

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04397/FHA	D/22/3290070	4 Parkfield, Markyate	Householder
2	21/03179/FHA	D/22/3290759	Cottage 110, Wharf Lane, Cow Roast	Householder
3	21/03180/LBC	Y/22/3290758	Cottage 110, Wharf Lane, Cow Roast	Written Representations
4	21/02968/FHA	D/22/3290876	Greenbanks, Toms Hill Road, Aldbury	Householder
5	21/02210/ROC	W/22/3290993	Gamel Farm, 5 Goldsworth Road, Tring	Written Representations
6	21/02331/FUL	W/22/3290318	Land Off, Cupid Green Lane, Hemel Hempstead	Written Representations
7	21/04354/FHA	D/22/3291812	4 Reson Way, Hemel Hempstead	Householder
8	21/03631/FHA	D/22/3292108	10 Old Watling Street, Flamstead	Householder
9	21/04277/FUL	W/22/3292464	Land adj. Finch Cottage, Tower Hill, Chipperfield	Written Representations
10	21/03708/FHA	D/22/3292490	3 Epping Green, Hemel Hempstead	Householder
11	21/04085/FHA	D/22/3292754	62 Scatterdells Lane, Chipperfield	Householder
12	21/02825/FUL	W/22/3293715	Church Farm, Station Road, Aldbury	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/03800/FUL	W/21/3270460	121 High Street, Markyate	Written Representations
	Date of Decision:		21/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3270460			
	Inspector's Key conclusions:			
	<p>The traditional terraced form, fenestration pattern, prominent high street corner location and architectural detail, including No 121's chamfered corner doorway, and timber framing in the gable end of No 117, contribute to what the listing describes as its picturesque quality. Consequently, the listed building embodies evidential, historical and aesthetic values. The above contributes to both the listed building's special interest and the significance of the CA.</p> <p>The proposed flat-roof toilet extension would be subordinate to the existing modern rear flat-roof extension in terms of height and mass. Also, it would result in a more gradual, less abrupt step down from the existing rear extension to the yard's side boundary wall, viewed looking towards the property's south-eastern perimeter. This would visually moderate the step down in built profile, and so distract less from the main historic core of the appeal building, viewed from the south-east. Furthermore, the proposed single storey outbuilding in the rear yard would assimilate acceptably within the evolved context of some diversity of outbuildings and extensions in the locality. Its timber cladding would help it to visually blend in with garden shed presence in the locality. The tarmac surfacing of the yard fits with the evolved commercial use of the building and mixed use in the locality.</p> <p>The proposed plan for conversion of the appeal building's first floor from a staff room, toilet and storeroom to a one-bedroom flat indicates that existing internal walls and layout would remain. However, there is a relative lack of detail before me regarding works and fittings likely to be necessary to make the first floor habitable, including any kitchen or bedroom fittings, repairs, and sound or fire insulation between floors, for example. As such, there is not sufficiently clear detail regarding the likely interior works to convert the first floor to a flat, and their effect on the listed building, to decisively demonstrate avoidance of harm to the fabric and special interest of the listed building.</p> <p>Given the extent of the proposed changes, I find the harm to the listed building to be less than substantial in this instance, but nevertheless of considerable importance and weight. I find that the public benefits of the proposal do not outweigh the great weight given to the conservation of the designated heritage asset and the less than substantial harm to its significance which I have identified. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/03801/LBC	Y/21/3270459	121 High Street, Markyate	Written Representations
Date of Decision:			21/01/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3270460				
Inspector's Key conclusions:				
[This was a conjoined appeal with the appeal detailed above, with a conjoined Decision Letter.]				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/02947/DRC	W/21/3271893	Berry Farm, Upper Bourne End Ln, Hemel Hempstead	Written Representations
Date of Decision:			26/01/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893				
Inspector's Key conclusions:				
<p>The proposed landscaping details before me here are identical in terms of their layout to those considered in the associated appeal. These involve a number of changes to the approved layout. Amongst other things, they relate to 2 access tracks within the site rather than 3, a new location for the car park (further from the main access track and gates), and the relocation of a number of irrigation tanks into a more central position within the site. Additionally, a new pump house structure is proposed, and a fairly large area of land, stated to comprise a pig yard, has been excluded from the appeal site.</p> <p>As such, and likewise to my findings in the associated appeal, it is clear that all these proposed changes, when taken in combination, involve a layout that is very different from the approved scheme. Hence, the proposed landscaping scheme would not fall within the terms of the existing planning permission. The condition concerning the landscaping scheme cannot therefore be satisfied on the basis of the information submitted.</p> <p>As I have found on the first main issue that the proposed landscaping scheme would not fall within the terms of the existing planning permission, it would not be appropriate nor necessary to consider the effect of the proposed landscaping scheme on the character and appearance of the area. I have not therefore taken this matter further.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/02945/ROC	W/21/3271898	Berry Farm, Upper Bourne End Ln, Hemel Hempstead	Written Representations
Date of Decision:			26/01/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893				
Inspector's Key conclusions:				

<p>I am only able to consider the question of the conditions subject to which planning permission has been granted. In other words, my assessment in this appeal is not a re-consideration of the case. Accordingly, it is not for this appeal to consider the effect of varying condition No 2 on the character and appearance of the area or the Green Belt. In light of the above, the main issue is whether or not the proposed amended scheme would constitute a minor material amendment to the approved scheme.</p> <p>The proposed amendments involve a number of fundamental changes to the layout, compared to the approved scheme. These changes include, amongst others, 2 access tracks within the site rather than 3, a new location for the car park (further from the main access track and gates), and the relocation of a number of irrigation tanks into a more central position within the site. Additionally, a new pump house structure is proposed, and a fairly large area of land, stated to comprise a pig yard, has been excluded from the appeal site. When taken together, these changes would represent a significant departure from the approved scheme. To the extent that, with regard to the PPG, I could not consider them a minor material amendment to the approved scheme.</p> <p>Taking all of the above into account, the condition as it currently stands is appropriate, reasonable and necessary to correctly define the development permitted for clarity and enforcement purposes and should therefore, with the above in mind, remain unaltered.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/00016/FHA	D/21/3276025	Little Shantock, Flaunden Lane, Flaunden	Householder
Date of Decision:			31/01/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3276025				
Inspector's Key conclusions:				
<p>The proposal is for extensions to the existing house, which when considered with previous completed extensions, would result in a considerably greater sized dwelling than was the original. The original dwelling was a bungalow, but the proposal would result in a two storey house with an increased height ridge and dormers, with further extensions to the rear. This is on top of the previous extensions to convert what was a bungalow to a two storey house, for example.</p> <p>I would regard the total additions (existing extensions and those now proposed) over the original dwelling to be disproportionate. The overall additions could not be considered as 'limited'. It may be that the proposed extensions with this appeal are sympathetically designed and would result in a house of similar scale to others in the area, but nonetheless, when considering that this property was a bungalow the further extensions as now proposed would result in a disproportionately extended dwelling. I acknowledge that the 'footprint' of the dwelling is similar to the original bungalow, but there is a considerable amount of both additional volume and</p>				

	<p>floorspace if this proposal was implemented. I conclude that the proposals would be inappropriate development which is, by definition, harmful to the Green Belt.</p> <p>There would therefore be a small loss of openness to this part of the Green Belt, though this is additional to the openness already lost with previous extensions.</p> <p>There are no other considerations which clearly outweigh the harm I have identified. Consequently, whilst the appellant has set out positive features of the development proposed, such as the architectural design, these do not amount to very special circumstances. As such, there is not the necessary justification for the proposal as a form of inappropriate development in the Green Belt.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	21/01463/FHA	D/21/3280746	36 College Close, Flamstead	Householder
	Date of Decision:		01/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280746			
	Inspector's Key conclusions:			
	<p>The proposed front extension is of a similar design to other extensions within the close and would be constructed of materials to match the existing dwelling. I find that it would harmonise with the existing house and the area within which it is located. The Council have raised no objection to the rear element of the proposal. From the evidence submitted, and what I saw on my site visit, I am satisfied that this element of the proposed development would not cause harm to the character of the area.</p> <p>The side extension would be positioned well forward of the building line of Nos 38 - 40 College Close and would be visually dominant within the streetscene. Moreover, it would reduce the gap between the gable wall of the host property and the properties on the opposite side of College Close, i.e., Nos 1-4, thereby restricting the open view that currently exists from the entrance of College Close to the communal green space.</p> <p>I acknowledge that the proposed side extension would not project beyond the curved section of the existing boundary wall. However, it would intrude into the area of open garden to the side of the host property for much of its length and be significantly higher than the existing boundary wall. I also note that the proposed development would incorporate a hipped roof, which is not a roof style that is currently present in the Close. As a result, the proposal would appear as an incongruous feature within the street scene. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	20/04015/FUL	W/21/3277915	74 Brook Street, Tring	Written Representations
	Date of Decision:		03/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3277915			
	Inspector's Key conclusions:			
<p>The proposal would occupy the majority of the plot and would have a relatively small garden compared with the other dwellings in the area. As such, the building would appear overly large for the size of the plot and would harmfully depart from the spacious prevailing pattern of development.</p> <p>The building would have a two-storey massing and would be significantly taller than the adjacent bungalows. It would therefore unduly dominate the street scene of Brookfield Close and would harmfully erode the spacious character of the area.</p> <p>While the evidence indicates that only one tree is proposed to be removed, given their spacing, it is likely that more trees would need to be removed to facilitate access to the proposed driveway. In addition, there is little evidence regarding tree protection measures that demonstrate that the proposal would result in no harm to the trees that are not proposed to be removed. Three of the trees appeared to be in reasonable condition during my site visit and of a significant height. As such, their loss would harm the character and appearance of the area.</p> <p>Consequently, the proposed development would harm the character and appearance of the area, including the trees.</p> <p>Given that the proposed dwelling would be sited at a significantly higher ground level than No 74 and with limited separation distance, the building would dominate views from the rear patio area of No 74, unduly diminishing the outlook of the occupier. [The] fence introduced between the two properties...would further reduce the outlook from the patio areas which are at a much lower ground level than the proposed dwelling. Given the difference in ground level and distance between the proposed building and that of No 74, the proposal would result in an unacceptable outlook for the occupiers of No 74.</p> <p>The subdivision of the existing plot would result in a significantly reduced private amenity area for the occupiers of No 74. In addition, since the remaining area would be split across two ground levels and stepped, there would be very little usable private amenity space. Since the property is a threebedroom dwelling, the remaining private amenity area would not meet the needs of a small family.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
8	21/00542/FHA	D/21/3274011	2 Timberlakes, Church Lane, Hastoe	Householder
	Date of Decision:		04/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274011			
	Inspector's Key conclusions:			
	<p>The proposal is for an ancillary outbuilding, being a detached garage and workshop building. In this case, due to the separation distance of dwelling to the proposed outbuilding, I would not regard it reasonable to consider the outbuilding as an extension to the dwelling for the purposes of this main issue. I conclude that the proposals would therefore be a form of inappropriate development which is, by definition, harmful to the Green Belt.</p> <p>The proposed large outbuilding would be positioned on what is an undeveloped lawn/landscaped area, which would be visible at least partially from the local roads, for example. Therefore, there would be a material loss of openness within this area of the Green Belt as a result of the proposals.</p> <p>Whilst it would be largely screened from some directions, such as from Browns Lane, it would likely be visible from Church Lane where it would be a particularly prominent feature from the road, especially if it was on a higher ground level than this highway. Furthermore, the level of screening from landscaped boundaries could change over time, resulting in an increase in the prominence of the proposed outbuilding. In my view the proposal would be more visually prominent from Church Lane, where it would have an adverse visual impact as an overly intrusive new building due to a combination of its size and position. Additional planting would not be sufficient to mitigate the visual impacts of the proposal. The proposal would have an adverse impact to the AONB designation and the character of the area.</p> <p>There are no other considerations which clearly outweigh the total harm I have identified.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	21/00358/FUL	W/21/3274202	Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
	Date of Decision:		11/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274202			
	Inspector's Key conclusions:			
	<p>In this case, the additional volume over that approved or the original barn would be limited. The differences over that approved would include the increase in height and additions related to the roof alterations, which has already taken place. Whilst this has added to the volume and height of the former barn, it was always a relatively large building on this site. As such, the extensions with the additional roof height and associated volume and floor</p>			

space increases are not to a degree that I would consider results in a disproportionately extended building. The extensions are 'limited' over and above the original building. Therefore, this is not an form of inappropriate development in the Green Belt and is not contrary to policy CS5 in this regard.

The barn conversion as originally approved retained a distinct rural/agricultural character for the new dwelling, which was a positive aspect of the development considering the Conservation Area and the rural setting of the site on the edge of the village.

The additional height of the roof does not diminish the rural character of the barn conversion. There is the shallow pitched roof, but this was similar to that approved and is not incongruous as a result of the additional height. This aspect of the development, in my view, preserves the character and significance of the Conservation Area. With regards to the first floor addition, this is an internal alteration which in itself does not have any harmful visual impact to the Conservation Area or rural character of vicinity of the site.

However, the proposal includes the insertion of additional windows at first floor level. Although some of the initially proposed first floor windows have been removed with the amendments, the remaining proposed windows would result in a building with a more domestic appearance through these new fenestration openings where none originally existed, even with the vertical emphasis included. These additional windows erode the rural character of this barn conversion and therefore fails to preserve the significance of the Conservation Area to which the rural character is an important aspect.

The domestication of the appearance of the barn conversion would result in a negative effect and therefore the proposed first floor windows would not preserve the Conservation Area. The harm would be less than substantial. Overall, the public benefits for this single dwelling would be limited and do not offset the identified harm, to which I must attach considerable importance and weight.

No.	DBC Ref.	PINS Ref.	Address	Procedure
10	20/02360/FUL	W/21/3278634	Rosemary Cottage, 126 High Street, Northchurch	Written Representations
	Date of Decision:		22/02/2022	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278634	
	Inspector's Key conclusions:			
	The proposal, for 2 pairs of semi-detached houses with associated garden areas, would largely erode the mostly undeveloped nature of the site. In this respect, the contribution that the setting makes to the significance of Rosemary Cottage would be compromised by the proposal. Whilst the harm to the setting of Rosemary Cottage [a Grade II listed building] would be less than substantial, this harm is of considerable importance and weight. This			

harm must be weighed against the public benefits of the proposal.

The setting, including the appeal site, contributes to the significance of the conservation area by providing a reminder of its historic past as a small agricultural community. In this respect, although the site is surrounded by a housing estate, the proposal to build 4 houses on the site would considerably erode these historic associations, which would undermine the contribution that the setting makes to the historic interest of the conservation area. Consequently, the significance of the conservation area would be materially harmed by the proposed development within its setting. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal.

Collectively, I give moderate weight to all the public benefits of the proposal. Thus, those benefits do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of Rosemary Cottage and the significance of the conservation area.

The proposal would create 8 parking spaces in a row which would entail a markedly wide expanse of parking provision in this location. Moreover, the proposal would result in car parking on both sides of Chapel Crofts which would give Chapel Crofts the appearance of being unduly dominated by car parking areas. All this would cause harm to the character and appearance of the area.

Due to the very limited separation distance between No 20 and the dwelling proposed for Plot 4, the proposed dwelling would appear conspicuously dominant in views from both the conservatory and the ground floor rear windows at No 20. In this way, the proposal would make the conservatory and the affected living areas within No 20 much less pleasant to use. I find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 20, with particular regard to outlook.

The proposal would result in a very wide expanse of dropped kerb. This would hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from the site. The resulting situation would be particularly hazardous for pedestrians with mobility problems, the elderly and children. Consequently, the proposal would be unacceptable in highway safety terms, particularly for pedestrian users. 26. I therefore find that the proposal would have an unacceptable and harmful effect on highway safety.

The lack of a 5 year housing supply means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11 d) of the Framework. However, part i. of paragraph 11 d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the

	development. As I have explained, the proposal would lead to less than substantial harm to the significance of both Rosemary Cottage and the conservation area, and these harms would not be outweighed by public benefits. This provides a clear reason for refusing the proposed development.
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00613/LBC	Y/21/3272860	Witches Hollow, Ringshall Drive, Little Gaddesden	Written Representations
	Date of Decision:		14/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272860			
	Inspector's Key conclusions:			
	<p>[The appeals were allowed, granting both planning permission and listed building consent].</p> <p>The main issue in this case is whether the proposal would preserve the Grade II listed building 'Witches Hollow' (Ref: 1174755), or any features of special architectural or historic interest that it possesses.</p> <p>Consequently, the listed building embodies evidential, historical, aesthetic and communal values, which contributes to the building's special interest. Given the above, I consider the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the legibility of its seventeenth century core and its historically layered architectural evolution.</p> <p>The proposal would reduce the visibility of part of the historic roof and wall of the listed building's 'snug' room, from exterior view from the northern end of the garden. That said, the roof and chimney of the 'snug' part of the building would still be noticeable and the proposed link's glazing would provide a degree of transparency which would help the form of the existing single storey wing to remain legible. Also, the replacement of the clay roof tiles to the existing lean-to with slate would modestly highlight the earlier parts of the building by creating a contrast between the old and new roof. The above together would result in the building's northern elevation continuing to read 'on the ground' as a combination of the historic house core, recent weatherboarded heritage-style extension, and recent kitchen extension with a substantially glazed link.</p> <p>Thus, the building's evolved architectural blend of primary, charismatic historic core, with several more recent subordinate additions would endure, albeit in a moderately different form. Therefore, the legibility of the listed building's seventeenth century core and its historically layered architectural evolution would endure. The above factors would also help the proposal to</p>			

	blend in with its residential garden landscape setting, and conserve the beauty of the AONB.			
	Given the above, I conclude that the proposal would preserve the special interest of the Grade II listed building.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/00612/FHA	D/21/3272861	Witches Hollow, Ringshall Drive, Little Gaddesden	Written Representations
	Date of Decision:		14/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272860			
	Inspector's Key conclusions:			
	[This was a conjoined appeal with the appeal detailed above, with a conjoined Decision Letter.]			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/01843/FUL	W/21/3279289	93-95 High Street, Markyate	Written Representations
	Date of Decision:		14/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279289			
	Inspector's Key conclusions:			
	<p>I consider the special interest of the listed buildings, insofar as it relates to this appeal, to be primarily associated with the historic legibility of their traditional Hertfordshire village centre architecture. This contributes to the CA's significance, which lies in the historic townscape that reflects Markyate village's evolution from the seventeenth to the nineteenth century.</p> <p>The proposal would entail a relatively substantial separation gap of around 23m of garden and yard space, from the front elevation of the proposed house to the facing main rear elevation of the High Street row of dwellings. Furthermore, the height of the proposed house would be contained to one and a half storeys, within the context of the 'jigsaw' pattern of historic village centre development that includes typically two-storey terraced and backland mews houses. In its backland position, offset from the High Street archway entrance, the proposed carport would be relatively secluded from wider view within the CA, and its open sides would limit its bulk. Furthermore, the house's Flemish bond brickwork would reflect the local vernacular, and appropriate brick, roofing and cladding materials would be secured by planning condition. Together these factors would help the proposed development assimilate within its setting.</p> <p>In recommending granting of planning permission, the Planning Officer's Report set out that the proposed dwelling would appear sufficiently modest and subservient in relation to the historic houses on High Street, and its design, detailing and form would conserve the area's historic character. Given the combination of assimilating factors identified above, I agree on these points. I therefore conclude that the proposed development would</p>			

	<p>have a neutral effect on the setting of the listed buildings, and would preserve their significance. It would also preserve the character and appearance of the CA.</p> <p>The proposed house would be contained to one and a half storeys. Furthermore, there would be a separation gap of just over 23m between the main front wall of the proposed house and main rear wall of the facing High Street row. This would meet the dwellings spacing requirement of Appendix 3 of the Dacorum Borough Local Plan 1991-2011. Upper fenestration to the sides of the proposed house would be limited to a bathroom window and rooflight. Also, various views between windows in the front of the proposed house, and dwellings on plots to the sides of the appeal site would be relatively oblique.</p> <p>Together, these factors would acceptably moderate the proposed dwelling's visual impact, and overlooking between the proposed and neighbouring properties.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	21/01313/RET	D/21/3279451	28 George Street, Berkhamsted	Householder
	Date of Decision:		19/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279451			
	Inspector's Key conclusions:			
	<p>The weatherboarding on the gable end replaces a render finish which I understand had been failing for some years and allowing the ingress of water, manifesting itself as damp within the house.</p> <p>Rendered finishes are not uncommon elsewhere in the immediate vicinity and can be seen in a variety of colours. In this context, the replacement of the old render with new would have been acceptable. However, I am persuaded by the appellant's argument that this would not have been practical as the removal of the render would have been likely to damage the brickwork and cause it to break away. The new render would have been subject to the same thermal stresses because it faces south and is exposed to high levels of sunlight and would be at risk of cracking and breaking away again.</p> <p>I accept that weatherboarding is not commonly used in the surrounding area and that it is more commonly used in outbuildings. Its use in this context is not in keeping with the traditional building materials prevalent in the area. However, I consider that it is important to maintain the viable use of this cottage to a standard which is consistent with modern requirements in a time of climate change and there is a social and economic benefit in providing a more energy efficient dwelling.</p> <p>Its impact on the character and appearance of the street is limited because in public views, the gable wall is visible in its entirety only from immediately south of it from the street.</p>			

	I conclude that the weatherboard cladding causes less than significant harm to the conservation area because it is not a traditional material reflecting the character and appearance of the Victorian cottages. However, weighed against this harm is the benefit of its continued use as a dwelling in keeping with the traditional residential character of the conservation area.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/00544/ROC	W/21/3273994	Keepers Cottage, Half Moon Lane, Pepperstock	Written Representations
	Date of Decision:		22/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3273994			
	Inspector's Key conclusions:			
	<p>In their appeal, the appellants have effectively sought consent for the reinstatement of permitted development rights for Cedar Barn. However, the Original Permission relates to a wider site, which comprises two other dwellings. In considering whether Condition 6 meets the tests set out in the Framework, I have therefore also had regard to its effect in relation to those dwellings, where relevant.</p> <p>The reason given for the contended condition is to enable the Council to retain some control over future development in the interests of both visual and residential amenity and the increase of development in the Green Belt. The Council has not provided any compelling evidence pertaining to the rationale for imposing condition 6 relating to living conditions or character and appearance (beyond the character of the Green Belt). Given the above, the main issue is whether or not the condition is reasonable and necessary in the interests of preserving the openness of the Green Belt.</p> <p>In its current form, disputed Condition 6 is neither reasonable nor necessary given that it is not necessary to remove permitted development rights under Classes C, D, F, G and H of Part 1 of Schedule 2 and Classes A, B and C of Part 2 of Schedule 2 of the GPDO 2015 (as amended). This is because development under these classes, in combination with the existing development, would preserve the openness of the Green Belt.</p> <p>However, a condition removing permitted development rights under Classes A, B and E is necessary and reasonable, in order to preserve the openness of the Green Belt and consequently, ensure compliance with Core Strategy (2013) Policy CS5 and the relevant provisions of the Framework. Without such a condition the existing development, in combination with future development under these classes, may not preserve the openness of the Green Belt. Indeed, Framework Paragraph 148 states that substantial weight should be given to any harm to the Green Belt.</p> <p>I am therefore allowing the appeal but not in the terms sought by the appellants. [Note: This is a split decision, part allowed / part dismissed].</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	21/01354/RET	D/21/3280282	18 Dinmore, Bovingdon	Householder
	Date of Decision:		27/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280282			
	Inspector's Key conclusions:			
	<p>The dormer runs the full width of the house and is clad in light grey Cedral weatherboarding. There is a full height central window which according to the submitted plans serves a staircase and two windows serving a bedroom and a bathroom. The Council accepts that the size of the dormer falls within permitted development, but objects to the type and colour of the cladding. There are numerous large dormer windows in the surrounding area in a variety of materials, though the majority are of a darker colour.</p> <p>In general, weatherboarding is a common feature in the area, used for full first floor cladding on several nearby properties, in both dark brown/grey and white.</p> <p>I consider that, although the dormer at No. 18 is clearly visible from the neighbouring properties, it is not unduly prominent in views from the street as it is at the rear and appears only in glimpses at a distance through gaps in the houses. Although the colour of the cladding is different from that of the house itself, the weatherboarding is not out of keeping with the surroundings and the pale colour in contrast with darker brick materials is not an uncommon feature of other properties in the area.</p> <p>I conclude that the development is not harmful to the character and appearance of the area and that it is consistent with Core Strategy policy CS12.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/03109/FHA	D/21/3284123	25 Beaumayes Close, Hemel Hempstead	Householder
	Date of Decision:		28/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3284123			
	Inspector's Key conclusions:			
	<p>While the extension would be wide relative to the existing dwelling, it would be set back slightly from the dwelling's front wall at first floor level. Additionally, it would have a front gable that would reflect the appearance of, but be smaller than, the front gable of the existing dwelling. The extension's surfacing materials and fenestration design would reflect those of the dwelling. The extension would therefore be a proportionate addition that would be compatible with the dwelling.</p> <p>Although none of the properties in the close feature extensions of a comparable design, the extension would not be highly prominent given the dwelling's set back from the highway and the extension's set back from the</p>			

	<p>first floor part of the dwelling's front elevation. Furthermore, as the site is at the end of the row, its consistent and cohesive appearance and rhythm would not be disrupted. The building lines and patterns of development in the close would not be adversely affected. Additionally, a significant gap would be retained between Nos 25 and 27 such that the proposal would not appear cramped or create a terracing effect. The character of the site and the close would be maintained.</p> <p>The proposal would not harm the character and appearance of the area. It accords with Policies CS11 and CS12 of the Council's Core Strategy 2006-2031.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane, Berkhamsted	Written Representations
	Date of Decision:		31/01/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477			
	Inspector's Key conclusions:			
	<p>The proposal would introduce a detached dwelling between Rosewood and Ravels. Accordingly, it would substantially reduce the space between the existing properties. It would also replace the existing outbuilding with a structure with a marginally taller eaves and ridge height. Despite this, the siting of the proposed dwelling would be such that it would maintain a generous separation distance to Ravels. The building would also be set back from the road to the same extent as the houses either side. Accordingly, the principal building would have space about it in a manner commensurate to other nearby properties. As a consequence, I am satisfied that the siting of the main house would be sympathetic to the prevailing urban grain of the surroundings.</p> <p>The proposed outbuilding would increase the amount of built form on the appeal site. However, it is not uncommon in the locality for dwellings to have generous outbuildings located beyond them, and close to the highway. Space would remain between the buildings and the verdant context within which the appeal site is experienced would not be unduly compromised. Views of mature trees and established landscaping would be maintained and the space between properties would be sympathetic to the immediate surroundings. Accordingly, in my judgement, the proposal would not appear cramped. Instead, it would result in a form of development that would make good use of the site in a manner that would be suitably respectful to the established verdant and spacious surroundings.</p> <p>Notwithstanding my findings, due to the location of a car parking space between the proposed outbuilding and front site boundary, the established hedgerow would be compromised. The details before me confirm that a new soft boundary would be created and, in my judgement, the success of this feature would be fundamental to the success of the proposal. Accordingly, although no conditions have been suggested by the Council, I find that a</p>			

	<p>landscaping condition to control this matter is entirely necessary and that the full details should be agreed prior to development commencing.</p> <p>I am satisfied that existing privacy levels would not be compromised. Due to the space between buildings, I am also satisfied that the proposal would not give rise to an unacceptable sense of enclosure or overbearance. Moreover, for the same reason, the proposal would not cause undue noise and disturbance. Accordingly, the proposal would not harm the living conditions for the occupants of neighbouring properties, and I note that the Council arrived at the same conclusion.</p>
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/03179/FHA	D/22/3290759	Cottage 110, Wharf Lane, Cow Roast	Householder
	Date of Decision:		18/01/2022 (appeal turned away – too late)	

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	Hearing

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 January 2022 and 27 February 2022.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00268	C/21/3278485	Silver Birches, Nettleden Road North, Little Gaddesden	Written Representations
Date of Decision:			21/02/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278485				
Inspector's Key conclusions:				
<p>A retrospective planning application for the retention of the change of use of the barn to a residential dwelling, and extension with a dormer and modifications to openings was made in 2019. Permission was refused [leading to the service of the Enforcement Notice and then this appeal].</p> <p>I find no defect with the service of the notice, which was served on the owner of the land and complies with the requirements of s.172(2). The appeal on ground (e) therefore fails.</p> <p>A separate ancillary building of the sort that is suggested might for instance consist of a bedroom with shower facilities and perhaps the possibility to make a cup of tea. However, the barn is now a three bedroom house with all the facilities necessary for day to day life. It has its own demarcated garden, access drive and parking area. Irrespective of who lives in the house, as a matter of fact and degree I consider the barn has become a separate dwellinghouse, quite distinct from the original bungalow. It now constitutes a separate planning unit. Had a ground (b) appeal been made, on the balance of probabilities it would have failed.</p> <p>The building can barely be seen from the road given the length and slight curvature of the drive, an intervening brick and timber shed and overhanging trees. When the gates on the drive are closed it is not seen at all from normal viewpoints on the road. It is well screened from sites on the other sides by dense tree planting. I consider the building has virtually no visual impact on the surrounding area.</p> <p>In this context [AONB] the brick and weatherboarding of the barn are to my mind quite suitable for this site. The crown roof form on the other hand is a modern introduction that is somewhat unsympathetic. However, the scale is such that it is not a dominating feature of the site and given the secluded nature of the barn and the greater dominance of large trees I do not consider it causes harm in terms of the character or appearance of the area.</p> <p>The Atlas cedar is indeed a very fine mature [TPO] specimen. Given that the barn and the tree have subsisted together for many years it is unlikely that alterations to the barn will have harmed the root structure of the tree, or that this might happen in the future. Furthermore the separating distance makes it relatively unlikely there will be future applications for lopping, or more seriously for felling.</p>				

	I conclude that the appeal should succeed on ground (a) and planning permission will be granted.
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6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 January 2022 and 27 February 2022.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up 27 February 2022).

APPEALS LODGED IN 2022	
PLANNING APPEALS LODGED	12
ENFORCEMENT APPEALS LODGED	1
TOTAL APPEALS LODGED	13

APPEALS DECIDED IN 2022 (excl. invalid appeals)	TOTAL	%
TOTAL	19	100
APPEALS DISMISSED	10	52.6
APPEALS ALLOWED	8	42.1
APPEALS PART ALLOWED / PART DISMISSED	1	5.3
APPEALS WITHDRAWN	0	0

	TOTAL	%
APPEALS DISMISSED IN 2022		
Total	10	100
Non-determination	0	0
Delegated	10	100
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	0	0

APPEALS ALLOWED IN 2022	TOTAL	%
Total	8	100
Non-determination	0	0
Delegated	7	87.5

DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	12.5

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	19/02588/MFA	W/21/3275429	Lilas Wood Wick Road Wigginton	18 May 2022
2	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1				

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 01 January 2022 and 27 February 2022.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 01 January 2022 and 27 February 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/02947/DRC	W/21/3271893	Berry Farm, Upper Bourne End Ln, Hemel Hempstead	Written Representations

	Date of Decision:	26/01/2022		
	Link to full decision:			
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893		
	Inspector's Key conclusions:			
	<p>The basis for this application for costs largely rests on the premise that the Council behaved unreasonably in refusing the discharge of condition application. However, as explained in my appeal decision, the proposed landscaping details involve a layout that is very different from the approved scheme¹, and accordingly the proposed landscaping scheme would not fall within the terms of the existing planning permission. Hence, the Council acted reasonably in this regard, providing clear reasons for doing so.</p> <p>Reference has been made to the potential for further information to have been provided by the applicant to the Council, but considering the extent of the changes proposed, it is unlikely that such further details would have changed the Council's conclusions. Mention has also been made of planning permission Ref 20/04045/DRC but as no plans or drawings have been provided it is not clear whether that permission is sufficiently comparable with the proposal. Accordingly, neither of these matters indicate that the Council acted unreasonably.</p> <p>The applicant has referred to the conduct of the Council during the processing of the planning application. However, the PPG states that costs cannot be claimed for the period during the determination of the planning application and can only be claimed for unnecessary or wasted expense at the appeal². In any event, notwithstanding the alleged lack of contact from the Council, the Council were correct to refuse the planning application, meaning that no unnecessary or wasted expense has occurred and an appeal would have been the next route to seek resolution.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/02945/ROC	W/21/3271898	Berry Farm, Upper Bourne End Ln, Hemel Hempstead	Written Representations
	Date of Decision:	26/01/2022		
	Link to full decision:			
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893		
	Inspector's Key conclusions:			
	[The above Decision Letter encompassed this application for costs also].			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane, Berkhamsted	Written Representations
	Date of Decision:	31/01/2022		
	Link to full decision:			
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477		
	Inspector's Key conclusions:			
	The appellant is of the view that in changing their assessment of the			

proposal between the issuing of pre-application advice and the submission of the planning application, the Council demonstrated unreasonable behaviour. This behaviour caused the application to be refused rather than approved, thereby necessitating the preparation of the appeal. Had the Council been consistent in their advice, it is the view of the appellant that the need for the appeal would not have arisen. In response, the Council point to the fact that pre-application advice is not binding on future decisions and that following the application, a more thorough site visit was undertaken.

It is unfortunate that the position of the Council changed following the submission of the pre-application request. In seeking pre-application advice, the appellant could reasonably expect that this would give a degree of certainty for the outcome of a subsequent planning application. However, although I have found against the Council in my main decision, I am satisfied that the Council have articulated why the change in view came about. In my judgement, they have also presented a suitably substantiated case in support of their decision. Moreover, based on the evidence before me, I am satisfied that the change in position was suitably communicated with the appellant prior to the decision being made.

Consequently, although the appellant may consider the change in position to represent unreasonable behaviour, in my view, it has not given rise to an unnecessary appeal. The Council's decision was not based on vague, generalised or inaccurate assertions about the proposal's impact and there is nothing to suggest that had negative pre-application advice been received, an appeal would not have been pursued.