

6. APPEALS UPDATE

A. LODGED

4/00659/19/FUL Platinum Land and Developments Ltd
DETACHED ONE BED DWELLING
LAND ADJ. TO 16 CHARLES STREET, HEMEL HEMPSTEAD,
HP1 1JH
[View online application](#)

4/01275/19/FUL Kennealy
CONSTRUCTION OF DETACHED DWELLING AND GARAGE
THE OLD STABLES, SHENDISH DRIVE LEADING FROM
LONDON ROAD, SHENDISH, HEMEL HEMPSTEAD, HP3 0AA
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B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01695/18/FUL RELX (UK) Ltd
CONSTRUCTION OF TIMBER SECURITY FENCE.
LAND ON THE SOUTH SIDE, BULBOURNE ROAD, TRING
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The main issues in the case were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

- The effect on the openness of the Green Belt.
- The effect of the proposal on the character and appearance of the area.

The development would be within the Green Belt where development is generally considered inappropriate in accordance with paragraph 145 of the National Planning Policy Framework of 2019 (the Framework). Policy CS5 of the Dacorum Core Strategy of 2013 (the Core Strategy) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Paragraph 133 of the National Planning Policy Framework of 2019 (the Framework) states that the essential characteristics of Green Belts are their openness and their permanence. This refers to the absence of buildings and I find that the construction of a fence, of greater proportions than permitted development, should be considered to be a form of building construction on the appeal site. As such it would amount to an encroachment contrary to the purpose of the Green Belt as described in paragraph 134 of the Framework.

Paragraph 145 of the Framework refers to new buildings in the Green Belt that would be considered inappropriate and sets out the exceptions which may be allowed. The proposed fence would not be described as one of these exceptions. I conclude that the development proposed would be inappropriate and contrary to policy CS5 of the Core Strategy; and, without very special circumstances, the development would be unacceptable and lead to significant detrimental impact on the openness and permanence of the Green Belt.

The use of timber and open boarding for the construction of the fence in conjunction with the associated informal vegetation and trees would assist in the creation of a soft boundary feature in accordance with policy CS10 and CS12 of the Core Strategy which are concerned to achieve good design appropriate to the area and local character.

The Appellant has put forward, as a very special circumstance, that the fence will only be 0.25m higher than the height of 2m fence which could be constructed as permitted development. The Appellant has experienced difficulty securing the site from unauthorised access at this perimeter with a previous fence, of a size allowed for permitted development. There is no detailed evidence to support a reason why the additional height would be essential. I find the proposal to conflict with policies CS10 and CS12 of the Core Strategy and that there are no very special circumstances in this instance.

The appeal should be dismissed.

F. ALLOWED

4/00394/19/FHA Gray
INSTALLATION OF 12 SOLAR PANELS TO ROOF
LONGCROFT, 3 HASTOE FARM BARNs, BROWNS LANE,
HASTOE, TRING, HP23 6QD
[View online application](#)

1. The appeal is allowed and planning permission is granted for the installation of 12 solar panels to the roof at 3 Hastoe Farm Barns, Longcroft, Browns Lane, Hastoe HP23

6QD in accordance with the terms of the application Ref 4/00394/19/FHA, dated 13 February 2019 subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision. 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location plan, Proposed elevation (showing 2m high wooden fence), proposed elevation (without fence) and detailed solar panel specification plan.

Procedural Matters

2. In my decision I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the more detailed description in the banner heading above, which is taken from the application form.

3. The application form names the appellants as Mr and Mrs Gray, whilst the appeal form names Dr Dina Gray. Following clarification, Mrs Gray and Dr Dina Gray are confirmed as the same person.

4. The site is in the Green Belt but the Council has not raised the issue that the development is not inappropriate and the Council has not refused on Green Belt reasons. From the information before me I have no reason to take a different view. The proposed alterations would comply with paragraph 1.45c) of the National Planning Policy Framework (the 'Framework') as an exception.

5. There is also an error with reference to Core Strategy (CS) Policy CS6 in the refusal reason. This policy relates to 'Selected Small Villages in the Green Belt'. As the appeal site is not located within one of the named villages and the policy text the Council quotes does not come from this policy, is not directly relevant to the main issue.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the rural area and the Chilterns Area of Outstanding Natural Beauty. Reasons 7. The appeal property is one of a number of dwellings converted from a range of brick and tile farm buildings. The group of buildings are situated in a countryside location on the corner of Browns Lane and Gadmore Lane near the village of Hastoe. The appeal site is located within the Green Belt and within the western fringe of The Chilterns Area of Outstanding Natural Beauty (AONB). A characteristic feature of the ANOB and its chalk hills are its historic farm buildings and the consistent use of materials in its vernacular architecture.

8. Browns Lane is a public byway and passes the end of the appeal property. Beyond it a signposted public footpath leads off Browns Lane to cross a field. From the various sign posts I saw on my visit, there are a network of footpaths and trails passing close to the appeal site indicating to me the area is popular with walkers and cyclists.

9. The proposal is to install 12 solar panels on part of the rear roof slope between two protruding gables. The solar panels would be arranged in two rows, one above the other, with the top row longer than the bottom row forming a fat 'T' shape. According to the submitted plans, the top row would measure approximately 6.9m in length and the lower row 4.9m. The two rows combined would extend approximately 3.3m down the roof slope. The roof slope on which the solar panels would be sited, faces a tall close boarded timber boundary fence along the boundary with the adjacent property, 2 Dove Cottage, and its driveway.

10. The roof slope is at right angles to Browns Lane and does not present a single uninterrupted roof slope to it due to the protruding gables. This is in contrast to the long uninterrupted roof slopes to the other converted properties 'Cobwebs' to the north and

Dove Cottage and Hawthorn Barn to the south, which are prominently sited close to, and parallel with, Browns Lane albeit they are punctuated with rooflights.

11. Users of Browns Lane approaching from the south would not be significantly elevated or exposed as to look down on the complex of buildings and its roofscape as a whole or see it within a wide landscape vista. Due to ground levels and Browns Lane sloping down to the junction with Gadmore Lane/Church Lane, the rear roof slope is read as single storey. As one nears the appeal building, there would be brief views of the roof slope and solar panels, visible between the gap at the end of 2 Dove Cottage. However, views would be oblique and partially obscured by a tree outside 2 Dove Cottage, although views would be more apparent in the winter when the tree would not be in leaf, and by the existing protruding roof gables. Therefore, any views of the solar panels would be indirect and only possible from along a short section of Browns Lane approaching from the south.

12. The solar panels would not be visible to users of Browns Lane when approaching from the north, from the junction with Gadmore Lane/Church Lane, unless they turned to look behind them.

13. I therefore find there would be limited views of the solar panels from afar and when close to. As a result, due to their proposed siting and positioning, the solar panels would not harm the character and appearance of the countryside and the Chilterns AONB.

14. The farm buildings are described by the Council as a non-designated heritage asset. I have not been provided with any substantive evidence of the building's significance apart from its association by name to the Rothschild family. The appellant says Rothschild used the barns to store hunting dogs and pigs, but that they fell into disrepair until they were converted into dwellings in the early 1990s. From my observations the buildings' significance derives from the overall historic farm use and simple unity of design with consistent building materials, including long clay tile roofscapes. Despite residential conversion and various domestic paraphernalia, such as roof lights, satellite dishes, wheelie bins as was evident from my visit, the buildings still make a positive contribution to the wider rural countryside setting of the ANOB.

15. Paragraph 197 of the National Planning Policy Framework (NPPF) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The presence of a modest array of solar panels on a partially obscured rear roof slope which has no significant views from the public realm, on a complex of farm buildings that have already been converted to residential, would not erode the integrity, setting or distinctiveness of the building or its group value and would not cause harm to the asset's significance.

16. There would be some environmental benefits from the use of solar panels. However, as I have not found harm on the main issue this matter has not been determinative to my decision.

17. Accordingly, the proposal would not conflict with CS Policies CS11, CS12, CS24 and CS27, and saved Appendix 3 of the Dacorum Local Plan 2004. These policies collectively seek to ensure high quality design that preserves and integrates with the street space, conserves the special qualities of the ANOB and the integrity, setting and distinctiveness of non-designated heritage assets. It would also comply with paragraphs 127 and 197 of the Framework relating to achieving good design and non-designated heritage assets respectively.

Other matters

18. I was invited to view the appeal site and roof slope from the neighbouring property 2 Dove Cottage. The roof slope is close to the tall boundary fence and due to a difference

in ground levels most of the roof slope and array of solar panels would be visible from the property. However, I observed that the part of the roof slope that would house the solar panels is not read as part of a larger or longer roof space due to the protruding gables and existing landscaping to the side. Furthermore, as the solar panels would only be marginally protruding above the roof slope and not significantly encroach towards the neighbouring property the proposal would not be visually intrusive to harm their outlook.

19. The Council raised a concern that in allowing planning permission for this site it would set a precedent for other similar development. The Planning Act requires development to be considered against the development plan and any other material considerations. As a result, each application for planning permission would have to be treated on its own merits and each will have its own site specific characteristics.

Conclusion

20. Having had regard to all other matters raised, it is concluded that the appeal should succeed and planning permission should be granted subject to conditions necessary for the avoidance of doubt.

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

[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for the creation of 2no. 1 bed units and 2no. 2 bed units from the conversion and part demolition of the existing buildings on the site at Nissel House, Fensomes Close, Hemel Hempstead HP2 5DH in accordance with the terms of the application, Ref 4/02338/18/FUL, dated 16 September 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. In my heading above, I have used the description of development in the planning application form. However, during the course of the planning application the proposal was amended to remove 1no. 1 bed unit and this was the scheme upon which the Council made their decision. Therefore, I have considered the appeal on this basis, and the description of the development in my decision reflects this.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the area with particular reference to density, and;
- The suitability of the access and parking arrangements having regard to local and national policies.

Reasons

Character and Appearance

4. The appeal site is located in a predominantly residential area within which there is a mixture of housing types and densities in evidence. The dwellings nearest the appeal site, although reflecting a range of ages, take a traditional form, regularly set back from

the street but with longer rear gardens and so, have a low to medium density. However, further to the west there is an apartment block and a residential care home reflecting a higher density form of development. The range of development combines to result in a somewhat mixed, but pleasant sub-urban character and appearance to the area.

5. The appeal site is somewhat at odds with the majority of the surrounding residential development in terms of its commercial use, site coverage and utilitarian form. The lack of an obvious principal elevation and expanse of flat roof over the garaging and workshops do little to enhance the appearance of the street. Nevertheless, this is tempered by the relatively modest scale of the site which has a discreet location in a private road.

6. The proposal would convert much of the existing building and the provision of communal open space would reduce the existing footprint and site coverage. Furthermore, the flat roof over the workshops and garaging would be replaced with a mansard style roof which would result in the overall height of the single bedroom dwellings being broadly similar to the eaves height of Nissel House. Notwithstanding the modest increase in height of the building, when combined with changes to the roof form, reduction in footprint and provision of garden space, there would be a reduction in the overall massing of the built form. As a result, the appeal proposal would appear more spacious than the existing buildings.

7. I acknowledge that the development would reflect a higher density than the dwellings in the immediate vicinity. However, given the mixed character of the wider area there is room for a degree of variety. Moreover, an increase in density does not necessarily result in a harmful impact on the surroundings. The tightly knit built form of the existing buildings and their relatively unobtrusive position in Fensomes Close would assist in the proposed development being absorbed into the general mix of residential development, without undermining or harming the overall pleasant suburban character.

8. Saved policy 10 of the Dacorum Borough Local Plan 1991-2011, April 2004 (LP) encourages optimising the use of urban land by supporting the maximum density compatible with the character of the area. In addition, policy 18 of the LP expressly refers to the need for 1-2 bedroom units to accommodate small households. Further support for higher density development in appropriate locations can be found in policy 21 of the LP which promotes the more efficient use of land, especially where there is good access to local facilities and public transport. Notwithstanding that some nearby residents have indicated a preference for a fewer number of units providing family housing, the provision of 1 and 2 bedroom dwellings would be beneficial as it would address provision supported by the development plan.

9. Furthermore, these policies align with advice in paragraphs 122 and 123 of the National Planning Policy Framework (the Framework) which encourages development that makes more efficient use of land by using higher densities. The development would also accord with the advice in paragraph 117 of the Framework which promotes the use of previously developed land.

10. Accordingly, I find that the proposal would respect the character and appearance of the area and would comprise a density that is compatible with its surroundings. Therefore, I find no conflict with policies CS11 and CS12 of the Dacorum Borough Council, Core Strategy 2006-2031, September 2013 (CS) which, amongst other matters, seek to ensure a good quality of design for new development that respects the general character of the local area. In addition, it would accord with policies 10, 18 and 21 of the LP which, amongst other matters, seek to promote the efficient use of land using compatible densities with the surrounding area and the provision of a mix of housing with particular reference to small households.

Access and Parking

11. Fensomes Close is a short, reasonably straight private road with a dead end for

vehicular traffic, the restricted width of which would generally prevent the passage of two way movements. It is accessed at the corner of East Street and Broad Street and there is a pavement on one side leading to a pedestrian route to Christchurch Road, through which cycling is prohibited.

12. The proposal would use the existing vehicular access and the proposed area for the five parking spaces shown in Drawing reference 1801 A100 001 P3 indicates that it would be similar in size and configuration to the currently available parking space serving the commercial uses.

13. The Highway Authority have not raised an objection to the use of the access or provision of parking in this location. Given their technical expertise and local knowledge, I have attributed significant weight to their views. Furthermore, as the 4 dwellings would displace the existing commercial use of the site as well as garaging, the traffic generated by the development is unlikely to be significantly more harmful than the present uses¹, with the nature and size of vehicles likely to be commensurate with domestic use.

¹ Council appeal statement refers to large vehicles often visiting the site

14. The amount of car parking provided accords with the maximum standard of 5.5 spaces set out in Appendix 5 of the LP for the 4 dwellings proposed. In addition, given the reasonably good access to local facilities and public transport, I have not seen evidence that would justify requiring spaces in excess of the adopted maximum standard.

15. Although some residents raise concerns that the proposal would result in a more intensive use of the parking area, with parked vehicles projecting further into Fensomes Close, it is not shown that there are restrictions controlling how or when commercial vehicles can presently park within the space. Although I accept that past experience indicates that the use of the parking area outside of business hours has been limited, this does not signify it would continue to be case, nor that business hours would necessarily remain the same. Accordingly, this attracts limited weight.

16. Nevertheless, taking the relatively limited width of Fensomes Close and the recommendations of the Highway Authority into account, I concur that the spaces provided should be wider than the normal standard of 2.4 metres in order to allow opportunities for greater manoeuvring. Furthermore, an area should be kept free of parking to allow for the turning of service or visitor vehicles to avoid the need to reverse towards Broad Street. Based on the submitted plans and my observations on site, there would be adequate space to incorporate such measures in order to assist the movement of vehicles in Fensomes Close. This could be secured by using a planning condition to agree a detailed parking layout.

17. I acknowledge that the width of Fensomes Close is restricted to an extent. However, the parking provided is shown as being contained within the appeal site and the evidence does not show that, subject to a detailed parking layout being agreed, a suitable amount and arrangement of spaces could not be provided. Furthermore, I have seen limited evidence to suggest that it is so restricted that parked and manoeuvring vehicles would affect the pedestrians using the pavement and route to Christchurch Road and I have given weight to the comments of the Highway Authority in this regard.

18. I have had regard to the concerns of nearby residents that the parking arrangements would prevent other residents of Fensomes Close from accessing or egressing their property. Given that I have found that the proposed parking and access arrangements would be unlikely to result in harm in comparison to the existing situation, it follows that the development is unlikely to cause harm to highway safety or to the general living conditions of nearby residents. Furthermore, it is an established principle that the planning system does not exist to protect private interests, as there is specific separate redress for landowners to protect their private land rights.

19. Although concerns have been raised in relation to access for emergency vehicles the

evidence suggests that the layout would allow for emergency vehicle access to within 45 metres of all dwellings which adheres to the recommendations in relevant national and local guidance². Moreover, there is little robust evidence to substantiate concerns regarding refuse collection given that the Highway Authority find the arrangements would be acceptable.

² Manual For Streets & Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B vol 1 – Dwellinghouses.

20. Accordingly, the proposal would not significantly alter the existing access and parking arrangements and therefore, would be unlikely to harmfully impact on the movement of pedestrians and vehicles within the immediate area. Having regard to the advice in paragraph 109 of the Framework, the appeal proposal would not result in an unacceptable impact on highway safety and nor would the residual cumulative impacts on the road network be severe.

21. Therefore, I find that, subject to an appropriate condition, the development would accord with the relevant objectives in policies CS8, CS9 and CS12 of the CS in that it would provide a satisfactory means of access and sufficient, safe and convenient parking based on adopted car parking standards such that it would allow for the safe movement of other road users and pedestrians. Furthermore, it would not conflict with the requirements of policy 51 of the LP, which amongst other matters, requires new development to have suitably designed parking areas of an appropriate capacity

Other Matters

22. The replacement of the commercial use of Nissel House, the workshops and garages with a residential use would be compatible with the surrounding residential uses. I have had regard to the objections raised by some local residents that the development would unacceptably harm their living conditions by reducing privacy. However, this was not a matter raised by the Council and the proposal will to a significant extent reuse an existing building. Nevertheless, two additional ground floor, high level bedroom windows are shown on the north and west elevations respectively. Given the proximity of the building to the generally private gardens of the adjoining dwellings it would be necessary in the interests of safeguarding the privacy of nearby residents to ensure that these windows remain high level and furthermore, that no additional windows are inserted into the rear and side elevations.

23. There is no firm evidence, given the modest scale of the development, to suggest that it could not be appropriately drained or would otherwise result in an unacceptable strain on local utilities. Further concerns are raised that, in light of the commercial use of the building, chemicals may have been stored at the site. Paragraph 179 of the Framework advises that where a site is affected by contamination, primary responsibility for securing a safe development rests with the developer and/or landowner, and I have not seen specific evidence to suggest there would be a significant risk in relation to the appeal site such that additional safeguards would be justified.

Conditions

24. Although the Council have not suggested any conditions in relation to the appeal, I have had regard to the 7 recommended conditions in the officer report to the planning committee. The three year period in which the planning permission may be implemented is a statutory requirement but I also consider that it is necessary in the interests of clarity to specify the plans that are approved, and that the development shall be undertaken in accordance with these. Conditions requiring agreement in relation to the external materials and landscaping of the outdoor space are reasonable and necessary in order to protect the character and appearance of the area. However, these are not such fundamental matters that details need to be submitted prior to the commencement of any development. In addition, I have adjusted the wording of the landscaping condition to

make it more proportionate to the nature and size of the space provided.

25. For the reasons outlined above, a condition to agree and secure the parking layout and turning space is necessary in line with the recommendation of the Highway Authority, to allow for greater opportunities to manoeuvre into and out of the spaces.

26. I accept it is important to ensure the provision of cycle storage and bin storage facilities prior to the occupation of the dwellings. However, these areas are shown on the submitted plans, and the Council have not suggested that they would be inadequate. Moreover, the Highway Authority comments indicate that they have no objection to the details provided. As such, the condition wording need only secure the implementation of the details already shown rather than the submission of additional plans

27. The committee report suggests that a construction management plan should be agreed prior to the commencement of development. Planning Practice Guidance (PPG) advises that such pre-commencement conditions should only be used where they are so fundamental to the development permitted it would have been otherwise necessary to refuse the whole permission. There is little evidence to suggest that a development proposal of this relatively modest scale would result in a significant highway safety concern even during construction, and therefore it would be disproportionate to impose a condition in these circumstances. Accordingly, I do not consider this condition would meet the tests set out in the Framework or the PPG.

28. Finally, although not suggested by the committee report, I have imposed a condition to prevent the insertion of additional windows, or alterations to those approved, in the north, south and west elevations of the development. The additional windows in the proposal on those elevations are high level windows, which would prevent intrusive views, however if additional or larger windows were to be inserted, this would be likely to result in an unacceptable loss of privacy to the more private garden areas of nearby dwellings as well as the communal amenity space for the development itself.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.