

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 February 2021 and 23 March 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/01754/MFA	W/21/3268082	Land Off Tring Road Wilstone Hertfordshire	Written Representations
2	20/03345/FUL	W/21/3268444	Flaunden Stables, Flaunden	Written Representations
3	20/01126/FUL	W/21/3268495	Land at Laurel Bank, Hemel Hempstead	Written Representations
4	20/03246/FUL	W/21/3268586	2 Cemetary Hill, Hemel Hempstead	Written Representations
5	20/02279/FUL	W/21/3269008	Land at The Street, Chipperfield	Written Representations
6	20/03800/FUL	W/21/3270460	121 High Street, Markyate	Written Representations
7	20/03801/LBC	Y/21/3270459	121 High Street, Markyate	Written Representations
8	20/03046/FHA	D/21/3271067	24 Lockers Park Lane, Hemel Hempstead	Householder

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 February 2021 and 23 March 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/01546/FHA</a>	D/20/3260928	1 Brownlow Farm Barns Pouchen End Lane Hemel Hempstead	Householder
	<b>Date of Decision:</b>		09/02/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260928">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260928</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The roof lights would constitute small-scale alterations and would be sensitively designed in so far as being of flush-fitting conservation style. Even so, by virtue of their visible domesticating influence, the roof lights would cause harm to the heritage significance of the complex as a non-designated heritage asset.</p> <p>Whilst the level of harm in this instance would be fairly modest, any benefit brought about by improving the usefulness of the property's loft area would attract minimal weight insufficient to outweigh the harm I have identified. This is particularly so when noting the primarily private nature of the benefit and the limited extent of loft space under consideration.</p> <p>The roof lights would cause harm to the character and appearance of the rural area, having particular regard to the effect upon the significance of a non-designated heritage asset.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">20/01868/FHA</a>	D/20/3262367	42 Box Lane Hemel Hempstead Hertfordshire HP3 0DJ	Householder
	<b>Date of Decision:</b>		09/02/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262367">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262367</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The newly proposed car port would be inappropriate development in the Green Belt and conflicts with Policy CS5 of the Core Strategy and with the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.</p> <p>Whilst the car port would be single storey and of limited scale, its prominent forward positioning upon the site would lead to a loss of openness. This is even when noting that the car port would be sited on land already capable of accommodating parked vehicles.</p> <p>The existing planting cannot be relied upon to provide solid or permanent</p>			

<p>buffers to views. This is because planting is ever evolving, is reliant on regular maintenance to retain a consistent form and may be reduced in scale or extent in the future.</p> <p>A structure of single-storey height and limited scale is intended. Whilst its rear and side facing elevations would be of continuous timber composition, the car port would not have an unduly prominent or stark presence in the streetscene. Indeed, it would not appear as a discordant addition and the area's green and spacious character and appearance would remain readily identifiable.</p> <p>The potential fallback position afforded by permitted development rights attracts limited weight. The car port would offer enhanced on-site parking facilities. However, this benefit attracts limited weight and would not outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness) so as to amount to the very special circumstances necessary to justify the proposal.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">20/01414/LBC</a>	Y/20/3260285	29 High Street Hemel Hempstead Hertfordshire HP1 3AA	Written Representations
<b>Date of Decision:</b>			08/03/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260285">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260285</a>				
<b>Inspector's Key conclusions:</b>				
<p>Although the staircase would be a lightweight structure, it would not appear as a visually discreet addition to the rear three-storey gable of the building. Rather, it would be substantial in size and have a functional appearance that would be prominent and disrupt the simple form and appearance of the gable. Its impact would therefore be significantly adverse and unacceptable in this respect. However, the staircase would not, of itself, have a harmful impact on the historic fabric of the building.</p> <p>The proposal would remove these windows and replace them with traditional joinery, but they would be significantly inferior, as they would not incorporate the detail and embellishment found in the framing of the existing windows. Historic masonry would also be lost below the windows due to enlargement to accommodate doorways. The loss of historic fabric would therefore be significant, which would be harmful to the understanding and legibility of the listed building, and thereby its significance.</p> <p>The proposal would be harmful to the special historic interest of No 29, the setting of No 27 and the character and appearance of the CA, which would have a negative effect on the significance of these designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance of the designated heritage assets. In</p>				

	<p>such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.</p> <p>The public benefits I have outlined ... would not justify allowing works and development that would fail to preserve the special interest of the listed building, the setting of the adjacent listed building or the character and appearance of the CA.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">20/01413/FUL</a>	W/20/3260286	29 High Street Hemel Hempstead Hertfordshire HP1 3AA	Written Representations
	<b>Date of Decision:</b>		08/03/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3260286&amp;CID=0">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3260286&amp;CID=0</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The proposal would be visually prominent from publicly accessible areas, including between Able House and the flats to the north.</p> <p>While there are some metal and other external staircases within the CA, they are not a prevalent feature. Where they are present, they are not to the scale of that proposed, so would not be comparable with it. In any event, I am mindful that I must consider the individual merits of the proposal in light of the policies and evidence before me. Accordingly, the staircase and enlarged openings would be harmful to the character and appearance of the CA and thus fail to preserve its significance.</p>			

## 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 February 2021 and 23 March 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/01523/FHA</a>	D/20/3264329	Cloverleaf Chapel Croft Chipperfield WD4 9DR	Householder
	<b>Date of Decision:</b>		04/02/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264329">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264329</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The Council explain that the proposal would not result in a disproportionate addition over and above the size of the original building. On that basis, they have concluded that the proposal would not be inappropriate development in the Green Belt. I do not disagree with the views of the Council in respect of this matter.</p> <p>Given the site's planning history, the dispute between the main parties primarily relates to the acceptability or otherwise of the proposed two storey side extension.</p> <p>The proposal would have a subservient relationship with the host building...the external surfaces of the proposed extension would be constructed from materials to match the host building, whilst the double hipped roof form would respond positively to the roof form of the existing building...the overall appearance of the extended dwelling would be in-keeping with the local vernacular...the host building would retain a substantial plot, which would preserve the area's spacious character. For the reasons given above, I conclude that the proposed development would have an acceptable effect upon the character and appearance of the area.</p> <p>I conclude that the proposal would have a neutral impact upon and thus preserve the setting of the CA and hence no harm would be caused to the significance of the CA by the proposed extension of the appeal property outside of it.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">20/01491/FUL</a>	W/20/3261246	Honours Building 72-80 Akeman Street Tring HP23 6AF	Written Representations
	<b>Date of Decision:</b>		09/02/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261246">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261246</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>I am satisfied that what remains of the former cinema has been correctly identified as a non-designated heritage asset. When factoring in the intended low-scale and discreet positioning of the proposed extensions at roof level, as well as the significant alterations that have previously occurred at the site, the proposal would have a neutral effect upon the significance of the former cinema as a non-designated heritage asset.</p> <p>I accept that the rooftop extensions would be visible, at least in-part, from Akeman Street vantage points to the north of the site and thus from within the TCA. It is also the case that buildings in the site's vicinity are typically of comparatively lower scale. Nevertheless, when factoring in the existing roof features to be removed and the presence of a large building of modern composition to the site's southern side, the proposed rooftop extensions would not appear domineering nor out of place and would preserve the TCA's character and appearance accordingly.</p> <p>Whilst the extensions would form part of No 81's backdrop when viewed from certain vantage points, they would not appear overbearing and would not harmfully impinge upon the way in which No 81 is experienced and enjoyed. The proposal would thus not cause harm to the heritage significance of No 81 through bringing forward development within its setting.</p>			

## **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 01 February 2021 and 23 March 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/00787/FUL</a>	W/20/3256677	Fairydell Farm Rucklers Lane Kings Langley WD4 9LF	Written Representations
	<b>Date of Decision:</b>		02/03/2021	

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 01 February 2021 and 23 March 2021.

**None.**

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 01 February 2021 and 23 March 2021.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 01 February 2021 and 23 March 2021.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 01 February 2021 and 23 March 2021.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/19/00290</a>	C/20/3263148	Land at Featherbed Lane Felden	Written Representations
	<b>Date of Decision:</b>		29/01/2021 (not reported in previous update)	

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
2	<a href="#">E/19/00378</a>	C/20/3265529	199 High Street Berkhamsted HP4 1AW	Written Representations
	<b>Date of Decision:</b>		05/03/2021	

## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 23<sup>rd</sup> March 2021)

<b>APPEALS LODGED</b>	11
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<b>APPEALS DECIDED</b>	<b>TOTAL</b>	<b>%</b>
TOTAL	12	100
APPEALS DISMISSED	4	33.3
APPEALS ALLOWED	4	33.3
APPEALS WITHDRAWN	4	33.3

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED</b>		
Total	4	100
Non-determination		
Delegated	4	100
DMC decision with Officer recommendation		
DMC decision contrary to Officer recommendation		

<b>APPEALS ALLOWED</b>	<b>TOTAL</b>	<b>%</b>
Total	4	100
Non-determination		
Delegated	3	75
DMC decision with Officer recommendation		
DMC decision contrary to Officer recommendation	1	25



## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/20/00023/MULTI	C/20/3249358	Haresfoot Farm Chesham Road Berkhamsted HP4 2SU	25 May 2021

## 6.11 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	11-14 May 2021
2	20/02060/LDP	X/20/3261710	Parker House Maylands Avenue Hemel Hempstead HP2 4SJ	29 June 2021