

6. APPEALS UPDATE

A. LODGED

4/01709/19/FUL

Thompson

CHANGE OF USE OF LAND TO PROVIDE 2 GYPSY/TRAVELLER PITCHES COMPRISING OF 2 MOBILE HOMES AND ASSOCIATED WORKS. LAND AT FEATHERBED LANE, HEMEL HEMPSTEAD, HP3

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B. WITHDRAWN

4/00475/19/ENA

Mr T Ustan

55 HIGH STREET, MARKYATE, ST ALBANS, AL3 8PJ

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The appeal was withdrawn on 01.10.19 at the request of the Agent as the owner had confirmed he intends to comply with the Notice.

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00010/19/MOA

OPM Ltd

DEMOLITION OF THE EXISTING BUNGALOW AND CONSTRUCTION OF TWO IDENTICAL DWELLING HOUSES WITH 16 FLATS WITHIN THE EXISTING ENVELOPE.

26 PANCAKE LANE, HEMEL HEMPSTEAD, HP2 4NQ

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Main Issues

The main issues are the effects of the development on:

- the character and appearance of the area;
- the living conditions of occupants at 24 Pancake Lane, with particular regard to light and outlook;
- bats; and
- flood risk.

Character and appearance of the area

The Inspector concluded that the development would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policy CS4 of the Core Strategy 2006-2031 Adopted 2013 (the CS), which encourages appropriate residential development in residential areas; Policies CS11 and CS12 of the CS, and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011

(the LP), which each seek to secure high quality design with regard to existing character; saved Policy 111 of the LP, which restricts the construction of 3-storey buildings; and policy related to design within the National Planning Policy Framework (the Framework).

Living conditions

The Inspector concluded that whilst the development would not have an unacceptably harmful effect on the levels of light reaching No 24, it would nonetheless have an unacceptably harmful effect on the outlook of occupants at No 24. The development would therefore conflict with Policy CS12 of the CS, which amongst other things seeks to secure development that avoids visual intrusion to surrounding properties.

Bats

For the reasons outlined above the Inspector concluded that the appellant has failed to demonstrate that the appeal scheme would avoid or adequately mitigate unacceptable harm being caused to bats. Whilst I note the Council's reference to Policy CS26 of the CS in this regard, Policy CS26 does not appear to be wholly relevant given that it relates to green infrastructure. Paragraph 175(a) of the Framework nonetheless states that in the absence of avoidance or adequate mitigation of harm to biodiversity, planning permission should be refused.

Flood Risk

The Inspector concluded that the development would not have a demonstrably adverse effect on flooding, and would comply with requirements of Policy CS31 of the CS.

5 Year Supply of deliverable housing sites

The Council accepts, and the appellant emphasises, that it does not have a demonstrable 5-year supply of deliverable housing sites, and so policies most important for determining the application are out-of-date. Under paragraph 11 of the Framework, planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal. In this case the Inspector considered that the harm caused by the development to the character and appearance of the area, in combination with harm caused to the living conditions of occupants at No 24, and potential harm caused to protected species would significantly and demonstrably outweigh the benefits that up to 16 flats, 8 of which might be affordable, would provide, particularly in helping to relieve the shortfall in deliverable housing sites. Consequently, paragraph 11 does not support the granting of planning permission in this instance.

4/00417/19/FUL

LAND TO HOMES LTD
CONSTRUCTION OF A 3-BEDROOM TOWNHOUSE PLUS PARKING AND
AMENITY SPACE
LAND ADJACENT 45 PARK ROAD, TRING, HP23 6BP
[View online application](#)

The proposal was for the construction of a single dwelling that would infill an open space between number 45 Park Road and 119 Western Road.

The inspector agreed with the council's position that infilling and extending upon the negative qualities of the existing terrace which number 45 belongs to would bring less than substantial harm to the character of the conservation area. The development neither cohered with the terraces or the lower scale properties to the west and as such, the inspector dismissed the agent's argument that the development would provide a sympathetic blend in design between the two. The inspector considered that the benefit of one new dwelling would not outweigh the harm to the character of the conservation area.

The new dwelling would also sit forward of number 119 Western Road and in this instance the inspector considered that this would have a detrimental impact on the outlook of the resident's of this property due to the perceived sense of enclosure that would occur. The new dwelling would be visually intrusive. The agent's argument that the first floor windows of this property served bedrooms and that these rooms would only be in use at night was rejected. It was the view of the inspector that it cannot be reasonably assumed that bedrooms are only used at night and occupiers of the property should expect to be able to enjoy use of the rooms without feeling unacceptably enclosed.

4/02023/18/FUL

Metro Capital Securities Ltd
DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF 3 NEW
DWELLINGS.
42 BEACONSFIELD ROAD, TRING, HP23 4DW
[View online application](#)

The Inspector concluded that, "the proposal would lead to over-development of the site through the overall massing of development and cramped appearance that is out of character with the area. I come to this view having regard to the other instances where spaces between dwellings have already been compromised. The proposal would be contrary to the development plan (CS11, CS12) and supplementary guidance (Tring Character Area Appraisal)".

The Inspector also commented as follows: "The density of the appeal proposal falls within the range specified in DBLP saved Policy 21 (30-50 dwellings per hectare) whereas the two dwelling scheme falls slightly below the policy requirement. However, the approved scheme is for large dwellings where the resultant density is affected by the prevailing length of gardens along this side of Beaconsfield Road whereas the appeal proposal would significantly exceed densities in the immediate area. The three dwellings proposed, in effect, would maximise the development potential of the site by reducing the space from the boundaries to Nos 40 and 44 to a minimum. The gap between the semi-detached property and the detached house would be significantly less than one metre. This has a significant impact in terms of the scale and massing of the proposed development...I note a recent decision (4/02758/18/FHA) for a modest two-storey side and rear extension to 44 Beaconsfield Road. This will have the effect of narrowing the gap between the proposed detached dwelling and No 44 adding to concerns of overdevelopment associated with the appeal proposal".

In addition, the Inspector stated, "Each dwelling would be provided with two car parking spaces to the front. The County Council have not objected in relation to the level of parking proposed. I note that the parking standards are maximum so the deficiency of one space per dwelling would not, in itself be problematic. However, the parking spaces would dominate the frontages, especially the pair of semi-detached dwellings, together with associated crossovers of the footway. The appellant makes the point that scope for a third parking space exists for the occupiers of each dwelling. This would be through on-street parking adjacent to the crossover at each property, in the event the two spaces provided are already occupied. Nevertheless, the provision of the three dwellings could lead to displacement of parking demand along the street. It appears to me that this situation exacerbates the harm caused through the scale and massing of the proposal. Furthermore, the cramped nature of the proposed development means there would be insufficient space at the side of any of the three dwellings to help ameliorate this position".

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
[View online application](#)

In dismissing the appeal, the Inspector concluded that, "although there is an existing parking area and garage to the rear of this and the neighbouring property, it is likely that the increase in residential density would lead to an associated increase in vehicular use, noise and disturbance over and above that of a single dwelling. As such, the proposal would harm the living conditions of future occupiers and neighbouring residents with respect to noise and disturbance. It would conflict with Saved Appendix 3 of the Local Plan and Policies CS11 and CS12 of the Core Strategy. These policies, together and amongst other matter, seek that development avoids disturbance to dwellings, avoidance of large areas dominated by parking and careful location of parking to minimise noise".

The Inspector also concluded that, "Having regard to Paragraph 11(d) and the conflict with the Local Plan, the harm which would result from the proposal upon the living conditions of future occupiers and neighbouring residents, significantly and demonstrably outweighs the public benefits derived from three additional dwellings on this particular site. The proposal therefore conflicts with the development plan and the Fraemwork when considered as a whole".

F. ALLOWED