

6. APPEALS

A. LODGED

4/01000/15/FUL Miss J & Miss S Seager
CONSTRUCTION OF TWO SELF BUILD HOUSES
49 & 51 SCATTERDELLS LANE, CHIPPERFIELD, KINGS
LANGLEY, WD4 9EU
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4/01123/15/FUL Smyth
CONVERSION OF AN EXISTING STABLES TO FORM A
SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND
WORKSHOP (REVISED SCHEME).
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL
HEMPSTEAD, HP3 0PW
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B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02263/15/ENA HAMBERLINS FARM - MR G EAMES
APPEAL AGAINST ENFORCEMENT NOTICE
LAND AT HAMBERLINS FARM, HAMBERLINS LANE,
NORTHCHURCH, BERKHAMSTED, HP4 3TD
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D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

4/00365/15/FUL BRAYBEECH HOMES LTD - MR S BOOTH
CONSTRUCTION OF TWO SEMI-DETACHED HOUSES
LAND TO THE REAR OF 17 STATION ROAD, TRING,
HP235NG

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The main issue is the effect of the proposed dwellings on the character and appearance of the area, having particular regard to the relationship with 7 Sycamore Drive. Since the submission of the appeal planning permission has been granted for a pair of semi-detached dwelling on the site. On the site immediately to the west, planning permission has been granted at appeal for four semi-detached dwellings.

The proposed dwellings are similar in height, scale and mass to those allowed at appeal (14 & 15) and would provide an acceptable transition from Station Rd to Treehanger Close. There would thus be no harm to the overall character and appearance of the area.

It is appreciated that the councils issue is a more specific one relating to the visual relationship with the bungalow, in this regard the height of the development would be almost double that of the bungalow which the council argue would be an abrupt difference in size. However there would be a gap between the new dwelling and the bungalow. The main orientation of the bungalow is also onto another residential cul-de-sac which would result in it appearing visually separate. Furthermore the properties would align and not project any further forward. Public views of the development would also be restricted. For all of the above reasons there would not be an abrupt difference.

Planning permission has been granted for two dwellings on the appeal site and the only difference if the catslide addition. The changed roof and dwelling profile would be materially different and therefore not comparable in the context of the issue here.

In conclusion the proposal would not result in an overbearing visual relationship and would not harm the area.

In respect of the roof light, a cill height of 1.2m instead of 1.6m would be immaterial. The ground levels are similar and the back to back distances exceed the councils required distances. Any neighbour loss of privacy at roof or first floor level would not be significant.

Costs

An application for costs was made but dismissed. The Inspector concluded that although he came to a different conclusions to memembers of the impact of the additional catslide the council has provided some objective analysis for its approach and substantiated its case on this basis. Some of the Councils language used in decribing the visual impact of the dwelling is more commonly associated with living conditions issues. The councils reason for refusal refers to criteria (g), whilst brief this does not refer to living conditions and on balance i find the councils stance on arguing a case fair.

The appellants recollection of committee proceedings is different to the councils but there is no evidence before me that the councils were making objections based on living conditions.

4/00438/15/ROC BrayBeech Homes Limited - Mr S Booth
VARIATION OF CONDITION 2 (APPROVED PLANS) AND 5
(ROOFLIGHTS, CILL HEIGHTS) OF APPEAL REFERENCE
APP/A1910/A/14/2221190 ATTACHED TO PLANNING
PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR
SEMI-DETACHED HOUSES)
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG
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In respect of varying condition 2 the main issue is the effect of the proposal on the character and appearance of the area. In respect of condition 5 it would be the effect on the living conditions of occupiers of Treehanger Close.

Since the submission of the appeal, permission has been granted for smaller gables and the lowering of the side roof lights.

Condition 2

The enlarged dwellings would be smaller in scale than those along Station Road and would still have the same main roof form. The Treehanger Close properties are located some distance away. The dwellings would not therefore be excessively bulky or of unacceptable mass and would continue to act as a transition. By reason of their siting they would also have limited visual impact from Station Road. There would thus be no harm to the overall character or appearance of the area.

Condition 5

There would be a considerable separation distance between neighbouring properties. Dwellings have been permitted on this site which attach considerable weight to. The permitted dwellings have first floor windows and the roof lights would be set back from these. View from the roof lights would be constrained by the positioning of them within the angled roofplane. The previous inspector conditioning the height of the roof lights to safeguard amenity. However, in this appeal, it has been demonstrated that a relaxation of this requirement would not result in a significant loss of privacy. In this respect, the previous inspector did not consider the same arguments or evidence. In the previous appeal overlooking was not identified as a main issue and the inspectors comments are therefore brief, and for this reason are not overriding in this instance.

Costs

The councils objective analysis has some substance although not overly detailed. In addition the councils have provided evidence in the form of comments from a previous inspector to support their case. As such unreasonable behaviour has not been demonstrated.