

6. APPEALS UPDATE

A. LODGED

- 4/00095/18/FUL MRS HOLDERNESS
CONSTRUCTION OF A SINGLE DETACHED DWELLING
THE GRANGE, 8 HIGH STREET, MARKYATE, ST ALBANS, AL3
8PD
[View online application](#)
- 4/00493/19/FHA MacGregor
SINGLE STOREY SIDE EXTENSION
GRANARY COTTAGE, 89 FLAUNDEN, HEMEL HEMPSTEAD,
HP3 0PP
[View online application](#)
- 4/00926/19/FUL Cosgrave
TWO NEW DETACHED RESIDENTIAL DWELLINGS (AMENDED
SCHEME)
TWO BAYS, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD,
HP3 0NE
[View online application](#)
- 4/01848/19/ENA Rickett
APPEAL AGAINST ENFORCEMENT NOTICE - MARQUEE
BOXMOOR LODGE, LONDON ROAD, HEMEL HEMPSTEAD,
HP1 2RA
[View online application](#)
- 4/02781/18/MFA Hobbs Developments Ltd
DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION
OF 21 ONE-BED FLATS
MILBOR ENGINEERING HEMEL HEMPSTEAD LTD,
BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE
[View online application](#)
- 4/03018/18/FUL Rule
TWO THREE BED DWELLINGS WITH NEW ACCESS
131 TROWLEY HILL ROAD, FLAMSTEAD, ST ALBANS, AL3

8DS
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00519/19/FUL B Sterling
DEMOLITION OF EXISTING GARAGE AND SIDE/REAR
EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE
EXTENSION AND PART SINGLE, PART TWO-STOREY REAR
EXTENSION; CONVERSION FROM SINGLE DWELLING INTO
PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)
GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0HF
[View online application](#)

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ben Sterling (Kedgling Development) against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of the property known as Ivydene, with particular regard to privacy.

Reasons

4. Along with the proposed extensions and associated works, the development would involve the division of the existing dwelling into two separate dwellings. The submitted 'existing' plans show that two of the first-floor side windows which face the adjacent lying property, 'Ivydene', serve a bathroom and a bedroom. One of the existing windows would be removed and as a result of internal alterations the remaining side facing window ('the window') would serve a bedroom.

5. The window to be retained overlooks Ivydene. Due to the scale, position and clear glazing of the window, it would offer clear and elevated views of the dining room window and rear patio area associated with Ivydene. It would represent a significant intrusion, unacceptably diminishing the privacy for the occupants of this property, to the detriment of their living conditions.

6. I have been provided with a copy of a previous appeal decision for a similar proposal which was recently dismissed by the appeal Inspector. My findings concerning the impact on the living conditions of neighbouring occupants do not deviate from the previous appeal decision. Like the previous Inspector, I find that as the proposal involves a window which would serve a bedroom, which comprises a habitable room, it would be materially different and more harmful to adjacent living conditions than the existing use of the room as a bathroom, where overlooking of Ivydene through the window would not be as prevalent.

7. As part of this appeal, the appellant has included evidence to support a 'fall-back' position, which would entail changing the use of the room served by the window to a bedroom, to be used as part of a House in Multiple Occupation (HMO). To my mind, if the first-floor room closest to Ivydene was to be used as a bedroom in connection with an HMO, then it too would lead to an unacceptable loss of privacy for the occupants of Ivydene for the reasons I have already given.

8. The appellant states that it is their intention to instigate the fall-back option should this appeal fail. I observed on my site visit that some limited internal works had taken place within the appeal building, but there was no evidence to suggest that it was being used as an HMO, nor that the existing bathroom had been converted into a bedroom. Nevertheless, whilst there is no Lawful Development Certificate concerning the HMO use, the Council do not dispute that it would not require planning permission. I also understand that a separate HMO license may be required for such an HMO use, but the appellant has submitted uncontested evidence detailing over 90 HMO licenses granted by the Council since 2016, with none having been refused.

9. The Council have referred me to a recent and extant planning permission on the appeal site. Whilst I do not know the full details of the case, it appears that the permission involves the provision of an obscure glazed window in order to address the concerns relating to the living conditions of adjacent occupants. Therefore, even if I was to assume that the use of the building as an HMO could be implemented, the extant planning permission signals an intent to carry out a different development which casts some uncertainty over the appellant's contention that the appeal building would be used as an HMO. As a result of all the evidence I have before me, I have applied modest weight in connection with the fall-back position, but it does not outweigh the harm I have identified.

10. In conclusion, the development would unacceptably harm the living conditions of the occupants of the adjacent property, Ivydene, with particular regard to privacy. The development would conflict with Policy CS12 of the Dacorum Local Development Framework Core Strategy 2013 which requires, amongst other matters, to ensure development avoids loss of privacy to surrounding properties.

Other Matters

11. Third parties have raised concerns relating to a range of matters including highways and parking, design and appearance, and lack of amenity space for future occupants of the proposed development. The Council did not raise any specific concerns in respect of these matters. In any event, I am dismissing the appeal for the reasons given so I have had no reason to pursue these concerns further.

12. It has been put to me by the appellant that the proposed bedroom closest to Ivydene could be part of a single-family unit and may be used as a child's room or spare room which would limit the frequency of its use. However, there would be no restriction concerning the demographic or frequency of use of the proposed bedroom and, therefore, it is a matter to which I attach only limited weight and it does not outweigh the harm I have identified.

13. At some time in the past it appears that the window was obscure glazed. I do not know the lawful status of the current window. However, this has had no bearing on my decision which I have made based on the submitted plans which show that the window would be clear glazed as part of the proposal.

Conclusion

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

Costs Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The applicant contends that the Council made their decision to refuse planning permission based on a previous appeal decision, without considering the alterations to the proposal which were made as part of the planning application. They also claim that the Council misrepresented the facts to justify the grounds of refusal and did not understand the application. Therefore, it is put to me that these actions resulted in

unnecessary and wasted expense.

4. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal, and if they delay a development that should have been granted permission. In this regard, the Council's officer report articulated the concerns relating to the impact of the proposed development on the living conditions of the occupants of the neighbouring property. These concerns were summarised in the reason for refusal on the decision notice.

5. Whilst the appeal site has several historic planning applications and appeal decisions, the Council assessed the proposal based on the submitted plans, whilst having regard to a recent appeal decision, which was a relevant material consideration. I find that the concerns raised by the Council were communicated in a clear and understandable way and for the reasons identified in the appeal decision, I share the concerns of the Council in this respect.

6. Furthermore, the Council acknowledged the 'fall-back' position relating to the potential to use the appeal building as a House in Multiple Occupation (HMO). Like the Council, and as reasoned in my appeal decision, I found that the weight afforded to the fall-back position was insufficient to outweigh the harm the development would cause to the living conditions of the neighbouring occupants. I therefore, do not find that the Council behaved unreasonably in coming to the conclusion that they did.

7. Although the actions of the Council during the application process can be a factor, any award of costs is primarily in relation to unnecessary or wasted expense from the behaviour of the parties during the appeal process. There is nothing before me in the evidence to suggest that the Council did not co-operate or otherwise acted unreasonably during the appeal process.

Conclusion

8. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

4/00757/18/FUL

Barton

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION
OF TWO 4-BED DWELLINGS

OLD OAK, LONDON ROAD, BOURNE END, HEMEL
HEMPSTEAD, HP1 2RJ

[View online application](#)

1. The appeal is dismissed. Preliminary Matters

2. It appears from the appeal documentation that several versions of the scheme were discussed with the Council during the course of the planning application. However, following my request for clarification, both main parties confirmed the plans which were the subject of the Council's formal decision. Whilst the appellant requested the consideration of alternative plans in the appeal, I am mindful of the Planning Inspectorate's guidance which advises that the appeal process should not be used to

evolve a scheme. In this regard, it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought.

3. The alternative plans differ materially in terms of their design and appearance from those upon which the decision was made, and the changes would not therefore be minor. Moreover, I cannot be certain that any third parties would not be prejudiced if I were to consider the appeal on the basis of the revised plans. I have therefore determined the appeal having regard solely to the plans submitted to, and considered by, the Council.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
- The effect on the character and appearance of the area, including whether the proposal would sustain and enhance the character or appearance of the Winkwell Conservation Area (WCA), the setting of the Grade II listed The Old Cottage and any non-designated heritage assets;
- The effect on living conditions of the occupiers of neighbouring dwellings Collingwood and Ashdown having regard to outlook;
- The effect on highway and pedestrian safety; and
- Whether any 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 required to justify the development.

Reasons

Whether inappropriate development in the Green Belt

1. The appeal proposal seeks to demolish an existing single storey bungalow and erect two detached two-storey dwellings within the Green Belt.
2. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such, it indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
3. The Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, save for a limited list of specific exceptions. Two such exceptions, set out in paragraph 145a) and g), are respectively the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
4. Policy CS5 of the adopted Dacorum Core Strategy 2006 – 2031 (2013) (the DCS) specifically defers to the national planning policies and is broadly consistent with the Framework.
5. I therefore consider these two possible two exceptions in turn below: Replacement buildings
6. In re-developing the existing building for two dwellings, no change of use would take place as a result of the scheme and the proposal would therefore satisfy the first part of the paragraph 145 d).
7. In terms of the increase in the size of the building, no local guidance as to what might be acceptable has been brought to my attention. Furthermore, irrespective of the dimensions of the dwelling as originally built in 19573, which is not a consideration set

out in DCS Policy CS5 or the Framework, the existing dwelling already spans practically the full width of the plot.

8. Nevertheless, the buildings would encroach somewhat further into the rear garden than the existing dwelling and would also be two-storey. They would therefore comprise significantly more built development in terms of volume and floorspace. In my judgement, therefore, the amount of built development on the site would be materially larger and consequently, the proposal does not qualify as an exception set out in bullet point d) of paragraph 145. Partial or complete redevelopment of PDL

9. I see no reason to disagree with the Council's view that the site is PDL having regard to the definition of such land set out in the Glossary to the Framework.

10. It is therefore necessary for me to consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development. In this context, 'openness' refers to the absence of development and this can have both a spatial and a visual dimension. Moreover, openness can relate to the way land is used.

11. As regards the latter consideration, the development would result in provision of a net additional dwelling. Given the site's location amongst other dwellings on London Road, I consider that any additional residential activity with attendant paraphernalia such as increased car parking and movements, would not be so significant as to be harmful to the openness of the Green Belt.

12. However, as noted above, the buildings would occupy an increased volume relative to the existing dwelling both in terms of overall footprint and height. In this regard, the appellant estimates the scheme would lead to an increase in built footprint of 15% relative to the existing building.

13. Furthermore, as taller buildings they would appear more visually prominent and this would not be significantly offset by the proposed narrow gap between the dwellings. Consequently, the development would have a greater impact on the openness of the Green Belt and the proposal therefore also fails to qualify as an exception under bullet point g) of paragraph 145 of the Framework.

14. In conclusion on this main issue, therefore, and taking all factors into consideration, I find that the proposal would be inappropriate development in the Green Belt and would therefore conflict with DCS Policy CS5 and the Framework. Character and appearance
General character and appearance

15. London road is built-up on its northern side and the land slopes quite sharply to the north towards a river and canal beyond the dwellings. As a result, the houses are set down at a considerably lower level than the road and mature tree planting and other landscaping forms a strong sylvan backdrop which is readily perceptible above the rooftops.

16. The dwellings are set in generous plots and display a wide variation in their style and design. Nevertheless, there is a strong consistency in that all the dwellings in this stretch of the road are large, single storey dwellings which tend to occupy a large proportion of the width of their respective plots. They are also set back a considerable distance from the road behind a mixture of boundary walls and landscaping, with a broadly consistent building line.

17. Given the topography, the dwellings do not appear as dominant features in the street scene. In subdividing the existing plot, however, the scheme would result in two dwellings occupying notably narrower plots than those of other dwellings which characterise the area and would be sited very close together. In this context, the dwellings would appear cramped within their respective plots. Whilst the appellant suggests that the plots would be equivalent to that of Willow Cottage further along London Road to the west of the appeal site, no substantive evidence has been provided in this regard.

18. Moreover, the dwellings would be two-storey, with increased eaves and ridge heights

and overall bulk compared to the existing dwelling and those in the surrounding area. They would also have pitched roofs, chimney stacks and matching front-facing gables. As such they would, overall, be strikingly at odds with the pattern of development in the area. Consequently, the proposed development would be discordant in the street scene and harmful to the character and appearance of the area. Designated and non-designated heritage assets

19. The lower portion of the existing garden lies within the designated Winkwell Conservation Area (WCA) although the building, and those proposed, lie outside of it. The WCA reflects the historical significance of the Grand Union Canal and its setting including the River Bulbourne and adjoining land.

20. The proposed development would extend the built footprint somewhat further into the garden towards the WCA boundary. However, the informal domestic edge backing onto the WCA would remain essentially unchanged and I have seen no evidence that would indicate that the proposed development would be harmful to the significance of the WCA. I therefore find that the proposal would not fail to sustain and enhance the character or appearance of this designated heritage asset.

21. Similarly, the Council refers to The Old Cottage, a listed building lying further to the east on London Road, although no evidence has been provided which would indicate that the proposed development would be harmful to its setting.

22. Whilst it appears that the appeal site once formed part of the grounds of The Old Cottage, the properties are not, in my judgement, closely affiliated in visual terms and are not viewed in the same context in the street scene. Furthermore, given the site is already developed, any historic associations would not be harmed by the development. I therefore find the proposal would not be harmful to the setting of this listed building.

23. I am mindful of my statutory duties in relation to preserving or enhancing the character or appearance of the WCA and the desirability of preserving the setting of listed buildings. Given the above, and having regard to the submitted evidence and my own observations, I find that no harm would result on any designated heritage assets.

24. The creation of a new access and driveway would require the removal of a section of the boundary wall to the front of the property to enable the creation of an additional driveway. The wall is a consistent feature running along the front of properties on London Road although I saw that it changes in appearance to a more modern brick construction beyond Ashdown to the west of the appeal site. The section that would be removed appears to have more affinity with the more longstanding structure which also forms an enclosure to Collingwood and The Old Cottage to the east. In this regard, the Council suggests that it is a 19th Century wall, most likely associated with The Old Cottage and should be regarded as a non-designated heritage asset.

25. No substantive evidence has been submitted to indicate the structure has hitherto been recognised as such. Nevertheless, the evidence shows it has some historic value. To my mind, the continuity and historic character of the wall is a strong feature in the street scene and it makes a positive contribution to the overall character and appearance of the area.

26. Whilst the appellant submits the wall is in need of repair, the removal of a section, together with an increased area of driveway/hardstanding, would nonetheless have a limited but negative effect on this non-designated heritage asset. This would add to the harm to the character and appearance of the area I have already found.

27. Drawing this main issue together, the proposed development would not give rise to harm to any designated heritage assets. However, for the reasons set out above, it would be harmful to the general character and appearance of the area including causing limited harm to a non-designated heritage asset.

28. As such it would conflict, or not accord, with DCS Policies CS5, CS12 and CS27. That is because those Policies only permit development in the Green Belt where there

would be no significant impact on the character and appearance of the countryside, where development would integrate into the streetscape and respect the character of adjoining properties and where the integrity, setting and distinctiveness of undesignated heritage assets are protected, conserved and if appropriate enhanced. Living conditions 29. The refusal notice reflects the Council's concerns that as the dwellings would project beyond the existing rear elevations of the neighbouring properties at Collingwood and Ashdown, they would be intrusive and dominating.

30. However, the positioning of the proposed dwellings is such that only oblique views of the rear parts of the dwellings would be apparent when viewed from inside the neighbouring properties which enjoy sweeping northwards views over generous gardens. As such, the additional bulk, mass and length of the proposed buildings would not be intrusive or lead to any unacceptable loss of outlook from the perspective of neighbouring properties' houses or gardens.

31. I therefore conclude in this respect that the proposal would accord with DCS Policy CS12 which requires developments, amongst other matters, to avoid visual intrusion to surrounding properties. The Council also cited Appendix 3 of the Saved Dacorum Borough Local Plan 1991 – 2011 (2004). However, my attention has not been drawn to any particular part of that document which would be relevant to the effects of the design of a proposal on neighbouring occupiers. It has not therefore been determinative to my decision. Highway and pedestrian safety

32. London Road is described by the Highway Authority as a main distributor principal A road and is subject to a 30mph speed limit. In common with other properties on the street, there is an existing cross-over and dropped kerb which provides access to the appeal property and the adjoining Collingwood.

33. Whilst I have not been provided with copies, the Council indicates that the Hertfordshire Local Transport Plan 3: Volume 2 (LTP3) (2011) and the 'Roads in Hertfordshire: Highway Design Guide' set out that new accesses directly onto primary distributor roads are not normally permitted. It is further advised that special circumstances will need to be shown to justify new accesses to such routes. However, no explanation is provided as to the reasons why such an approach should be taken.

34. Furthermore, no evidence has been provided to indicate the likely nature of the harm in terms of highway matters in this particular case. In this regard, I note the Council's refusal notice refers to highway and pedestrian safety whilst the Highway Authority representation appeared to allude to the operation of the highway network.

35. On my site visit I observed that, whilst not representative of all times of day, the road was fairly busy but traffic did not appear to be travelling at excessive speeds in this 30mph zone. I also saw that this part of London Road is flanked by fairly wide grass verges between the carriageway and the property boundaries.

36. Given the road conditions and good visibility for traffic and pedestrians in the vicinity of the appeal property, I see no reason to doubt that an additional access could be accommodated without unacceptable risk to pedestrians and vehicles, or adversely affect the operation of the highway network. Consequently, I find that the proposed development would accord with DCS Policies CS8 and CS12 which seek to give priority to the needs of pedestrians over the private car and require the provision of safe and satisfactory means of access for all users. Other considerations

37. The appellant has expressed a preference for alternative plans to have been considered by the Council which, it is submitted, would have overcome the planning objections. However as explained above, I must determine the appeal on the basis of the plans before me and on the individual merits of the proposed development and I have done so. Any alternative proposals are therefore a matter for the two main parties to consider if necessary and have not had a bearing on this appeal decision.

38. The appellant has also alluded to other planning permissions, apparently relating to

neighbouring properties where it is suggested similar proposals have been permitted. However, no further information has been provided in this respect which limits the weight I attach to that consideration in favour of the scheme.

Conclusions

39. The proposal would be inappropriate development in the Green Belt. The Framework makes clear that substantial weight should be given to any harm to the Green Belt. In addition, the scheme would be harmful to the character and appearance of the area. Whilst I have found no harm would arise in relation to the living conditions of occupiers of neighbouring dwellings or in respect of highways matters, those are neutral considerations.

40. Consequently, I find that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly, the appeal should be dismissed.

4/01412/18/FHA

Martin

FIRST FLOOR AND ROOF EXTENSIONS WITH FRONT, REAR AND SIDE WINDOWS. NEW WINDOWS TO EXISTING NORTH ELEVATION, ALTERATION TO CHIMNEY AND FRONT ELEVATION INCLUDING PITCHED ROOF OVER FRONT DOOR ST ANNES, 16A QUEENS ROAD, BERKHAMSTED, HP4 3HU

[View online application](#)

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Preliminary Matters

3. During the course of the planning application the description of development was amended to reflect the proposed development that required planning permission. I have considered the proposal on the same basis as the Council, as 'First floor and roof extensions with front, rear and side windows. New windows to existing north elevation, alteration to chimney and front elevation including pitched roof over front door'.

4. I have not been provided with a copy of the front page from the Council's Area Based Policies Supplementary Planning Guidance May 2004. I have therefore taken this title from within the document itself.

Main Issue

5. It is clear that the Council considers the effect of the proposals on the living conditions for occupants of neighbouring properties is acceptable. Further, no objection is raised by the Council to the proposed zinc canopy above the front door, the replacement of tiles on the bay window with zinc, or provision of a zinc lintel above the first-floor window. Its concerns centre on the first-floor and roof extensions and their effect on the character

and appearance of the host building and surrounding area.

6. The main issue in this case therefore is the effect of the proposed first-floor and roof extensions on the character and appearance of the host building and surrounding area.

Reasons for the Recommendation

7. The appeal site comprises a detached dwelling house located on a prominent corner plot at the junction of Queens Road and West Road. The property is a relatively narrow building and occupies what was previously the side garden to No 18 Queens Road. The surrounding area is characterised by a diverse mix of house types and sizes, although dwellings are largely of traditional design and employ traditional materials, such as brick and render elevations beneath tiled or slate roofs. Due to the topography of the area, Queens Road slopes down from South to North with houses generally stepping down in height.

8. The proposed first-floor and roof extensions, due to their scale and massing would visually dominate the dwelling, imbuing it with a top-heavy appearance. Moreover, the introduction of a mansard roof would fail to respect the simple and restrained appearance of the host building in terms of its form and design and would result in an overtly vertical emphasis. This would be exacerbated by the presence of the new elongated stairwell window to the side elevation, which would project from the first floor into the roof extension. While the building is fairly narrow, I consider that the sense of vertical emphasis would unbalance the property and cause harm to its character and appearance.

9. Moreover, the pre-patinated zinc finish to the roof extension would introduce an unsympathetic material to the dwelling and appear incongruous and discordant against the traditional brick elevations. The appellant has suggested a condition could be imposed, should the appeal be allowed, that the roof extension be finished in more traditional tiles. Whilst such materials would reflect the character and appearance of the host property, their use would not overcome the harm that I have identified with regards the scale, form, massing and design of the proposals. I acknowledge that the appellant is proposing to use zinc elsewhere on the dwelling, however this does not justify harmful development.

10. The proposals would result in a significant gap between the first-floor windows and eaves of the dwelling. This gap would eschew the proportions of the host building and reinforce the incongruous, elongated appearance that would occur as a result of the proposals. Although the appellant has directed me to examples of other properties in the area where gaps exist between windows and eaves, none are as pronounced as what is proposed here. Moreover, the examples appear to be contemporaneous with the construction of the dwellings, as opposed to the result of a later addition as proposed, and so form an inherent part of the building's character.

11. Given my findings above, it follows that the contribution the host property makes to the character and appearance of the area would be significantly diminished as a result of the proposals. Moreover, the increase in eaves and ridge height proposed would disrupt the stepped rhythm of the street scene. I acknowledge that the area is of a mixed character and appearance, however, the extended dwelling would result in a prominent, incongruous and alien feature in the street scene, even when viewed from West Road, in the context of the rear elevation of No 16 Queens Road. Harm to the character and

appearance of the area would occur as a result of the extensions.

12. The appellant has referred me to a mansard roof at Nos 19 - 21 Shrubland Road. Whilst this is a short distance from the appeal site, I observed that the building it is of a different style and size to the appeal dwelling and is not therefore directly comparable. I also note that there are properties in Park View Road where zinc roofs are present, however there is no contextual relationship between the host property and this road. Reference has also been made to approved extensions at No 20a Shrublands Road and at Sand Banks, Water End, however the design of these extensions is not directly comparable to the scheme before me. Given my findings, I attach limited weight to these matters in my consideration of the proposal. These examples do not provide justification for the proposal before me. Each planning application and appeal are determined on their merits and this is the approach that I have taken in this case.

13. In light of my findings I conclude that the first-floor and roof extensions proposed would have an adverse and harmful effect on the character and appearance of the host building and surrounding area, in conflict with Policies CS11 and CS12 of the Core Strategy 2006-203 and saved Appendix 3 and Appendix 7 of the Dacorum Local Plan. There would also be conflict with the Area Based Policies Supplementary Planning Guidance and the National Planning Policy Framework (including paragraph 127 (c) referred to by the appellant). These policies and guidance seek, amongst other things, for development to be of a quality design, which respects the character and appearance of the area.

Conclusion and Recommendation

14. For the reasons given above, I conclude that the appeal should be dismissed.

4/02137/18/ROC Russell
VARIATION OF CONDITION 2 (APPROVED PLANS)
ATTACHED TO PLANNING PERMISSION 4/01142/17/FHA
(DEMOLITION OF EXISTING SINGLE STOREY SIDE
EXTENSION AND CONSTRUCTION OF NEW SINGLE STOREY
SIDE EXTENSION.)
2 NORTH ROAD, BERKHAMSTED, HP4 3DU
[View online application](#)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Charlie Russell against the decision of Dacorum Borough Council.
- The application Ref 4/02137/18/ROC, dated 23 August 2018, was refused by notice dated 18 December 2018.
- The application sought planning permission for single storey side and rear extensions, replacement of garage, internal alterations and loft conversion without complying with a condition attached to planning permission Ref 4/01142/17/FHA, dated 3 July 2017.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans/documents: DD 17/053.2.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Berkhamsted Conservation Area and the host dwelling. Reasons 3. The appeal site comprises a semi-detached dwelling fronting onto North Road. It is close to the junction with Charles Street and is located within the Berkhamsted Conservation Area. The area is characterised by residential properties of a relatively high density. The dwellings in the surrounding area, including the host property, are mainly late nineteenth and early twentieth century properties which have a relatively uniform appearance. The area presents a traditional and attractive character and appearance. The appeal property forms the first in a row of semi-detached and terraced dwellings on North Street, and is also set adjacent to properties which front onto Charles Street.

4. Planning permission was granted for single storey side and rear extensions, the replacement of a garage and a loft conversion which included the provision of three dormer windows. However, the dormers have been constructed differently to those shown on the approved plans. The constructed dormers have a greater width, a shallower pitch, are set higher on the roof, omit the barge boards, use different materials and are proportioned differently.

5. The Appellant and Council dispute the width increase of the dormers, nevertheless as a result of the amended width I find that they appear of a noticeably different proportion to the existing fenestration on the host property. Aside from the front bay windows set within the gable, which form a traditional feature of the dwelling, the windows all have a narrower form which is not replicated in the amended dormers.

6. Furthermore, along North Road, the dormers on other properties have a more traditional form which contribute to the predominant character of the area. Although set within the site and therefore not wholly visible from North Road, the dormers do not reflect the existing form and character of the surroundings.

7. The Appellant states the windows are sliding sash windows, a matter which is disputed by the Council. However, despite the window type, the use of the dark colour and materials gives a more modern appearance to the dormers which is at odds with the surroundings, which display traditional features and have timber windows in the main.

8. I have had regard to the examples of more modern dormers including the dormer at No 5 Montague Street, however I have not been provided with the full circumstances behind this example. Consequently, I cannot conclude that this is wholly comparable to the case before me and does not therefore set a precedent.

9. Whilst the alterations to the dormers are individually reasonably minor, their cumulative impact has resulted in modern features which are out of proportion with the existing character of the host property and surrounding area. I accept that one of the three dormers cannot be readily seen from the public realm and that the approved garage would introduce a structure between the site and North Road, however one dormer would still remain highly visible and accordingly the dormers as constructed would not preserve the character or appearance of the Berkhamsted Conservation Area.

10. The harm arising in this regard would be less than substantial, however Paragraph 196 of the National Planning Policy Framework (2019) (the Framework) requires that in these instances the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. I have not been presented with sufficient public benefits of the development to outweigh the harm to the

Conservation Area in this instance.

11. The development therefore fails to comply with Policies CS27 of Dacorum's Local Planning Framework Core Strategy (2013), Saved Policy 120 of the Dacorum Local Plan (2004) and Section 16 of the Framework. Collectively, these seek to ensure that new developments, alterations or extensions preserve or enhance the established character or appearance of the conservation area in terms of scale, proportion and materials, amongst other things.

Conclusion

12. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

4/02614/18/FHA

Mr Cowan

CREATION OF OFF-STREET PARKING BAY

28 BOXWELL ROAD, BERKHAMSTED, HP4 3ET

[View online application](#)

The main issue is the effect of the development on the character and appearance of the Conservation Area.

Most terraces dwellings with the road feature brick walls and metal railings to the frontage along with a mix of hard and soft landscaping. The arrangement of the dwellings and the front gardens make an important contribution to the character of the Conservation Area. An article 4.2 Direction was served in recognition of the uniformity and quality of the street scape.

The development has resulted in a reduction of the width of the wall and the parking space is the visually dominant feature. The openness of the frontage and its position at the end of the terrace result in the parking space being a prominent feature of the site and locality.

Good quality materials have been used which suggests regard has been paid to the character, however these elements do not mitigate the harm caused.

Frontage parking has been provided to other sites but none are considered comparable. The more recent examples are part of the re-development of sites within the conservation area. No. 29 is an example and already exhibiting frontage parking. Most of the existing spaces are to the western side and benefit from taller boundary treatment and landscaping which makes them more discreet.

The parking space would cause less than substantial harm to a heritage asset and the personal benefit of the applicants would not outweigh the harm identified. The lack of other objection (town council etc) again does not override the harm caused.

The appeal is dismissed.

F. ALLOWED

4/00527/19/FHA Reading
TWO STOREY FRONT AND SIDE EXTENSION WITH
ALTERATIONS TO ROOF, REMOVAL OF CHIMNEY,
DETACHED OUTBUILDING AND ADDITIONAL CAR SPACES
3 MARY CROSS CLOSE, WIGGINGTON, TRING, HP23 6QL
[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for a two storey front and side extension with alterations to roof, removal of chimney, detached outbuilding and additional car spaces at 3 Mary Cross Close, Wiggington HP23 6QL in accordance with the terms of the application, Ref 4/00527/19/FHA, dated 6 March 2019, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Location Plan, Drawing Nos 1B and 2A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. In Part E of the appeal form it states that the description of development was changed from the original application form. I have therefore used the description of development from the appeal form in the above heading.

Main Issues

3. The main issues are

- whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
- the effect of the development on the character and appearance of the host property and the area.

Reasons

Green Belt

4. The appeal site comprises a detached, two-storey dwelling located at the end of a small residential cul-de-sac. It is located within a Selected Small Village within the Green Belt.

5. Paragraph 143 of the Framework (2019) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework identifies a list of developments that are not considered to be inappropriate which includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the

size of the original building.

6. Policy CS6 of Dacorum's Local Planning Framework Core Strategy 2006 – 2031 (2013) (Core Strategy) states that within Selected Small Villages in the Green Belt, which includes Wiggington, house extensions will be permitted where they are sympathetic to their surroundings in terms of local character, design, scale, landscaping and visual impact.

7. The proposed development would include a two storey extension to the side and part of the front of the existing property. It would be located adjacent to No 2 and would provide a dining room, utility, enlarged kitchen, shower room and new access doorway at ground floor. It would provide an additional bedroom and result in the reconfiguration of the first floor. A play room would be provided within the second floor of the extension.

8. The development would result in additional built form to the side boundary at ground floor. The extension would project forward to just over halfway across the front elevation at ground and first floor level. At first floor level the area above the existing garage would be infilled which would be stepped in from the side boundary. The main increase in the dwelling would occur at first floor level with a reasonably limited ground floor addition. I find that this level of additional accommodation would not be disproportionate over and above the size of the original building.

9. Consequently, I find that the proposed development would comply with paragraph 145 part c) of the Framework and is therefore not inappropriate. As a result, it is not necessary to consider matters of openness or very special circumstances. The proposed development would therefore comply with Policy CS6 of the Core Strategy and the provisions of Section 13 of the Framework.

Character and Appearance

10. Mary Cross Close is a small cul-de-sac development which comprises a mix of detached and semi-detached properties. The appeal site is located to the end of a private drive and is set back from adjoining properties. It forms the end dwelling along this side of the road.

11. The surrounding dwellings, although a comprehensive estate development, show variations in their appearance and designs. A common feature is the presence of gable elements. Whilst I note that many of these gable features are part of the original properties the Appellant has provided an indication of the comparative widths and heights of the existing gables in the area.

12. In addition to this I have had regard to the varied appearance of the dwellings in the area and the location of the host property. The development would introduce a reasonably large gable and result in a loss of some of the spaciousness between the properties. However, I do not find this to be unduly harmful to a degree which would render the development unacceptable.

13. The proposal would project forward of the existing front elevation. Saved Appendix 7 of the Dacorum Borough Local Plan 1991 – 2011 (2004) (Local Plan) states that a front extension may be acceptable providing it does not project beyond the front wall of the dwelling in a way which dominates the street scene, amongst other criteria. Whilst the proposed extension would be reasonably large, it would not project forward of the front

elevation of the adjacent dwelling, No 2. This, in combination with the location of the appeal property set back at the very end of the cul-de-sac would ensure that the proposal would not dominate the street scene.

14. The proposed extension would sit across part of the front elevation of the existing property, however for the above reasons I do not find that this would be harmful to the character of the host dwelling or the area. The fenestration would reflect the existing property and the ridge would be slightly set down from the main dwelling to achieve a degree of subservience in height. Consequently, as a result of the variations in designs in the cul-de-sac and the positioning of the existing dwelling, the proposed development would not be harmful to the character and appearance of the area.

15. It would therefore comply with Policies CS11 and CS12 of the Core Strategy. These seek to ensure that development enhances the character of an area, integrates with the streetscape character and respects adjoining properties, amongst other things. It would also comply with Saved Appendix 3 and 7 of the Local Plan which also require proposals to respect the character of the surrounding area and harmonise with the original design and character of the house.

Other Matters

16. The appeal property is located within the Chilterns AONB. Policy CS24 of the Core Strategy seeks to ensure that the special qualities of the AONB are conserved. The proposed development would be enclosed within the existing cul-de-sac and would not result in harm to the special qualities of the area.

Conditions

17. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. A condition for the external materials to match the existing is necessary in the interest of the visual character of the area. The Council have requested no additional conditions and I consider none to be necessary.

Conclusion

18. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

4/01744/18/ROC

Nijkamp

VARIATION OF CONDITION 2 (APPROVED PLANS)

ATTACHED TO PLANNING PERMISSION 4/02079/17/FHA

(NEW DETACHED DOUBLE GARAGE, GARAGE CONVERSION AND ALTERATIONS TO DWELLING)

57 KINGS ROAD, BERKHAMSTED, HP4 3BP

[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for a new detached double garage, garage conversion and alterations to dwelling at 57 Kings Road, Berkhamsted,

Herts HP4 3BP in accordance with the application Ref 4/01744/18/ROC made on the 10 July 2018 without complying with condition No 2 set out in planning permission Ref 4/02079/17/FHA granted on 10 October 2017 by Dacorum Borough Council, but otherwise subject to the following conditions:

1) The development hereby permitted shall be retained in accordance with the following approved plans: Drawing Numbers NEB 02 C and NEB 08 D.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area and the living conditions of nearby residents.

Reasons

3. The appeal site is set at the end of a private driveway on land elevated above road level. It comprises a large detached dwelling set on the highest part of the site with a detached garage block set on the lower part of the site adjacent to the front boundary of the site.

4. Permission was granted for the detached garage block amongst other works however the garage block has been constructed differently to the approved plans. The differences consist of the addition of roof lights, a new window to the side elevation facing into the site and the addition of a mezzanine level with internal staircase access.

5. The garage is located at a substantial distance from the host property. The properties along the private drive are varied in their designs and appearance and the garage, as constructed, does not appear incongruous or out of keeping as a result of the amended windows and internal changes. The garage is not visible from the public highway due to the existing boundary screening and accordingly there is no harmful impact on the street scene or character of the area.

6. The side window faces into the site and towards the neighbouring property, No 59. The garage is set at a significant distance from No 59 and is on land which is set lower than this property. The side boundary comprises mature hedging and as a result, from the garage position, only the upper part of the dwelling is visible. From within the garage the views from the additional side window are largely obscured by the existing trees and hedging around the site.

7. The rooflights are set in a position and at an angle within the roof plane that precludes direct views of the neighbouring property and the use of the mezzanine would not give rise to any undue harm in terms of loss of privacy or excessive light spill to neighbouring properties as a result of the distance between the garage and existing dwellings and the level of existing tree screening.

8. Accordingly, for the above reasons the alterations to the garage do not give rise to any harm to the character and appearance of the area or the living conditions of neighbouring occupants. It therefore complies with Policy CS12 of Dacorum's Local Planning Framework Core Strategy 2006 – 2031 (2013) which seeks to ensure that development avoids adverse impacts to surrounding properties, respects adjoining properties and integrates with the streetscape character, amongst other things.

Conditions

9. I have not re-imposed the standard time limit condition as the development has been carried out. I have substituted the approved plans condition with the amended plans.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly. I will grant a new planning permission, substituting the disputed condition.