

February 2021 Appeals Update – as reported to Development Management Committee

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 November 2020 and 31 January 2021

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/01868/FHA	D/20/3262367	42 Box Lane Hemel Hempstead HP3 0DJ	Householder
2	E/19/00290	C/20/3263148	Land to West of The Hive Featherbed Lane Felden	Enforcement Written Representations
3	20/01639/FUL	W/20/3264109	36 Kitsbury Road Berkhamsted HP4 3EA	Written Representations
4	20/01523/FHA	D/20/3264329	Cloverleaf Chapel Croft Chipperfield WD4 9DR	Householder
5	E/20/00421/COL	C/20/3264483	Bovingdon Airfield Chesham Road Bovingdon HP3 0EA	Enforcement Written Representations
6	20/01927/FUL	W/20/3264515	Plot 17 Land SE of Church Rd Little Gaddesden HP4 1NZ	Written Representations
7	20/02404/FUL	W/20/3265286	34 New Park Drive Hemel Hempstead HP2 4QE	Written Representations
8	E/19/00513/NPP	C/20/3265457	Berkhamsted Golf Club The Common Berkhamsted	Enforcement Written Representations
9	E/19/00378	C/20/3265529	199 High Street Berkhamsted HP4 1AW	Enforcement Written Representations
10	20/00274/RET	W/20/3265546	Berkhamsted Golf Club The Common Berkhamsted	Written Representations
11	20/01236/FUL	W/20/3265734	3 Gaveston Drive Berkhamsted	Written Representations

			HP4 1JE	
12	20/02550/FUL	W/20/3265837	Nash House Dickinson Square Hemel Hempstead HP3 9GT	Written Representations
No.	DBC Ref.	PINS Ref.	Address	Procedure
13	E/20/00311/NAP	C/20/3265857	13 Chambersbury Lane Hemel Hempstead HP3 8AY	Enforcement Written Representations
14	20/03101/FHA	D/20/3265856	13 Chambersbury Lane Hemel Hempstead HP3 8AY	Householder
15	20/01866/FUL	W/21/3266474	16 Park Road Hemel Hempstead HP1 1JS	Written Representations
16	20/02843/FUL	W/21/3266650	44 Martindale Road Hemel Hempstead HP1 2QR	Written Representations
17	20/03103/FUL	W/21/3267910	3 Curtis Road Hemel Hempstead HP3 8LE	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 November 2020 and 31 January 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/00248/FUL	W/20/3256051	52 Bronte Crescent Hemel Hempstead HP2 7PR	Written Representations
	Date of Decision:		18/12/2020	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256051			
	Inspector's Key conclusions:			
	<p>This proposal would be an incongruous intrusion of unsympathetic built form and a jarring addition to the streetscene that would be to the detriment of the visual interests of its surroundings.</p> <p>In such proximity the size and siting of the proposal would significantly increase the sense of enclosure to No.52 and be visually intrusive and overbearing, causing moderate harm.</p> <p>Even in the context of the Council's current housing land supply position (cannot demonstrate a 5-year supply of housing land), the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	19/02580/FUL	W/20/3247462	Garden Cottage Bovingdon Green Bovingdon HP3 0LD	Written Representations
Date of Decision:			16/12/2020	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3247462	
Inspector's Key conclusions:				
<p>The proposed works (mesh, various excavations for foundations/services and pruning the tree, more pruning likely in the future) accumulatively would harm the health, longevity and significance of the tree, which appears in good health and notability. Contrary to saved Policy 99 of the DBLP and CS11 and CS12.</p> <p>The proposal would not provide reasonable living conditions (due to vehicle movement disturbance, car lights nuisance, impact on privacy, overly shadowed garden areas), contrary to Policies CS11 and CS12 and saved appendix 3 of the DBLP.</p> <p>The proposal would provide a new house within a village with good facilities and public transport. This would give economic and social benefits, including the support for local services and a contribution to housing supply. However, as this is only one house the benefit would be very limited and does not outweigh the harm.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/00332/FHA	D/20/3254895	6 Long Chaulden Hemel Hempstead HP1 2HT	Householder
Date of Decision:			23/12/2020	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254895	
Inspector's Key conclusions:				
<p>Based on the evidence available, the proposed extension would have an unacceptable impact on the health and longevity of the adjacent street trees. The loss of or damage to these trees would severely harm the character and appearance of the surrounding area.</p>				

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 November 2020 and 31 January 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	19/02819/TPO	TPO/A1910/7 821	The Old Boathouse Castle Wharf Berkhamsted HP4 2EB	TPO (tree)
	Date of Decision:		27/11/2020	
	Link to full decision:			
	https://planning.dacorum.gov.uk/publicaccess/appealDetails.do?activeTab=document&keyVal=QHITT0FO00C00			
	Inspector's Key conclusions:			
	<p>In the majority of circumstances, such extensive pruning of a protected tree would be inappropriate but in this instance it is a repeat of previous cyclical pruning and is unavoidable to restore an acceptable relationship between the willow and the adjacent dwelling, which post-dates the tree. However, whilst accepting the need for removal of the majority of the branching that has regenerated since the tree was previously pruned, I consider there to be scope for a proportion of the lighter, inner pendulous growth to be retained and have required this by condition.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	19/03052/ROC	W/20/3252729	Top Common The Common Chipperfield WD4 9BN	Written Representations
	Date of Decision:		11/12/2020	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3252729			
	Inspector's Key conclusions:			
	<p>The personal restrictions the Council originally proposed could be widened to also include the owner of Top Common or their staff would still uphold the Council's original objective of preventing permanent harm to the Green Belt from a development not justified on the basis of very special circumstances.</p> <p>The use of the manege was further specified in that it shall be used for the purposes of training competition dressage horses at Levels 7, 8 and 9 of the British Horse Society Competition Levels and for no other purpose.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	4/02934/18/MFA	W/19/3243939	The Old Orchard Shootersway Berkhamsted HP4 3NG	Hearing
	Date of Decision:		15/12/2020	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3243939			
	Inspector's Key conclusions:			
	<p>The Council is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, the policies of the development plan which are most important for determining the application are out-of-date, and the</p>			

<p>presumption in favour of sustainable development is engaged.</p> <p>The development of the appeal site as proposed would not prejudice the comprehensive development of the whole of allocated site LA4. It would not conflict with the strategic or local objectives in the Core Strategy, nor with the guidance in the Masterplan. That there may not be a single phase of development across the allocated site is not a factor to count against this proposal.</p> <p>I can identify no harm from the proposed building's mass and height which make a balanced form, nor the siting of its front building line, its orientation or alignments. There would be slight adverse impact on the spatial character of the area (due to the erosion of the distinctive spacious character).</p> <p>Taking into account its viability, the lack of affordable housing in the proposed development does not place it in conflict with CS19 and the DPD.</p> <p>I conclude that the proposed development would not have an unacceptable impact on the safe and efficient operation of the highway network, with particular regard to vehicles exiting the site to turn right.</p> <p>I conclude that the location of the proposed development would be suitable, having regard to its proximity to services and facilities.</p> <p>Whilst I have found that there would be a small risk of loss of privacy from overlooking into the garden shared by the occupiers of Archive Mews, the amount of privacy lost would not reduce their living conditions to an unacceptable degree, nor in the circumstances I found, would it be uncharacteristic or unreasonable.</p> <p>The NPPF confirms the Government's objective to significantly boost the supply of homes. To the benefit of this additional housing I accord substantial weight. The single adverse effect (impact on the spatial character of the area) and the conflict with the development plan policy would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole. Accordingly, a decision other than in accordance with the development plan is justified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	19/03134/FUL	W/20/3254551	96 Longfield Road Tring HP23 4DE	Written Representations
Date of Decision:			07/01/2021	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254551	
Inspector's Key conclusions:				
<p>The design of the proposed terrace contrasts with the existing buildings in the area but, one of the key characteristics of the design, age and configuration of many of the properties on Longfield Road is their variety. There is no reason why the appeal scheme would not add to rather than</p>				

	detract from this. The proposed parking spaces to the front of each garage will replace the existing boundary fence but, it appears to me that parking to the front of the dwellings is preferable to parking to the rear which was as aspect of the earlier scheme that the Inspector considered unsatisfactory. Landscaping proposals would have the effect of breaking up the proposed parking area into 2 separate sections which would help soften the visual impact.
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 01 November 2020 and 31 January 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	4/02270/19/FUL	W/20/3260685	Land At Featherbed Lane Felden	Written Representations
	Date of Decision:		25/01/2021	

6.5 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 November 2020 and 31 January 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00302	F/19/3237636	Lock Cottage Ravens Lane Berkhamsted HP4 2DZ	Written Representations
	Date of Decision:		03/11/2020	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237636	
	Inspector's Key conclusions:			
	I conclude that there has been no consent granted for the demolition of the wall that forms part of the listed building at Lock Cottage and the appeal on ground (c) consequently fails.			
	I conclude that the demolition of the wall has harmed the setting of the listed building, it requires consent which it does not have and there are no public benefits that indicate that consent should be granted.			

6.6 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 November 2020 and 31 January 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/20/00104/NPP	C/20/3256772	The Water Gardens Waterhouse Street Hemel Hempstead Hertfordshire	Written Representations
	Date of Decision:		02/12/2020	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256772			
	Inspector's Key conclusions:			
	<p>I find that on the balance of probability the notice was served as required by s172 of the Act. In any event...both Cornerstone and Telefonica UK Ltd have appealed the enforcement notice jointly and therefore neither party has been substantially prejudiced. The appeal on ground (e) therefore fails.</p> <p>This lattice tower mast appears unduly makeshift...and appears as an unduly discordant vertical spikey intrusion. And this visual intrusion continues when seen from public vantage points around, including from the adjacent Water Gardens. I find this temporary lattice mast construction unacceptably harms the character and appearance of the area.</p> <p>I find the mast is harmful to the setting of the registered Water Gardens. The harm would nonetheless be less than substantial. In such circumstances para.196 of the NPPF advises that the harm that would be caused should be outweighed against the public benefits of the proposal.</p> <p>Due to the unprecedented times we are currently in and the heightened use and dependency on telecommunications, I consider it would not be in the public interest to see the coverage in the town disrupted until a replacement facility is brought into operation. This public benefit is of sufficient weight to outweigh the temporary harm to the heritage asset of the Water Gardens.</p> <p>The ground (a) appeal is allowed, the enforcement notice is quashed, and planning permission is granted for a temporary 12 month telecommunications mast.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	E/19/00444/NAP	C/20/3254307	Plot 1 Cupid Green Lane Hemel Hempstead	Written Representations
	Date of Decision:		11/01/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254307			
	Inspector's Key conclusions:			
	<p>The appellant's submissions are consistent in terms of the site having been used for agriculture, not for purposes of agricultural research. When looked at in the round, his evidence is precise and unambiguous. There was little which cast doubt on the appellant's submissions. Therefore, I find the appellant's evidence persuasive and afford it significant weight.</p>			

	<p>Accordingly, on the balance of probability the available evidence shows that the allegation stated in the notice has not occurred as a matter of fact and the ground (b) appeal succeeds.</p> <p>It is open to the Council to issue a fresh enforcement notice, if they consider that the site is in use for purposes other than agriculture and/or attacking the operational development, should they consider it expedient to do so.</p>
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6.7 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 November 2020 and 31 January 2021.

None.

6.8 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 31st January 2021)

APPEALS LODGED	3
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APPEALS DECIDED	TOTAL	%
TOTAL	3	100
APPEALS DISMISSED	0	0
APPEALS ALLOWED	2	66.7
APPEALS WITHDRAWN	1	33.3

	TOTAL	%
APPEALS DISMISSED		
Total	0	0
Non-determination		
Delegated		
DMC decision with Officer recommendation		
DMC decision contrary to Officer recommendation		

APPEALS ALLOWED	TOTAL	%
Total	2	100
Non-determination		
Delegated	1	50
DMC decision with Officer recommendation		

DMC decision contrary to Officer recommendation

1

50

6.9 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/20/00023/MULTI	C/20/3249358	Haresfoot Farm Chesham Road Berkhamsted HP4 2SU	24 March 2021

6.10 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/19/00321	C/19/3237920 W/19/3237919	Land at Featherbed Lane Hemel Hempstead	11-13 May 2021 (tbc)
2	20/02060/LDP	X/20/3261710	Parker House Maylands Avenue Hemel Hempstead HP2 4SJ	tbc