis I consider that the proposal would amount to over-development within the site; which would not respect the typical density of built development within the curtilages of the adjoining houses.

The remaining outdoor space would be disjointed and awkwardly shaped and overdominated by the proposed building. Whilst it is accepted that the open area to the rear could be used, this area has constraints (safeguarding and topography) and as such does not sufficiently offset the loss of open space within the site.

The size of the space created would significantly exceed the size of the existing playrooms which are used on a permanent basis and the design of the upper floor with dormer and balconies would appear suitable for other uses. As the proposed rooms would be larger and airier there is a probability these would be more attractive than existing rooms which would result in a relocation of the primary day to day nursery activities. The relocation or expansion of the facility would be harder for the LPA to resist once the building was constructed and may give rise to additional noise and disturbance issues.

The nursery is a well-established and provides a valuable community and education facility for the local area. However, the increase in size of the enterprise arising from the proposed development would mean it was no longer small-scale and therefore would be less compatible with adjoining residential uses. Accordingly there would be some conflict with Policy CS4 of the CS which provides for small scale community uses in residential areas providing they are compatible with the surrounding residential land uses.

Although the proposal would provide improved facilities for the existing facilities on balance, for the reasons set out above I conclude that this is out-weighed by the harm caused to the character and appearance of the area by way of scale, density, layout and site coverage and the incompatibility arising from the increased scale of the enterprise. Accordingly the proposal would conflict with Policies CS4, CS11 and CS12 of the CS. These, amongst other things, provide for small-scale non-residential community development provided it would be compatible with the surroundings in terms of site coverage, layout, scale and amenity space; would enhance the spaces between buildings and would integrate with the streetscape.

4/02507/18/FHA

Salisbury
CONSTRUCTION OF TWO STOREY FRONT EXTENSION
28 BROOK LANE, BERKHAMSTED, HP4 1SX
[View online application](#)

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal dwelling is a detached two storey house with a single storey lean-to extension to its front elevation which partially accommodates the entrance hallway into the dwelling, as well as a store. It is located within a row of 5 no similarly designed properties which are simple in their design and of their time in terms of architecture.

4. I note that it was the appellants' intention to construct an extension that would integrate into the locality without compromising its streetscape or character, however, the extension would deviate quite considerably from the original design of the dwelling and being two storeys high, would largely obscure the existing principal elevation, notwithstanding the slightly lower ridge line of the proposed hipped roof.

5. Overall, the height, depth and width would be such that the scale and design of the extension would appear as an obtrusive addition that would not only lack subordination and detract from the character and appearance of the host dwelling, but would also be incongruous within the street scene, disrupting the simple architectural rhythm and alignment formed by the row of dwellings of which it forms part. I say this notwithstanding that the original symmetry of the properties may have reduced over time through the conversion of garage spaces into habitable rooms, however the very fact that some dwellings may have had rear extensions is irrelevant to the case in hand. Acknowledge that the existing rear garden is of a limited depth and therefore can fully understand that the addition of a rear extension could have a detrimental impact on the level of garden space available to the occupiers of the host dwelling.

6. I accept that the proposal would provide greater living accommodation for the appellants, facilitating the sub-division of the existing combined kitchen/dining/ living room to enable a separate living room to be placed at the front of the property; as well as to enable the increase in size of two of the bedrooms at first floor level. However, I consider that this is a case of form following function and pays little regard to the character and appearance of the area, notwithstanding that I do not doubt that the building work would have been completed to a high standard utilising matching materials of construction.

7. Furthermore, I note that the Council accept that the proposal would not have a detrimental impact upon the living conditions of the occupants of surrounding residential properties and this is further reinforced by the letters of support written by third parties. However those factors that fall in favour of the proposal do not outweigh the harm that the proposal would have upon, not only the character and appearance of the host dwelling, but also the wider area.

8. I therefore conclude that the proposal, by reason of its size, height, design and siting would appear as an incongruous and obtrusive addition that would over-dominate the front of the dwelling and seriously disrupt the fairly consistent run of modest and simply designed dwellings to the detriment of the street scene. I find the proposal contrary to Policy CS12 of the Dacorum Core Strategy September 2013 in that the development would fail to integrate with the streetscape character and would fail to respect adjoining properties in terms of scale, height and bulk. The Council have not demonstrated how the proposal conflicts with Appendix 7 of the Decorum Borough Local Plan (2004), however, I also find that the proposal conflicts with the National Planning Policy Framework 2018 which, in paragraph 127, requires planning decisions to ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character.

Conclusion

9. Therefore having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

F. ALLOWED

4/00783/17/OUT

DLA Town Planning & Wakelin Assocs
CONSTRUCTION OF TWO CHALET BUNGALOWS WITH ASSOCIATED
ACCESS , PARKING AND AMENITY SPACE.
LAND AT LOVE LANE, KINGS LANGLEY, WD4
[View online application](#)

Allowed appeal following refusal of outline planning permission for two dwellings.

This appeal follows a dismissed appeal for four dwellings under 4/02147/16/OUT where the previous inspector described the site as open and transitional landscape in an edge of settlement location, and that scheme as a whole would not have a physical or visual affinity with the linear development that is characteristic of Love Lane or the more sporadic pattern to its west.

The current appeal decision based on 4/00783/17/OUT considers the site to be within the envelope of the village. The proposal for two relatively large houses (on the indicative layout plan), to the inspector, appeared to be a more appropriate infill development to fit with the character of Love Lane and can be regarded as sufficiently 'limited' to be described as a proposal for limited infill within a village.

4/02625/17/FHA

MEHUL PATEL
EXTENSION OF BOUNDARY WALL AND FENCING AND WORKS TO
DRIVEWAY
2 WHITEWOOD ROAD, BERKHAMSTED, HP4 3LJ
[View online application](#)

The Inspector concluded that the boundary wall and fence once completed would not appear unduly overbearing when viewed from neighbouring properties or from the street. Taking into account that there is still a substantial area of frontage retained as open, the Inspector found no material conflict with the Character Area Assessment and that the proposals complied with Policy CS12 of the DBC Core Strategy 2016-2031.