

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 22 August 2022 and 04 November 2022.

| No. | DBC Ref.      | PINS Ref.    | Address   | Procedure                  |
|-----|---------------|--------------|---|----------------------------|
| 1   | 22/00050/REFU | D/22/3305547 | 36 Belham Road,<br>Kings Langley                      | Householder                |
| 2   | 22/00051/COND | W/22/3305887 | 34 Coniston Road,<br>Kings Langley                    | Written<br>Representations |
| 3   | 22/00052/REFU | D/22/3306349 | 4 Lombardy Drive,<br>Berkhamsted                      | Householder                |
| 4   | 22/00053/REFU | D/22/3307558 | 33 Cowper Road,<br>Markyate                           | Householder                |
| 5   | 22/00054/REFU | W/22/3307694 | Redbourn Road Street<br>Works,<br>Hemel Hempstead     | Written<br>Representations |
| 6   | 22/00055/REFU | W/22/3307916 | Buttercup And Zighy<br>Barns, Birch Lane,<br>Flaunden | Written<br>Representations |
| 7   | 22/00056/REFU | D/22/3308023 | Honeysuckle Barn,<br>Birch Lane, Flaunden             | Householder                |
| 8   | 22/00057/REFU | D/22/3309708 | 253 Chambersbury<br>Lane,<br>Hemel Hempstead          | Householder                |
| 9   | 22/00058/REFU | W/22/3309745 | Hamberlins Farm,<br>Hamberlins Lane,<br>Northchurch   | Public Inquiry             |
| 10  | 22/00059/REFU | D/22/3309955 | 212 Cotterells, Hemel<br>Hempstead                    | Householder                |
| 11  | 22/00060/REFU | W/22/3309919 | 11 Moorland Road,<br>Hemel Hempstead                  | Written<br>Representations |
| 12  | 22/00061/REFU | D/22/3310048 | The Old Stables,<br>Norcott Hill,<br>Northchurch      | Householder                |
| 13  | 22/00062/REFU | W/22/3309923 | Land East of Tring                                    | Public Inquiry             |
| 14  | 22/00063/REFU | W/22/3310230 | 37A & 39 Highfield<br>Road, Berkhamsted               | Written<br>Representations |

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 22 August 2022 and 04 November 2022.

| No. | DBC Ref.  | PINS Ref.    | Address                              | Procedure               |
|-----|---|--------------|--------------------------------------|-------------------------|
| 1   | <a href="#">21/02373/UPA</a>  | D/21/3282662 | Arewa, Shootersway Lane, Berkhamsted | Written Representations |
|     | <b>Date of Decision:</b>  |              | 24/08/2022                           |                         |
|     | <b>Link to full decision:</b>   |              |                                      |                         |
|     | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282662">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282662</a>   |              |                                      |                         |
|     | <b>Inspector's Key conclusions:</b>   |              |                                      |                         |
|     | <p>The crux of the case relates to prior approval matters, specifically those concerning the external appearance of the proposed development.</p> <p>The proposed development would replicate the window style, eaves detail and roof design of the existing dwelling and thus the two that flank it. However, the additional height in particular, coupled with the span of what would be the new second floor, would stand the building noticeably proud of the others, resulting in a more prominent street scene presence. Even though the buildings are on marginally different land levels and thus their overall heights side by side are different, their scale and height as buildings are consistent, read as two storeys in each case. The proposed additional floor, whilst perhaps not significant alone in scale terms, would nonetheless appear more than modest. The appeal scheme would, for these reasons, disrupt the pleasant homogeneity of the street's uniform appearance at this point and thus cause harm to the character and appearance of the area.</p> <p>The external appearance of the dwellinghouse would therefore be unacceptable and thus the proposed development would not accord with the prior approval matters of Schedule 2, Part 1, Class AA of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended).</p> |              |                                      |                         |
| No. | DBC Ref.  | PINS Ref.    | Address                              | Procedure               |
| 2   | <a href="#">21/04792/ROC</a>  | W/22/3294068 | Highlands, Kings Road, Berkhamsted   | Written Representations |
|     | <b>Date of Decision:</b>  |              | 12/09/2022                           |                         |
|     | <b>Link to full decision:</b>   |              |                                      |                         |
|     | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294068">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294068</a>   |              |                                      |                         |
|     | <b>Inspector's Key conclusions:</b>   |              |                                      |                         |
|     | <p>The application subject to this appeal is made under Section 73 of the Planning Act for minor material amendments. It seeks revised but not substantially different designs for the new dwelling approved at appeal.</p> <p>The appeal proposal seeks to provide a two storey flat roofed section here, albeit stepped in from the edge of the building slightly. This would nonetheless result in the blank two storey elevation of this wing moving five metres closer to the rear boundary of the properties on Newbury Grove and</p>   |              |                                      |                         |

|     | <p>would significantly increase the height of the wing adjacent to the boundary with 65 Kings Road. This would result in a significant increase in the massing and dominance of the structure in views from these properties when compared with the extant approval.</p> <p>I accept there is no right to a view, however outlook from neighbouring dwellings should not be unduly obstructed or unacceptably harmed by overbearing or visually dominant development. Whilst I have had regard to the various distances between the proposed dwelling and the neighbouring properties, the proposal would nonetheless represent a significant intrusion into an area that is currently open and undeveloped, adversely affecting the outlook from neighbouring properties. Moreover, this adverse effect on outlook would be exacerbated by the change in levels and elevated nature of the appeal site, increasing the visual dominance of the proposal in views from these properties when compared to the extant approval.</p>  |              |                                     |             |
|-----|--|--------------|-------------------------------------|-------------|
| No. | DBC Ref.   | PINS Ref.    | Address                             | Procedure   |
| 3   | <a href="#">21/03631/FHA</a>   | D/22/3292108 | 10 Old Watling Street,<br>Flamstead | Householder |
|     | <b>Date of Decision:</b>   |              | 04/10/2022                          |             |
|     | <b>Link to full decision:</b>  |              |                                     |             |
|     | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292108">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292108</a>  |              |                                     |             |
|     | <b>Inspector's Key conclusions:</b>  |              |                                     |             |
|     | <p>The Council indicate the proposal, in combination with the previous extensions, would amount to an increase of approximately 97% in floor area from the original property, and an approximate increase in volume of 182%. The appellant has not disputed these figures.</p> <p>The proposal, in combination with the previous extensions, would represent a very significant increase in volume and floor area from the original building. The increase would be visually apparent, and the building would appear substantially larger. The proposal would therefore result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would be inappropriate development in respect of the Framework, and by definition, be harmful to the Green Belt.</p> <p>The appeal property is part of a modest row of houses that are largely surrounded by open fields. The proposal would extend the dwelling in line with the existing row of houses, and whilst it would be proportionally significant to the original building, it would mostly be sited over the existing footprint of the property, and would therefore have a limited effect on the openness of the Green Belt both spatially and visually. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.</p> <p>There would be a reasonable amount of space left between the proposal and the property to the east, and the overall size of the property together with its attached neighbour would not noticeably exceed the size of some of the other semi-detached pairs along the road. The development would therefore remain in keeping with the scale, mass, and height of the surrounding area,</p> |              |                                     |             |

| <p>and respect the adjoining properties. The materials and design of the property would be similar to the existing property and others nearby, and the proposal would therefore also respect the appearance of the surrounding area.</p> <p>The proposal would have a small setback at first-floor level and be set down slightly from the ridge of the original house. Although it would have a relatively strong presence in relation to the existing house and the semi-detached pair as a whole, this would not harm the character and appearance of the two properties, and the proposal would otherwise represent an improvement to the dwelling with respect to the quality of design and the condition of the building overall. For these reasons, the proposal would not harm the character and appearance of the host dwelling, or the surrounding area.</p> <p>The proposal would be inappropriate development in the Green Belt and would be detrimental to openness. It would therefore conflict with the aims of Policy CS5 of the Core Strategy, and the Framework. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist.</p>   |                              |              |  |             |
|--|------------------------------|--------------|--|-------------|
| No.  | DBC Ref.                     | PINS Ref.    | Address  | Procedure   |
| 4  | <a href="#">22/00485/FHA</a> | D/22/3302143 | 4 Southview Villas,<br>George Street,<br>Berkhamsted | Householder |
| <b>Date of Decision:</b>   |                              |              | 07/10/2022   |             |
| <b>Link to full decision:</b>  |                              |              |  |             |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302143">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3302143</a>  |                              |              |  |             |
| <b>Inspector's Key conclusions:</b>  |                              |              |  |             |
| <p>The main issue is the effect of the proposed loft conversion and facing gable (the rear extension) on the appeal property and the character and appearance of Berkhamsted Conservation Area (BCA).</p> <p>The dwellings in this terrace have not been significantly altered externally so have notable homogeneity and visual coherence. Although different in some respects, such as floorplan, age or detail most other dwellings in this end of George Street, and nearby in Bank Mill and Bank Mill Lane, are broadly similar in scale, massing or overall form. This distinctive pocket of residential development adds to the significance of BCA.</p> <p>The rear extension would introduce, or significantly increase the extent of, vertical wall in three elevations of the appeal property. On one side rising above the roof slope and the other side flowing seamlessly into a greatly enlarged and asymmetric (left) flank elevation. A long, rear gabled roof would be virtually the same height to ridge as the existing ridge with a narrow profile close to a significantly raised eave level. Although it would remain flush with the existing ground floor rear elevation, the three-dimensional form of the rear extension would nevertheless project well beyond the plane of the main roof slope, which would almost be entirely obliterated. This would add significant</p> |                              |              |  |             |

building volume and bulk, more so higher up.

The extension would, therefore, result in a substantial increase in the scale, massing and overall extent of built form in this upper part of the appeal property. It would significantly alter it from a modest one and a half-story building to, essentially, an imposing three-story building at the rear. Such an unduly dominant feature would clearly result in a disproportionate addition to the appeal property. This awkward and incongruous adjunct would also jar with the integrity and uniformity of the terrace as a whole, at odds with important defining features of these dwellings and others nearby.

The rear extension as a whole (and in the context of the entire terrace and adjoining properties) would be noticeable in views from the canal towpath which is a footpath used by the public. Intervening landscaping would not screen these views all year round and, anyway, could not be relied on long term. The absence of any greater public visibility does not mean the absence of intrinsic harm to the appeal property or BCA.

Taking all of the above into account, I find that the rear extension would have a significant undesirable impact on the form and appearance of the appeal property and render it manifestly out of keeping with the terrace as a whole. This would have a negative effect on the special architectural and historic interest of BCA and, albeit in a small way, diminish the significance of this designated heritage asset. The impact would be localised and as a result would cause less than substantial harm. The proposal would not, therefore, preserve or enhance the character or appearance of this part of BCA or this conservation area overall.

| No.  | DBC Ref.                     | PINS Ref.    | Address                                      | Procedure               |
|--|------------------------------|--------------|--|-------------------------|
| 5  | <a href="#">20/01370/MFA</a> | W/21/3282461 | Land adj. Heron Place Bank Mill, Berkhamsted | Written Representations |
| <b>Date of Decision:</b>   |                              |              | 13/10/2022                                   |                         |
| <b>Link to full decision:</b>  |                              |              |  |                         |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282461">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282461</a>  |                              |              |  |                         |
| <b>Inspector's Key conclusions:</b>  |                              |              |  |                         |
| <p>There is no dispute that the proposal would not fall within any of the exceptions set out in paragraphs 149 and 150 of the Framework. It would therefore constitute inappropriate development in the Green Belt.</p> <p>The appeal site is visually well contained by the existing development of Heron Place to the north-west, by Lismere House to the south-east and by the railway embankment to the north. However, it is clearly visible from the canal and the towpath to the south. The proposed development would be of substantial scale. It would be sited on land that is currently open and would lead to a loss of both spatial and visual openness. It would conflict with the fundamental aim of keeping land permanently open.</p> <p>I consider that the proposal would amount to the sprawl of a built-up area and would result in countryside encroachment. The site contributes positively</p> |                              |              |  |                         |

to the setting of the Conservation Area, the canal and nearby listed buildings and there would be some conflict with the purpose of preserving the setting and special character of historic towns.

conclude that the proposal would lead to significant harm to Green Belt openness and to the purposes of including land in the Green Belt. This harm would be in addition to the harm arising from the inappropriate nature of the proposal.

The appeal proposal would comprise of four separate two storey blocks, which would be set back from the canal and have reasonably large gaps between them. The development would be clearly visible from the canal and towpath. From here the proposal would be seen as a development of significant scale and as an extension of the built form of this part of the settlement into the countryside. It would be harmful to the rural character of this stretch of the canal and the sense of openness in this part of the CA, which would detract from its setting.

The siting and scale of the proposal would have an urbanising effect on the rural character of the site and its surroundings, the effects of which would be exacerbated by the provision of new areas of hardstanding, parked vehicles and gardens with domestic paraphernalia associated with residential occupation. I conclude that the proposal would result in significant harm to the setting of the CA and it would therefore fail to preserve or enhance the character or appearance of the CA.

I consider that the proposed development would have a neutral effect on the settings of the [Listed Buildings] Lock Keepers Cottage and the Old Cottage.

The appellant refers to the results of the 2020 Housing Delivery Test which indicate an under delivery of housing in the borough. However, the presumption in favour of sustainable development and the 'tilted balance' addressed by paragraph 11 of the Framework, would not be engaged in this instance. This is because footnote 7 of the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt and designated heritage assets are examples of such areas/assets and the proposal is contrary to the relevant policies of the Framework in regard to these.

Whilst I have given weight to these factors in favour of the proposal, when taking these matters cumulatively, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify the development.

| No. | DBC Ref.     | PINS Ref.    | Address                                     | Procedure                  |
|-----|--------------|--------------|---|----------------------------|
| 6   | 21/02210/ROC | W/22/3290993 | Gannel Farm,<br>5 Goldsworth Road,<br>Tring | Written<br>Representations |

|            |   |   |   |                            |
|------------|---|---|---|----------------------------|
|            | <b>Date of Decision:</b>  | 18/10/2022  |   |                            |
|            | <b>Link to full decision:</b>   |   |   |                            |
|            |   | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290993">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290993</a> |   |                            |
|            | <b>Inspector's Key conclusions:</b>   |   |   |                            |
|            | <p>Planning permission was granted for the construction of 4 houses on this site in 2019. This appeal seeks permission for a revised layout for the parking area to the front of Nos 2 and 4 Goldsworth Road. As the development has been completed with only this variation from the approved plans identified, this appeal therefore falls to be considered against the approved scheme, and not any prior state of the site.</p> <p>As set out above, this appeal is assessed against the extent of development for which permission was granted in 2019. In that approval the access and parking area for nos 2 and 4 Goldsworth Road was relatively shallow in their projection from the front elevation of those houses. The existing access and parking area projects much further from the front of the houses. It encompasses land between the houses and Bulbourne Road which on the amended approved site layout plan was not shown as designated for any particular purpose so would be undeveloped land. The extension of the parking area onto this land therefore causes a loss of spatial openness.</p> <p>The gates and pillars to the entrances of the two properties are not considered by the Council to cause undue harm to the openness of the Green Belt. Given the relatively small footprint of the pillars and as the gates are not solid, I agree that they do not cause harm to the Green Belt.</p> <p>However, overall the revised parking layout causes a loss of spatial openness in the Green Belt, and is therefore inappropriate development. There are no identified considerations to clearly outweigh the harm to the Green Belt caused by the revised parking layout, including the limited visibility given the landscaping and lower site level relative to Bulbourne Road. Accordingly, very special circumstances do not exist.</p> |   |   |                            |
| <b>No.</b> | <b>DBC Ref.</b>   | <b>PINS Ref.</b>  | <b>Address</b>  | <b>Procedure</b>           |
| 7          | 21/02018/FUL  | W/21/3288470  | Stables At Flaunden<br>Stables, Birch Lane,<br>Flaunden | Written<br>Representations |
|            | <b>Date of Decision:</b>  | 20/10/2022  |   |                            |
|            | <b>Link to full decision:</b>   |   |   |                            |
|            |   | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3288470">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3288470</a> |   |                            |
|            | <b>Inspector's Key conclusions:</b>   |   |   |                            |
|            | <p>Based on the Council's calculations of the building's footprint, floor area and volume there is agreement that the proposed extensions and alterations would not be disproportionate additions over and above the size of the original building. I have no reason to find otherwise. Accordingly, the proposal would meet the requirements of Framework paragraph 149 c).</p> <p>The exception set out in Framework paragraph 150 d) is relevant in this case, which is for the re-use of buildings provided that the buildings are of</p>   |   |   |                            |

permanent and substantial construction. There is agreement that the proposal would re-use the stable and that it is a permanent building, substantial in construction. I have no reason to find otherwise.

In order to satisfy this exception it is also necessary to consider the effect of the proposal on openness and the purposes of including land in the Green Belt set out in Framework paragraph 138.

The proposal would not therefore significantly change the overall profile of the building and residential use would be well contained on the site. Nonetheless, it would consolidate built-form on a part of the site where none presently exists. Consequently, while the proposal would have a limited visual impact on the openness of the Green Belt, there would be a greater impact on spatial openness than the existing development. Accordingly, the proposal would not meet the requirements of Framework paragraph 150 d).

The appeal site is within a zone of influence of the Chilterns Beechwoods SAC. The appellant has not submitted an HRA, nor proposed any mitigation and there is no planning obligation before me. I am unable to undertake an appropriate assessment, which would also necessitate consultation with NE. As a result, I cannot be certain that the proposal would not harm the nature conservation interests of the SAC. I therefore find that the proposal would adversely affect the integrity of the SAC.

I find that the appellant has not demonstrated that the proposed dwelling or downsizing and relocation of the equestrian activity would support the rural economy.

The proposal would, therefore, maintain an overall rural feel to the stable building and the site, as well as the rural setting to this edge of Flaunden and this part of the CA. It would also relate well visually and spatially to the nearby buildings already converted and in residential use and maintain the collective integrity of this discrete group of buildings. This previous development has not unduly eroded the character or appearance of this part of the CA, especially the residential frontages along the cross-roads, because it is distinctly different in form and separate from it. The proposal would not materially change this status quo.

Taking all of the above into account, I find that the proposal would have a neutral effect on the special architectural and historic interest of this part of the CA, and on the CA overall. It would, therefore, preserve the character and appearance of the CA (and this part of the countryside) and cause no harm to the significance of this designated heritage asset.

There are no other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness, loss of openness and the harm to the SAC. Consequently, very special circumstances to justify the proposal do not exist.

| No. | DBC Ref.     | PINS Ref.    | Address         | Procedure |
|-----|--------------|--------------|-----------------|-----------|
| 8   | 21/04277/FUL | W/22/3292464 | Land adj. Finch | Written   |

|  |  |   |                 |
|--|--|---|-----------------|
|  |  | Cottage, Tower Hill,<br>Chipperfield  | Representations |
|  | <b>Date of Decision:</b>   | 27/10/2022  |                 |
|  | <b>Link to full decision:</b>  |   |                 |
|  |  | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292464">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292464</a> |                 |
|  | <b>Inspector's Key conclusions:</b>  |   |                 |
|  | <p>The development proposed is demolition of existing outbuilding and construction of new dwelling, with new access and associated works.</p> <p>In relation to development in the Green Belt, Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, this goes on to set out certain exceptions. In respect of exception (d) of Paragraph 149 of the Framework, the main parties agree that the appeal building and site have some form of residential use and I have not been provided with any clear reason to dispute this.</p> <p>Whilst the new dwelling would result in a marginal reduction in footprint relative to the extant building, the new dwelling would incorporate two floors and overall would be appreciably taller than the one to be replaced. This, combined with its overall footprint would result in a building with an appreciably greater volume and massing than the extant building. Therefore, in my view, the proposed building would be materially larger than the one being replaced. As such, the proposal does not meet the exception under Paragraph 149 (d) of the Framework.</p> <p>With regard to Paragraph 149 (e) of the Framework. The proposal is for a single dwelling which would be located within a continuous built-up frontage within the settlement of Tower Hill. Therefore, the proposal falls within the definition of 'limited infilling'.</p> <p>However, I also need to be satisfied that this settlement is a 'village'. On the ground, Tower Hill, is separated by the built-up extent of the nearby village of Chipperfield by large fields. Tower Hill is also an appreciably smaller settlement in terms of the area it covers, numbers of dwellings, relative to Chipperfield and incorporates very limited services and facilities. Therefore, its modest scale and services and facilities, lead me to conclude that Tower Hill is not a village. As such, the proposal does not accord with the exception under paragraph 149 (e) of the Framework.</p> <p>Because the appeal site is identified as garden land and is in a built-up area (within the settlement of Tower Hill) it does not fall within the definition of PDL.</p> <p>For the above reasons and because the proposal does not fall within any of the other exceptions under paragraph 149 of the Framework, the proposal would be inappropriate development.</p> <p>I have found that the proposed dwelling would be materially larger than the building it would replace. As such, its increased scale would reduce the</p> |   |                 |

| <p>visual openness of the Green Belt. This would be particularly apparent in views from along Tenements Farm Lane. Therefore, the proposal would result in a greater impact and harm to the openness of the Green Belt. However, because the appeal site comprises an existing plot incorporating a building within a settlement, the proposal would not conflict with any of the purposes of the Green Belt as set out under paragraph 138 of the Framework.</p> <p>The new dwelling would only be visible in glimpsed views when travelling along Tower Hill and would not be unduly prominent relative to the nearby listed buildings. Therefore, having regard to the significance of the those listed buildings, the proposal would not adversely affect their setting nor would it impact upon their significance. Views of the new dwelling would be available from the Chipperfield CA. Despite having found harm to the openness of the Green Belt, the proposal reflects the layout, height and use of materials used locally, including properties within the Chipperfield CA. Furthermore, the built form of the new dwelling would be complemented by the proposed landscaping scheme. As such, the proposal would not harm the setting and significance of any nearby designated heritage assets.</p> <p>The social, economic and environmental benefits arising from a single dwelling would still be modest and therefore only attract limited weight.</p> <p>The very special circumstances to justify the inappropriate development do not exist.</p> |                              |              |   |                            |
|---|------------------------------|--------------|---|----------------------------|
| No.   | DBC Ref.                     | PINS Ref.    | Address   | Procedure                  |
| 9   | <a href="#">21/02639/FUL</a> | W/22/3294476 | Land R/O Chertford,<br>126 Cross Oak Road,<br>Berkhamsted | Written<br>Representations |
| <b>Date of Decision:</b>  |                              |              | 01/11/2022  |                            |
| <b>Link to full decision:</b>   |                              |              |   |                            |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294476">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294476</a>   |                              |              |   |                            |
| <b>Inspector's Key conclusions:</b>   |                              |              |   |                            |
| <p>The development proposed is the erection of 2 no. detached dwellings.</p> <p>The houses would be inserted into a pocket of open land in a backland position. Plot 1 would significantly reduce the length and area of the back garden and plot size of Charayana. Plot 2 would permanently reinforce the diminution in the size and shape of the back garden and plot of Chertford that has already occurred. The houses would be modest in footprint and size, centrally placed within small, broadly squarer shaped plots. Despite a staggered arrangement, they would appear cramped in relation to the site area and shape and interrupt and erode the integrity of the mainly intact corridor of open land behind this row of houses.</p> <p>Although subservient in height and bulk to Charayana and Chertford there would be appreciable built form on the site where there is presently none. A significant part of both houses would be visible in upward views through the wide gap between Charayana and Chertford and angled across these back</p>   |                              |              |   |                            |

gardens. Despite the distance from the road the houses would be conspicuous and have a stark, incongruous presence against background trees. Some intervening trees would partially screen the house on plot 1 but not all year round and some are not in the appeal site so could be removed. The houses would also be unexpected in views from a public footpath along the rear boundary of the site and intrude into this largely undeveloped swathe of rear gardens that line both sides of it.

The proposal would, therefore, be manifestly out of keeping with the prevailing size, form, layout, pattern and sequence of residential development along the appeal site side and this part of Cross Oak Road and would be appreciated as such in public views. I find that the proposal would cause unacceptable harm to the character and appearance of the area.

Based on the limited or incomplete information before me, as the competent authority in this appeal I am unable to undertake an appropriate assessment, which would also necessitate consultation with NE. As a result, I cannot be certain that the proposal would not harm the nature conservation interest of the SAC. I therefore find that the proposal would adversely affect the integrity of the SAC.

There is agreement that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. As a result, paragraph 11 d) of the Framework is engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (habitats sites) provide a clear reason for refusing the development. Accordingly, by virtue of Framework paragraph 11 d) i) the presumption in favour of sustainable development does not apply in this case.

| No.   | DBC Ref.                     | PINS Ref.    | Address                                       | Procedure   |
|---|------------------------------|--------------|---|-------------|
| 10  | <a href="#">21/03971/FHA</a> | D/22/3299548 | Broomhill Leys,<br>Windmill Road,<br>Markyate | Householder |
| <b>Date of Decision:</b>  |                              |              | 03/11/2022                                    |             |
| <b>Link to full decision:</b>   |                              |              |   |             |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3299548">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3299548</a>   |                              |              |   |             |
| <b>Inspector's Key conclusions:</b>   |                              |              |   |             |
| <p>The development proposed is an erection of extension to ancillary outbuilding to form two bay garage.</p> <p>The development's height would create a building that would be significantly taller than the original structure. Therefore, the proposed development would result in an addition to the building that would be disproportionate. Therefore, within this regard, the proposed development would be regarded as being inappropriate in the Green Belt.</p> <p>The appellant has suggested that the proposed development be assessed as being an extension to the dwelling house due to its proximity to the dwelling. However, even if I were to agree with this approach, I am required to consider whether the proposed development would represent a</p> |                              |              |   |             |

disproportionate addition over and above the size of the original building. In this instance, the proposed development would, from some vantage points be viewed as part of the existing outbuilding. Although the existing outbuilding is partially below ground, its form and mass is apparent from some viewpoints. In consequence, when the proposed development would be viewed with these elevations, it would have a significant height. This would therefore create a bulkier development.

The proposed development would result in a greater amount of built form owing to the greater height of the building. In consequence, there would be a greater amount of building than is currently the case. Therefore, the proposed development would result in an erosion in the spatial sense of openness.

The proposed development would potentially be experienced by a great number of people. In consequence, the proposed development would result in an erosion of the physical sense of openness of the Green Belt.

I therefore conclude that the proposal would be an inappropriate development in the Green Belt and would have an adverse effect upon the overall level of openness.

I do not believe that the proposed scheme that could be erected under permitted development rights would have the same adverse effects as the scheme before me. In consequence, I can only give this matter a limited amount of weight.

The harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

| No. | DBC Ref.   | PINS Ref.    | Address   | Procedure   |
|-----|--|--------------|---|-------------|
| 11  | <a href="#">22/00070/FHA</a>   | D/22/3301687 | 87 Grove Gardens,<br>Tring  | Householder |
|     | <b>Date of Decision:</b>   |              | 04/11/2022  |             |
|     | <b>Link to full decision:</b>  |              | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301687">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301687</a> |             |
|     | <b>Inspector's Key conclusions:</b>  |              |   |             |
|     | <p>The development proposed is loft conversion with roof height increase and addition of rear facing dormer.</p> <p>The Council have not objected to the principle of the loft conversion, nor the rear dormer window proposed. I have no reason to disagree with their findings in this regard.</p> <p>Whilst there is some variation in the design of properties in the wider area, those near the appeal site and that it would be seen with are characterised by a strong and generally consistent rhythm and appearance of built form. Part of the prevailing character and appearance of the surrounding area is that the top of the first floor windows directly about the eaves line of dwellings.</p> |              |   |             |

|  |   |
|--|---|
|  | <p>In addition, a key feature in the surrounding area is the presence of chimneys with external chimney detailing on the side elevation of dwellings. These consistent features contribute positively to the character and appearance of the area.</p> <p>The proposal would result in a roof of the same height and slope as the existing and a small increase in the overall ridge height. However, it would result in a noticeable gap between the top of the first floor windows and the eaves with the area being infilled with brickwork. The increase in the amount of brickwork above the first floor window in the projecting front gable feature would also be visible. Whilst the use of matching materials would help to incorporate the alteration, the proposal would appear incongruous with a strongly established design feature that contributes positively to the character and appearance of the surrounding area. The proposal would have a harmful effect in this regard.</p> <p>I therefore conclude that the proposal would be harmful to the character and appearance of the surrounding area.</p> |
|--|---|

### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 22 August 2022 and 04 November 2022.

| <b>No.</b> | <b>DBC Ref.</b>   | <b>PINS Ref.</b> | <b>Address</b>                    | <b>Procedure</b> |
|------------|---|------------------|-----------------------------------|------------------|
| 1          | 21/04271/RET  | D/22/3298518     | 6 Nettlecroft,<br>Hemel Hempstead | Householder      |
|            | <b>Date of Decision:</b>  |                  | 31/08/2022                        |                  |
|            | <b>Link to full decision:</b>   |                  |                                   |                  |
|            | <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298518">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298518</a>   |                  |                                   |                  |
|            | <b>Inspector's Key conclusions:</b>   |                  |                                   |                  |
|            | <p>Whilst the Council's officer report highlights several deviations from the approved plan, the most salient of these appears to be a hip-to-gable extension and an additional rear dormer.</p> <p>The Council confirm that the proposed development is acceptable in terms of its design and appearance and I concur with this view. Therefore, the main issue is the effect of the proposal on the living conditions of the occupiers of the adjoining dwelling, 7 Nettlecroft.</p> <p>The main rear elevation of the appeal property is broadly level with the two storey rear elevation of 7 Nettlecroft. Whilst the hip-to -gable extension and the additional rear dormer may have led to an increased sense of enclosure to rear patio of the dwelling, these works have taken place at roof level and given the separation distance between the two dwellings and their respective siting, I do not consider that the additional works have resulted in an unacceptably overbearing effect upon the patio.</p> |                  |                                   |                  |

| <p>In addition, whilst there may be some reduction in the amount of light received by the patio at certain times of the day, the overall effect of the proposal on light to the patio is not, in my view, seriously detrimental. Moreover, No 7 benefits from a large garden which whilst laid mainly to lawn, is largely unaffected by the proposal. I am also satisfied that the proposal does not have a significantly harmful effect on the amount of light received by the living room to the rear of No 7 which the Council confirm is dual aspect.</p> <p>I observed on my site visit that some overlooking of the rear garden of 7 Nettlecroft already exists from the first floor windows on the rear elevation of the appeal property and from the approved dormer window. The additional dormer window is closer to the boundary with No 7 than the consented dormer, and I can understand that the presence of the dormer close to the boundary would also heighten a sense of being overlooked. Whilst some additional views into the garden of No 7 are obtained, these are towards the rear of the garden and in my experience, some overlooking of this type is not uncommon in built up areas. I therefore conclude that the proposal does not have a significantly harmful effect on the living conditions of the occupiers of No 7 in relation to privacy.</p> |                              |              |   |                            |
|---|------------------------------|--------------|---|----------------------------|
| No.   | DBC Ref.                     | PINS Ref.    | Address   | Procedure                  |
| 2   | <a href="#">22/00656/FHA</a> | D/22/3301844 | 16 Harcourt Road,<br>Tring                                    | Householder                |
| <b>Date of Decision:</b>  |                              |              | 01/09/2022  |                            |
| <b>Link to full decision:</b>   |                              |              |   |                            |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301844">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301844</a>   |                              |              |   |                            |
| <b>Inspector's Key conclusions:</b>   |                              |              |   |                            |
| <p>The development proposed is the erection of a two storey front extension.</p> <p>Either through the original varied designs of the dwellings or because of improvement and personalisation over time means there is little uniformity within the street scene, which adds to its interest and character.</p> <p>Because both the building line and designs of the individual dwellings are so varied along Harcourt Road, I consider the proposed extension would not be harmful and would integrate well with its neighbours over time. I therefore do not consider the proposals would offend policies CS11 or CS12 of the CS.</p>   |                              |              |   |                            |
| No.   | DBC Ref.                     | PINS Ref.    | Address   | Procedure                  |
| 3   | <a href="#">20/01889/FUL</a> | W/22/3294485 | Land at Birch Lane, To<br>Side Of Annexe Of<br>96/97 Flaunden | Written<br>Representations |
| <b>Date of Decision:</b>  |                              |              | 12/09/2022  |                            |
| <b>Link to full decision:</b>   |                              |              |   |                            |
| <a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294485">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294485</a>   |                              |              |   |                            |
| <b>Inspector's Key conclusions:</b>   |                              |              |   |                            |
| <p>The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of</p>   |                              |              |   |                            |

exceptions as set out in paragraph 149. These exceptions include at: 149. e) limited infilling in villages.

The appeal site is an enclosed garden area and detached garage that lie adjacent to Birch Lane, Flaunden. Having regard to its size and the facilities present, including a church, village hall and at least one public house, I am satisfied that Flaunden is a village.

There are semi-detached dwellings on the opposite side of the road to the appeal site extending further north along Birch Road. Residential development also extends to the east of the appeal site. Whilst there is a field directly to the north of the appeal site, I am satisfied that, having regard to the presence of built form and the situation on the ground, the appeal site lies within the village of Flaunden.

The proposal would involve the construction of a detached dwelling between the existing garage and the annexe. Both the garage and the annexe front Birch Lane and are prominent within the streetscene, lying close to the road edge. As such, this constitutes a clearly identifiable frontage. The proposed dwelling would be sited in the gap between these two buildings and therefore the appeal site can be regarded as 'limited infilling in villages', meeting the exception listed at paragraph 149. e) of the Framework. The proposal is therefore not inappropriate development in the Green Belt.

The courtyard is private and provides reasonable space for sitting out as well as refuse storage which takes place in an alleyway. The Council's Committee Report and the appellant refer to the proximity of the appeal site to the area of public open space adjacent to the village, whilst I note from my site visit that there are public footpaths accessible from the village, including the Chiltern Way. As such, I am satisfied that a reduced garden depth would not be unacceptable in this instance, in accordance with the SPD, and that the proposed development would ensure adequate living conditions for future occupants of that property.

In this regard I note that the dwelling is of a modest scale and proposes the use of traditional materials that would be reflective of the character of the area. The existing boundary hedge would be retained, whilst the general appearance and form of the dwelling would be reflective of the adjacent cottages and the wider CA. This is supported by no objections received from the Council's Conservation Officer. I therefore conclude that, subject to acceptable details provided through planning conditions, the proposal would preserve the character and appearance of the CA.

I am therefore satisfied that the proposal would not lead to level of demand for parking that would adversely effect highway safety or significantly inconvenience local residents.

I am satisfied that the proposal would not adversely affect the privacy of the occupiers of neighbouring properties.

## **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 22 August 2022 and 04 November 2022.

| <b>No.</b> | <b>DBC Ref.</b>                              | <b>PINS Ref.</b> | <b>Address</b>                 | <b>Procedure</b>           |
|------------|--|------------------|--------------------------------|----------------------------|
| 1          | 22/01090/FHA                                 | D/22/3307558     | 33 Cowper Road,<br>Markyate    | Householder                |
|            | <b>Date of Decision:</b>                     |                  | 01/10/2022                     |                            |
|            | <b>Link to full decision:</b>                |                  |                                |                            |
|            | n/a  |                  |                                |                            |
|            | <b>Inspector's Key conclusions:</b>          |                  |                                |                            |
|            | The appeal was turned away as a late appeal. |                  |                                |                            |
| <b>No.</b> | <b>DBC Ref.</b>                              | <b>PINS Ref.</b> | <b>Address</b>                 | <b>Procedure</b>           |
| 2          | 21/00587/FUL                                 | W/21/3284399     | 1 Box Lane,<br>Hemel Hempstead | Written<br>Representations |
|            | <b>Date of Decision:</b>                     |                  | 26/10/2022                     |                            |
|            | <b>Link to full decision:</b>                |                  |                                |                            |
|            | n/a  |                  |                                |                            |
|            | <b>Inspector's Key conclusions:</b>          |                  |                                |                            |
|            | The appeal was withdrawn.                    |                  |                                |                            |

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 22 August 2022 and 04 November 2022.

**None.**

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 22 August 2022 and 04 November 2022.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 22 August 2022 and 04 November 2022.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 22 August 2022 and 04 November 2022.

**None.**

**6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 04 November 2022).**

| <b>APPEALS LODGED IN 2022</b> |    |
|-------------------------------|----|
| PLANNING APPEALS LODGED       | 60 |
| ENFORCEMENT APPEALS LODGED    | 2  |
| TOTAL APPEALS LODGED          | 62 |

| <b>APPEALS DECIDED IN 2022</b> (excl. invalid appeals) | <b>TOTAL</b> | <b>%</b> |
|--|--------------|----------|
| TOTAL  | 68           | 100      |
| APPEALS DISMISSED                                      | 49           | 72.1     |
| APPEALS ALLOWED  | 16           | 23.5     |
| APPEALS PART ALLOWED / PART DISMISSED                  | 2            | 3.8      |
| APPEALS WITHDRAWN                                      | 1            | 1.5      |

|   | <b>TOTAL</b> | <b>%</b> |
|---|--------------|----------|
| <b>APPEALS DISMISSED IN 2022</b>                |              |          |
| Total   | 49           | 100      |
| Non-determination                               | 1            | 2        |
| Delegated                                       | 41           | 83.7     |
| DMC decision with Officer recommendation        | 0            | 0        |
| DMC decision contrary to Officer recommendation | 7            | 14.3     |

| <b>APPEALS ALLOWED IN 2022</b>                  | <b>TOTAL</b> | <b>%</b> |
|---|--------------|----------|
| Total   | 16           | 100      |
| Non-determination                               | 0            | 0        |
| Delegated                                       | 14           | 87.5     |
| DMC decision with Officer recommendation        | 0            | 0        |
| DMC decision contrary to Officer recommendation | 2            | 12.5     |

## **6.10 UPCOMING HEARINGS**

| <b>No.</b> | <b>DBC Ref.</b> | <b>PINS Ref.</b> | <b>Address</b>                           | <b>Date</b> |
|------------|-----------------|------------------|--|-------------|
| 1          | 21/04756/FUL    | W/22/3300850     | 1 Dale End, Box Lane,<br>Hemel Hempstead | 22.11.2022  |

## **6.11 UPCOMING INQUIRIES**

| <b>No.</b> | <b>DBC Ref.</b> | <b>PINS Ref.</b> | <b>Address</b>                                      | <b>Date</b> |
|------------|-----------------|------------------|---|-------------|
| 1          | E/21/00041/NPP  | C/22/3290614     | The Old Oak,<br>Hogpits Bottom<br>Flaunden          | tbc         |
| 2          | 21/04770/FUL    | W/22/3309745     | Hamberlins Farm,<br>Hamberlins Lane,<br>Northchurch | tbc         |
| 3          | 22/01187/MOA    | W/22/3309923     | Land East of Tring                                  | tbc         |

## **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 22 August 2022 and 04 November 2022.

**None.**

## **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 22 August 2022 and 04 November 2022.

**None.**