

## 6. APPEALS UPDATE

### A. LODGED

- 4/00527/19/FHA Mr Reading  
TWO STOREY FRONT AND SIDE EXTENSION WITH ALTERATIONS TO ROOF, REMOVAL OF CHIMNEY, DETACHED OUTBUILDING AND ADDITIONAL CAR SPACES  
3 MARY CROSS CLOSE, WIGGINTON, TRING, HP23 6QL  
[View online application](#)
- 4/00974/19/ENA SUPERIOR PROPERTY DEVELOPMENTS LTD  
APPEAL AGAINST ENFORCEMENT NOTICE - REAR TERRACING  
HONEYBROOK, ST MARGARETS, GREAT GADDESSEN, HEMEL HEMPSTEAD, HP1 3BZ  
[View online application](#)
- 4/00976/19/ENA SUPERIOR PROPERTY DEVELOPMENTS LTD  
APPEAL AGAINST ENFORCEMENT NOTICE - BREACH OF CONDITION  
HONEYBROOK, ST MARGARETS, GREAT GADDESSEN, HEMEL HEMPSTEAD, HP1 3BZ  
[View online application](#)
- 4/01180/19/ENA Mr Elahi  
APPEAL AGAINST ENFORCEMENT NOTICE - NON-FORESTRY USES AND CREATION OF VEHICULAR ACCESS  
BABIES WOOD, PUDDEPHATS LANE, MARKYATE  
[View online application](#)
- 4/01695/18/FUL RELX (UK) Ltd  
CONSTRUCTION OF TIMBER SECURITY FENCE.  
LAND ON THE SOUTH SIDE, BULBOURNE ROAD, TRING  
[View online application](#)
- 4/02338/18/FUL Avon Services  
TWO 1-BED UNITS AND TWO 2-BED UNITS FROM THE

CONVERSION AND PART DEMOLITION OF THE EXISTING BUILDINGS (AMENDED SCHEME)  
NISSEL HOUSE, FENSOMES CLOSE, HEMEL HEMPSTEAD,  
HP2 5DH

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4/02993/18/FUL

Mr Williams

CHANGE OF USE AND CONVERSION OF EXISTING GROUND FLOOR FROM VETERINARY PRACTICE INTO A TWO-BEDROOM FLAT. ROOF EXTENSION AT FIRST FLOOR TO INCREASE SIZE OF EXISTING FIRST FLOOR FLAT TO A LARGER TWO-BEDROOM FLAT. CONSTRUCTION OF TWO NEW-BUILD TWO-BEDROOM APARTMENTS TO THE REAR FACING ST. JOHNS WELL LANE. PROVISION OF CAR PARKING FOR FIVE VEHICLES, FIVE-BAY CYCLE STORE AND WASTE REFUSE STORE.

320A HIGH STREET, BERKHAMSTED, HP4 1HT

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4/03226/18/FUL

Ms L Kimmance

DEMOLITION OF EXISTING RESIDENTIAL DWELLING AND CONSTRUCTION OF 4 X 2-BED FLATS AND ANCILLARY WORKS

LAVENDER COTTAGE, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA

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## **B. WITHDRAWN**

4/02249/18/MFA

Marchfield Homes Ltd

DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 17 DWELLINGS (CLASS C3) AND ONE RETAIL (CLASS A1 SHOP) UNIT AND PARISH STORE ROOM, FORMATION OF LAYBY TO CHAPEL CROFT AND ALTERATIONS TO VEHICLE AND PEDESTRIAN ACCESSES

GARDEN SCENE CHIPPERFIELD, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EG

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## **C. FORTHCOMING INQUIRIES**

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  
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## **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  
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## **E. DISMISSED**

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](#)

The main issues to be considered are i) the effect of the proposed development on the character and appearance of the area and ii) the effect of the proposal upon highway safety.

### Density and character of the locality

The Inspector found intensity of the development would, when considering the character of the area, appear cramped. The small plot sizes would contrast with the more spacious plots found within the surrounding area. This would not be immediately visible from Belswains Lane, due to it being set back down the access road, but it would be highly visible from Pinecroft due to its elevated position in comparison to the appeal site. I find this would result in a cramped appearance which would erode the spacious quality, causing significant harm to the character and appearance of the area.

Accordingly, the Inspector found the proposal would be contrary to CS Policies CS1, CS4, CS10, CS11 and CS12 which place emphasis, amongst other things, upon seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This is noted as being reiterated in the saved Policies of the Dacorum Borough Local Plan (2004) (LP) Policies 10, 18 and 21.

#### Off-Street Parking and Highway Safety

Overall, the Inspector found the position of the parking proposed to be unacceptable as it could potentially impede access and furthermore there is insufficient evidence before me that large vehicles can access the site safely.

The Inspector therefore concluded that the proposal fails to demonstrate that the development can be accessed, and used, safely by all vehicles utilising the site which is contrary to paragraph 109 of the Framework which seeks to avoid unacceptable impact to highway safety. Whilst the proposal may provide sufficient off-street parking, it is nonetheless contrary to Policy CS12 which seeks to provide a safe and satisfactory means of access for all users as well as provide sufficient space for servicing.

The Council confirm that they are unable to evidence a 5YHLS which means that paragraph 11 d) of the Framework is engaged. Despite this it is noted the Council have a HDT result of 153%. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The scheme would provide a social benefit through the provision of nine dwellings which is attributed moderate weight. There would be economic benefits from the scheme in the short term from the construction of the dwellings. There would be longer term economic benefits from the future residents in the local economic area to which moderate weight is attached.

Whilst the proposal is in a location where the principle of residential use is acceptable, however, the Inspector attached significant weight to the harm identified to the character and appearance of the area meaning the proposal fails to enhance the built environment. As previously stated, making effective use of land, as required within the Framework, does not necessarily mean creating developments of the highest densities possible to the detriment of good design.

The Inspector found, that when she considered the scheme against paragraph 11d) ii) of the Framework, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of the nine residential dwellings proposed.

4/03071/18/FHA

Thompson  
DETACHED GARAGE  
KEYMERS, CHAPEL CROFT, CHIPPERFIELD, KINGS  
LANGLEY, WD4 9EQ  
[View online application](#)

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

- Whether or not the proposal is inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal were to be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### Whether inappropriate development

3. The revised National Planning Policy Framework (February 2019) (the revised Framework) sets out that the construction of new buildings shall be regarded as inappropriate in the Green Belt. This is unless the development proposal meets one of several exceptions that are set out. On the basis that the proposal would constitute neither an extension nor a replacement building, the appeal proposal would not appear to meet any of these stated exceptions.

4. Policy CS5 of the Dacorum Borough Core Strategy (September 2013) (the Core Strategy) is consistent with the revised Framework in so far as it requires the application of national Green Belt policy. Indeed, where permissible types of small-scale development in the Green Belt are listed under Policy CS5, the construction of new outbuildings (i.e. such as sheds, garages or car ports) is not included.

5. For the above reasons, the proposal would be inappropriate development in the Green Belt and, in this regard, it would conflict with Policy CS5 of the Core Strategy and with the revised Framework in so far as these policies state that inappropriate development is, by definition, harmful to the Green Belt.

### Openness

6. The revised Framework indicates that openness is an essential characteristic of the Green Belt, and that one of the Green Belt's purposes is to assist in safeguarding the countryside from encroachment.

7. The site is located at the end of a private access road and is not readily visible from public vantage points. It is also surrounded by neighbouring residential development. In this context, noting the limited height and footprint of the building that is proposed, I do not consider that the proposal would cause harm to the openness of the Green Belt. The proposal would accord with the revised Framework in so far as its policies confirm that

openness is an essential characteristic of Green Belts.  
Whether very special circumstances exist

8. The revised Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is notwithstanding that I have found no harm would result to the Green Belt's openness. Indeed, the revised Framework is clear that substantial weight should be given to any identified harm to the Green Belt.

9. I acknowledge that the proposed double garage/car port appears commensurate in size to the large dwelling that it would serve and that it would likely be of benefit to any future occupier of the site. It is worth noting however that the new dwelling that has been constructed on the site has already been approved with an integral garage, such that the need for the proposed development is less clearly apparent.

10. I note that it has been stated by the appellant that similar garages/car ports have been approved in prominent positions in the immediate vicinity of the site, although limited supporting evidence has been provided. In any event, I must determine the appeal on its own merits based on the evidence before me and whilst recognising the site's Green Belt location.

11. I further acknowledge that the proposed materials have been selected with the intention of harmonising with the site's setting and the proposal's height and open-fronted design are intended to reduce its visual impact. In addition, surrounding vegetation would not be expected to be affected by the proposal.

12. However, the contributions set out above would not clearly outweigh the significant harm identified to the Green Belt so as to amount to the very special circumstances necessary to justify the proposal. The proposed development conflicts with the development plan, and material considerations do not lead me to a decision otherwise.  
Other Matters

13. The appeal site, from the evidence before me, abuts the Chipperfield Conservation Area. Notwithstanding relevant statutory duties that apply, as I have found the development unacceptable for other reasons, it is not necessary for me to assess the proposal's effect upon the Conservation Area's setting under this appeal.

Conclusion

14. For the above reasons, the appeal is dismissed.

## **F. ALLOWED**

4/00401/18/FHA      Wilks  
TWO STOREY SIDE AND REAR EXTENSION, SINGLE  
STOREY REAR EXTENSION AND REAR DORMER  
132 GEORGE STREET, BERKHAMSTED, HP4 2EJ  
[View online application](#)

The Council did not formally decide this application. However, based on an earlier refusal

of an identical proposal, the main issue is whether the proposal would preserve or enhance the character or appearance of the Berkhamsted Conservation Area.

The Inspector accepted that the appeal proposals would add some bulk to the rear of 132 George Street, however this does not necessarily result in harm. The proposed extension would be broken through its graduation of rooflines, moving away from the main house. This would have the effect of reducing the overall impact. The design of the extension is contemporary and would be read as such, in contrast to the more obviously original parts of the building. Whilst being visible, given its position on William Street, it would add visual interest to it, particularly through the addition of a small number of windows.

The Inspector considered that the appeal proposal would not, through its contemporary design, detailing or bulk, particularly undermine the special character and appearance of the Conservation Area. Taken as a whole, the scale of the proposed extension would be modest and the additions complementary. To that end, I consider the overall effect would be neutral, preserving the character and appearance of this part of the Conservation Area. I therefore conclude that the appeal proposals would satisfy policies CS27 and CS12 of the CS, and saved policy 120 of the LP.

#### Conditions and Conclusion set by the Inspector

The National Planning Policy Framework seeks in paragraph 55 that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In addition to the standard time limit for commencement: (1) a condition is necessary specifying the approved drawings, in the interests of certainty (2) conditions over the external materials to be used (3) and over matching brickwork colour, texture, bonding and pointing (4) are both necessary to ensure the satisfactory appearance of the development. The further details of the windows to be used sought by the further conditions recommended by the Council are addressed by condition 3. The Council's recommended conditions over addressing site contamination are not adequately substantiated.