

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03241/FUL	W/23/332209	Abilea Meadows, Friendless Lane, Flamstead	Written Representations
2	22/03760/FHA	D/23/3322514	29 Langley Hill, Kings Langley	Householder
3	22/03491/FUL	W/23/3322549	Land Adj To Rose Cottage, River Hill, Flamstead	Written Representations
4	23/00047/FUL	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
5	22/03405/TEL	W/23/3322972	Queensway, Alexandra Road, Hemel Hempstead	Written Representations
6	22/03066/RET	W/23/3322991	Sky House, 1 Fairydell Close, Kings Langley	Written Representations
7	23/00070/FUL	W/23/3323376	Wood End Farm Grain Stores, Wood End Lane, Markyate	Written Representations
8	23/00364/FUL	W/23/3324042	The Maple, Roe End Lane, Markyate	Written Representations
9	22/02115/OUT	W/23/3324939	Oak Cottage, 20 Bourne End Lane	Written Representations

### 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/01323/FHA	D/22/3303397	118 Hempstead Road, Kings Langley	Householder
	<b>Date of Decision:</b>		12/05/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303397">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303397</a>			
	<b>Inspector's Key conclusions:</b>			
	The development proposed is described as 'rear extension ground level with lower extension below, not basement'.			
	Based on what I have seen and the evidence before me, I am more persuaded by the Council's evidence in this instance. More particularly, when			

the proposed extensions are considered cumulatively with the previous extensions, they would represent disproportionate additions over and above the size of the original building. I conclude the development would be inappropriate in the Green Belt.

While the extensions would occupy a previously developed area occupied by hard surfaced patios, there would be a spatial impact by virtue of the height and volume of the extensions. Given their scale, position to the rear elevation of the host dwelling, and the intervening mature planting to the southern boundary of the site, the development would not be highly discernible from Hempstead Road. However, on my site visit I noted that there would be transient views of the development for train passengers travelling along the line which sits close by to the east of the site. Taken together, the spatial and visual impacts of the extension would have a modest effect on the openness of the Green Belt. In this regard, the extension would not preserve the openness of the Green Belt.

To the rear elevation of the appeal dwelling, there are steps down to a patio area. This patio area is flanked by a high brick wall to the boundary with No 120. The wall substantively screens views of the area to the immediate rear of No 120 in views from the patio on the appeal site. Beyond the patio, the boundary with the neighbouring garden steps away. There is also the potential for oblique views of some parts of the neighbouring garden from the upper floor windows serving the appeal dwelling. Overall, these factors ensure that the outdoor areas serving No 120 are not materially overlooked from within the appeal site.

However, the ground floor extension would have a floor level corresponding with the internal floor level of the existing dwelling. As a result, anyone standing inside the extension would be in an elevated position relative to the existing patio levels. This means that the rear window would facilitate oblique elevated views resulting in a degree of overlooking towards the more peripheral parts of the neighbouring garden. Moreover, the cross section on the proposed drawings indicates that occupiers of the dwelling would be able to utilise the roof of the lower level extension as a terrace. This would allow for close up direct views towards the boundary and into the private rear garden areas serving No 120. I conclude, the development would have a harmful effect on the living conditions of occupiers of No 120 Hempstead Road with particular regard to privacy.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">22/02060/FHA</a>	D/22/3308023	Honeysuckle Barn, Birch Lane, Flaunden	Householder
	<b>Date of Decision:</b>		02/06/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023</a>			
	<b>Inspector's Key conclusions:</b>			
	The development proposed is the installation of conservation style rooflights in the rear roof slope.			

<p>The site lies within the Flaunden Conservation Area (CA). Whilst the proposed rear-facing rooflights would not be readily visible from much of Birch Lane, they would be glimpsed between breaks in landscaping and, in any case, viewed from the multiple private vantage points of nearby properties. Although mature and semi-mature trees exist along part of the boundary of the site, these cannot be relied on in perpetuity to provide the same level of cover as at present. The number of rooflights proposed, together with their positioning within the same roofslope, would dominate the currently uninterrupted rear roofslope, forming a cluttered and incongruous addition to the appeal property. The highly domestic nature of the proposal would be out of keeping with the appearance of the appeal property.</p> <p>Overall, the proposed development would harm the character and appearance of the host property and surrounding area and would fail to preserve or enhance the CA. It would cause less than substantial harm to the significance of the heritage asset and in the absence of any public benefit to outweigh that harm, the proposed development would be in conflict with the relevant provisions of Policy CS27 of the Dacorum Borough Core Strategy (2013).</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">21/03180/LBC</a>	Y/22/3290758	Cottage 110, Wharf Lane, Cow Roast	Written Representations
<b>Date of Decision:</b>			02/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290758">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290758</a>				
<b>Inspector's Key conclusions:</b>				
<p>The works proposed are the construction of new 2 storey rear extension incorporating existing outrigger and construction of new raised veranda and steps to garden. Reinstatement of front right hand side window and various internal alterations.</p> <p>The appeal before me relates to the listed building application. The main issue is whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as Lock House and Adjoining Lock Cottage at Lock No 46 on Grand Union Canal.</p> <p>From the evidence before me, the special interest and significance of the listed building, comprising both Nos 110 and 111, is largely found in its fine and relatively rare example of traditional canal lock cottages and, in part, in its group value. Pertinent to the appeal, from the front and side, Cottage 110 mostly retains its traditional features and proportions, and it has a modest and simple character and size. Internally, its historic floor plan is still legible and some historic features have been retained.</p> <p>The proposed introduction of a two-storey extension to the rear of the property would represent a sizeable addition to this modest historical cottage. The depth of the proposed extension would mirror the host property and its limited return of around 50mm would not be sufficient to make the extension subservient. It would be readily visible from the public footpath</p>				

when approaching the property and would appear as a bulky and featureless addition from the side.

Whilst the proposed extension would involve the modification of the inharmonious flat roofed rear extension and be raised to retain the cellar window, it would also further mask the historic rear elevation and features of the property. This would diminish the historic legibility of the building with a dominant and poorly proportioned addition. Furthermore, the veranda would be a substantial structure which would further alter the restrained, functional nature of the cottage and would be an overly modern addition.

The internal alterations to create a large open plan area to the ground floor and three new openings to the first floor would result in a significant open plan area to the ground floor which would result in the irreversible loss of the historic fabric. These works would considerably undermine the integrity of the historic floor plan within this modest historic cottage.

For the above reasons, I find that the proposed development would not be sufficiently subservient to the modest host cottage, would obscure the historic legibility of the original property and would make it difficult to appreciate its historical features and context. The proposal would therefore fail to preserve the special architectural and historic interest of this Grade II listed building. As such, it would harm the significance of this designated heritage asset.

I consider the harm to be less than substantial given the extent of the proposal and its consequent effects but nevertheless I give this harm considerable importance and weight in the planning balance.

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	22/01794/RET	W/22/3307916	Buttercup And Ziggy Barns, Birch Lane, Flaunden	Written Representations
<b>Date of Decision:</b>			08/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3307916">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3307916</a>				
<b>Inspector's Key conclusions:</b>				
<p>I accept that the land in question would be used as amenity space for each of the established dwellings and that the garden areas are currently, in the most part, made up of mown lawns. Those mown lawns retain a relatively open appearance, albeit they are set within a boundary fence. However, there is no substantive evidence before me to demonstrate that those garden spaces would remain as they currently appear going forward. Ornamental planting, hard landscaping, garden buildings and domestic paraphernalia would, in all likelihood, increase over time once the currently vacant dwellings are occupied. This covers a significantly greater area than was the case under the permitted scheme and is in addition to the boundary features already erected. All of this would inevitably lead to a loss of openness, both physically and visually.</p>				

<p>That a circular horse walking contraption previously existed on the site, near to the original agricultural building, does not amount to the same effect on openness as I have identified under the appeal scheme. Based on the evidence before me, that equipment did not cover the entire area that now forms the extended garden areas. Moreover, the use of the site as garden land, for the reasons given above, would be significantly more visually prominent from nearby properties. Accordingly, the development harms the openness of the Green Belt.</p> <p>For the foregoing reasons, as the development would fail to preserve openness, it would be inappropriate development in the Green Belt rather than an exception permissible under Framework paragraphs 149 or 150. Those impacts would fairly be described as moderate.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">22/02002/FUL</a>	W/22/3309919	11 Moorland Road, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			12/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309919">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309919</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described on the application form as "Demolition of a single storey office building to the rear of the site and the construction of a two storey detached dwelling house with a room in the roof. New off street parking for the existing and proposed dwelling and general external works".</p> <p>As a result of the appeal site's gradient and compact size, the proposed dwelling would sit on higher ground than Nos 9 and 11 Moorland Road and be in close proximity to their rear gardens. As a consequence of this and its 2- storey height, the proposed dwelling would appear visually intrusive &amp; oppressive to the occupants of these neighbouring properties when using their rear gardens and dominate the outlook therefrom, which would be harmful to their living conditions.</p> <p>There would also be limited intervening distance between the proposed 2nd floor rear elevation dormer window and the rear gardens of Nos 7 &amp; 9 Moorland Road and No 1 Grove Road, which would give rise to significant overlooking. I also have concerns about the potential for overlooking from this dormer into the first floor side elevation bedroom window of No 1 Grove Road. As a consequence, the scheme would be harmful to the living conditions of occupiers of these properties by reason of loss of privacy.</p> <p>In terms of No 9...the proposed dwelling would be in very close proximity to the shared boundary with its neighbour and accordingly cause a significant reduction in diffuse daylight to this property's garden. The combined reduction in direct sunlight and diffuse daylight to No 9 has led me to conclude that its occupiers would not continue to receive an adequate overall standard of light to their rear garden, which would be harmful to their living conditions.</p>				

	<p>Whilst I agree with the appellant that the development would result in an efficient use of land, it would not maintain the setting of residential gardens to neighbouring properties and neither do I consider the site to be underutilised. As a consequence, the development would not accord with Paragraphs 120 and 124 of the Framework.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">20/03557/FUL</a>	W/22/3298981	1 Park Road, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		14/06/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298981">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298981</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The proposed development is '1 x 1 bedroom flat and 6 x 2 bedroom flats'.</p> <p>Having regard to the above advice and the specific scale and location of the development before me, I consider that the net increase of six dwellings would be likely to have a significant effect on the internationally important features of the SAC, both on its own or in combination with other projects, arising from increased recreational pressure.</p> <p>The Council's mitigation strategy makes clear that financial contributions towards SAMMS and SANG will be secured through either a Unilateral Undertaking or a Section 106 Agreement. A completed legal agreement with the necessary SAMM contribution and any agreed SANG contribution following such discussions with the Council has not been provided. The Grampian condition suggested by the appellant would not give sufficient certainty that any required payments would be agreed and therefore that an appropriate level of mitigation to protect the integrity of the SAC would be secured and delivered. Therefore, I cannot be certain that an appropriate level of mitigation is available in this instance to protect the integrity of the SAC, and even if it is, I am not in a position to secure it.</p> <p>Accordingly, the development would conflict with the requirements of the Habitats Regulations as well as the conservation and restoration objectives for priority habitats and species of Policy CS26 of the Dacorum Borough Council Core Strategy (2013) (CS) and paragraphs 179 and 180 of the National Planning Policy Framework (the Framework).</p> <p>The L-shaped layout would help to address the site's corner position. The front elevations would closely align with the front elevations of the neighbouring dwellings at No 9 Park Road and No 15 Charles Street. The height of the building would generally reflect the maximum heights of buildings on these respective streets and would successfully negotiate the change in levels to respond to the stepped roof line along Charles Street. The hipped roofs would help to minimise the bulk of the building and on Park Road the height of the building would reduce towards the boundary with the bungalow at No 9. The modestly scaled dormers would sit comfortably within the roof slopes. The street facing elevations would include variation in the</p>			

building line and on Park Road would incorporate a series of bay windows. Together with the mix of brick and render facing materials, these design features would help to break up the expanse of built form.

I am satisfied that the balance of amenity space and built form would be acceptable in this instance as the development would sit comfortably within the context of its immediate surroundings. I conclude that the development would have an acceptable effect on the character and appearance of the area.

The proposal would provide no off-street parking facilities and the appellant suggests that it would be a car-free development. The Council's Car Parking Standards Supplementary Planning Document (2020) (SPD) makes it clear that car-free residential development may be considered in high accessibility locations and that the level of parking may be omitted or reduced on the basis of the type of development provided. Furthermore, the SPD states that there may be exceptional circumstances, when robust justification can be provided to vary from the parking standards.

The site is located in the 'Zone 3 - Lower Accessibility' area identified in the SPD. In the circumstances car-free development would not usually be supported by the SPD. Based on the parking requirements for Zone 3 in the SPD, the appellant has calculated that the proposed development would usually require 7.2 parking spaces for unallocated parking provision and 11 parking spaces for allocated parking provision and this has not been disputed by the Council.

There are a wide variety of services and facilities in comfortable walking or cycling distance from the site, including those within Hemel Hempstead town centre. In these respects, I find that the footpath network and public transport options in the area offer good sustainable transport options. Therefore, this may present a situation where there could be a variation from the usually required parking standards if this was robustly justified.

However, the proposal specifically proposes to omit parking not just reduce provision. A range of travel options doesn't on its own guarantee that future occupiers of the development would not own a private vehicle and that the development would be truly car-free. I cannot rule out that some occupiers of the development would want to own a private vehicle and would require parking space. There is no detailed evidence before me to suggest there is capacity within the CPZ to accommodate the parking requirements that could be generated by the development. In the absence of a suitable legal mechanism to secure the development as car-free, there is therefore the potential that the proposal would unacceptably impact upon parking-stress levels in the area causing inconvenience for local residents.

I conclude, it has not been robustly justified that parking provision is not required in this instance particularly in the absence of a suitable mechanism to secure the proposal as a car-free development.

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/04607/PIP	W/22/3303737	Land Adj Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
	<b>Date of Decision:</b>		15/06/2023	
	<b>Link to full decision:</b>		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737</a>	
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is described as 'Construction of a detached dwelling on land adjacent to Honeysuckle Barn'.</p> <p>The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.</p> <p>The undeveloped open nature of the appeal site contributes to a pleasant sense of spaciousness between the village and the Chapel and its graveyard and reflects the rural character of the area. The scheme would be separated from The Chapel by the remaining part of the open space, which would be apparent in views from the lane. Furthermore, the quantum of development would be modest and sensitive siting of the dwelling to minimise its effect could be agreed at the technical details consent (TDC) stage. The proposed dwelling would reflect the residential nature of the surrounding development, and the plot size would not be dissimilar to others in the vicinity, which would ensure the development would not appear cramped. I also acknowledge that the proposal could be of a high quality design, which would reflect the architectural qualities of the CA, again this would be a consideration at the TDC stage.</p> <p>However, the introduction of a residential unit as proposed would nevertheless be discordant with the otherwise open and verdant quality of the site. Moreover, despite the retention of an element of the open space immediately adjoining the appeal site, the existing gap would be greatly reduced. I find therefore that the development would result in a significant encroachment into the open area of greenspace, which would consequently erode its rural character. The forgoing considerations regarding the quantum and type of development would not outweigh the harm I have identified.</p> <p>Accordingly, I conclude that the proposal would result in a form of development which would fail to preserve or enhance the character and</p>			



	<p>appearance of the CA. As the harm that would arise would be localised, the proposal would cause less than substantial harm to the CA as a designated heritage asset.</p> <p>The public benefits of the appeal scheme are of no more than limited weight and would therefore not outweigh the harm to the significance of the designated heritage asset that I have identified.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">22/03434/FHA</a>	D/23/3316926	31 Cemetery Hill, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		21/06/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316926">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316926</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is the erection of a single storey front and part two storey front extension.</p> <p>Although the character of this residential area is varied, the 3 pairs of semi-detached dwellings form a distinct group of properties within the streetscene, including along part of Heath Lane at its junction with Cemetery Hill. They have a consistency in their design, character and appearance, including the single storey front additions. Although originally a garage some of the owners have converted the space into habitable accommodation, including at the appeal property.</p> <p>The proposed development would have a full width 2-storey front extension from which a single storey extension would project further forward equating to the same length as the existing addition. By reason of scale, siting and design, the appeal scheme would unbalance this pair of semi-detached dwellings and be detrimental to the character and appearance of the group of similarly designed dwellings. For these reasons, the resulting dwelling would be an incongruous form of development which would have a negative impact on the appearance of the streetscene. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene.</p> <p>The flank wall of the appeal scheme would project further forward than the property and, as a consequence, it would visually dominate the outlook from the kitchen window of No. 29. Further, the proposed flank wall would be sited opposite the entrance door and, as such, it would physically and visually be overbearing for the occupiers of No. 29 when entering or exiting their property. This unacceptable harm would be accentuated by the higher ground level of the property when compared to No. 29. By reason of siting and height, there would be the potential for a reduction in levels of daylight reaching the kitchen window of No. 29. It is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 29 Cemetery Hill.</p>			

## 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/00596/FHA</a>	D/22/3303596	20 Hempstead Lane, Potten End	Householder
	<b>Date of Decision:</b>		15/05/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303596">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303596</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is removal of existing side lean to and replace with two-storey side extension.</p> <p>The proposal would give the front elevation of the host dwelling a pleasant degree of symmetry. I accept that it would increase the bulk of the dwelling at first floor level in close proximity to the boundary with No 18 Hempstead Lane. Even so, the extension would be clearly distinguishable from the dwelling at No 18 due to the contrasting designs and the relative alignment of these dwellings to the street. The spacious frontages to this section of the street and the subservient design means that the extension would not have an imposing presence in the street scene. In addition, the planting along Hempstead Lane would also heavily filter views of the development. The generous spacing between the side elevations of the host dwelling and No 18 would also remain evident to passers-by, particularly in views through the access point to No 18.</p> <p>Taking all the above factors into account, the development would effectively assimilate into the street scene. I conclude, the development would have an acceptable effect on the character and appearance of the area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">22/00015/FHA</a>	D/23/3316958	49 Crouchfield, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		22/05/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316958">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316958</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is construction of detached ancillary building.</p> <p>Although the garden of the appeal dwelling is relatively small, the bungalow is on noticeably higher ground than the proposed outbuilding and this, coupled with the distance and open aspect towards Thistlecroft would ensure an adequate separation between the two. An appreciable gap would also be</p>			

<p>retained between the outbuilding and 1 Thistlecroft such that overall it did not appear cramped. Moreover, the outbuilding would be clearly subservient to the host dwelling.</p> <p>In terms of height, although the proposed outbuilding would be over 5m to the ridge it would be noticeably smaller than No 1 and appear significantly lower in the street scene than the host dwelling. This would ensure that it sat comfortably between the two and, although closer to the highway than No 1, the setback would be sufficient to ensure it did not appear overbearing or unacceptably prominent. It is concluded on the first main issue that the proposed outbuilding would have a satisfactory appearance and visual relationship with both the host dwelling and other dwellings in Thistlecroft such that it had no materially detrimental effect on the character or appearance of the host dwelling, Thistlecroft or the surrounding area.</p> <p>In terms of outlook, the proposed outbuilding would be clearly seen from No 47 at a distance of some 10m. However, as this dwelling, a bungalow, is set on noticeably higher land and views would be at an angle, with direct views remaining towards the side elevation of No 1, I do not consider that the limited loss of outlook and visual obstruction would materially harm the living conditions of occupiers. Although the proposed rear dormer window would face towards the garden of No 47, this would serve a wet room and the plans indicate that it would be obscure glazed. A planning condition could secure this together with limited opening. This would ensure no loss of privacy occurred.</p> <p>It is concluded on the second main issue that the proposed outbuilding would have no materially harmful effect on the living conditions of occupiers of surrounding and adjacent dwellings, particularly 47 Crouchfield, with respect to outlook or privacy.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">22/01897/FUL</a>	W/22/3310230	37A & 39 Highfield Road, Berkhamsted	Written Representations
<b>Date of Decision:</b>			01/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310230">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3310230</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposed development would involve the construction of an attached pair of identical outbuildings at the rear of the sites of Nos 39 and 37A. These are shown as comprising an office, garden store and toilet in each building. The appeal property already benefits from a recent planning permission for a similar attached pair of buildings. The only difference between the drawings of the approved buildings and the current scheme would appear to be the variations in roof design and associated heights of ridge and eaves. I take this earlier permission as a significant fall-back position.</p> <p>The Council has accepted that the character and appearance of the CA would not be adversely affected by the development; that the layout is</p>				

<p>acceptable; that site coverage is not excessive; and that it would not be visible from the Highfield Lane street scene. I concur with these conclusions and agree that the scheme would preserve the character and appearance of the CA.</p> <p>I note that the proposed structure would be seen largely within a very wide gap between Nos 34 and 35 Curtis Way, and that the ridge of the building would be lined approximately with the boundary between those two properties. On this basis, it would not lie immediately behind either of the two houses. Moreover, although the ridge would be around 1.2 metres higher than the earlier approved scheme, the eaves would be lower, such that the apparent bulk of the building would, arguably, be reduced. The height to the eaves of the proposed building would be lowered from the previously permitted scheme to a point at or below the level of the existing boundary fences and this would reduce the visual impact of the building when seen from neighbouring dwellings on each side. On this basis, and given that the footprint would remain the same as that earlier scheme, I do not consider that the proposal would appear dominant or cramped, and it would not be out of character with the surrounding area in this context.</p> <p>I do not consider that the proposal would be harmful to the living conditions of the occupiers of No 35 by way of visual intrusion or overlooking, nor do I find that the proposed scheme would result in any additional harm to the privacy of the occupiers of No 37.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">21/04573/DRC</a>	W/22/3301877	11 Bridge Street, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			12/06/2023	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301877">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301877</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described on the decision notice as "Details as required by condition 7 (corner feature panel), attached to planning permission 4/01914/17/ROC".</p> <p>The appeal site building has been recently subject to substantial development works that include, amongst other things, an additional storey and new rendered finish &amp; windows. As a consequence, its original architectural character and articulation, which identified it as forming part of the original construction of the New Town, has been significantly eroded.</p> <p>The proposed corner panel would have an understated and muted finish, just as the previous corner feature panel did on the building before it was rendered. It would not therefore look out of place or be contrary to the original architectural vision for this part of the New Town heritage area. It would however give some articulation and interest to the corner of this structure and complement the simple form and appearance of the building's new rendered finish.</p>				

	<p>The Council has raised concerns in respect of long term weathering of the proposed corner panel. However, I see no reason why its 25mm projection would result in any more staining or plant growth than other architectural features on the building or why it would necessitate any more maintenance than that routinely required in connection with the external surfaces and windows. In any event, if lack of maintenance resulted in the external condition of the building harming the amenity of the area, powers exist under s215 of the 1990 Town and Country Planning Act (as amended) for the local planning authority to serve a notice requiring this to be remedied.</p> <p>In light of the above, it is my view that the subtle contemporary form of the proposed corner panel would be more coherent with the new rendered finish of the building and represents an appropriate design response in keeping with its New Town heritage location. I therefore conclude that the development would not be harmful to the character, appearance &amp; function of the area.</p>
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#### **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn or invalid between 12 May 2023 and 02 July 2023.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">22/00113/LDE</a>	W/22/3299549	Gable End, 1 Threefields, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		21/03/2023	
	<b>Link to full decision:</b>			
	n/a			
	<b>Inspector's Key conclusions:</b>			
	Appeal withdrawn by appellant.			

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 12 May 2023 and 02 July 2023.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	E/22/00280/NPP	C/23/3322239	Abilea Meadows, Friendless Lane, Flamstead	Written Representations
2	E/22/00368/COL	C/23/3322546	25 Crossways, Hemel Hempstead	Written Representations
3	E/22/00314/COB	C/23/3322825	86 Chipperfield Road, Kings Langley	Written Representations
4	E/23/00123/NPP	C/23/3323871	Land at Church Road, Little Gaddesden	Written Representations

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 12 May 2023 and 02 July 2023.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 12 May 2023 and 02 July 2023.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 12 May 2023 and 02 July 2023.

None.

## **6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2023 (up to 02 July 2023).**

<b>APPEALS LODGED IN 2023</b>	
PLANNING APPEALS LODGED	33
ENFORCEMENT APPEALS LODGED	10
TOTAL APPEALS LODGED	43

<b>APPEALS DECIDED IN 2023</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	30	100
APPEALS DISMISSED	17	56.7
APPEALS ALLOWED	12	40
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	1	3.3

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2023</b>		
Total	17	100
Non-determination	3	17.6
Delegated	12	70.6
DMC decision with Officer recommendation	1	5.9
DMC decision contrary to Officer recommendation	1	5.9

<b>APPEALS ALLOWED IN 2023</b>	<b>TOTAL</b>	<b>%</b>
Total	12	100
Non-determination	0	0
Delegated	10	83.3
DMC decision with Officer recommendation	1	8.3
DMC decision contrary to Officer recommendation	1	8.3

## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">22/00456/FUL</a>	W/23/3316262	Former Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring	tbc – may not be required

## 6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">E/21/00041/NPP</a>	C/22/3290614	The Old Oak, Hogpits Bottom Flaunden	tbc
2	<a href="#">22/01106/MFA</a>	W/23/3317818	Solar Array, Little Heath Lane, Little Heath, Berkhamsted	18-20 July & 25-26 July

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">21/04607/PIP</a>	W/22/3303737	Land Adj Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
	<b>Date of Decision:</b>		15/06/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3303737</a>			
	<b>Inspector's Key conclusions:</b>			
	<i>*Note: This application for Costs was allowed in part.</i>			



The applicant submits that the Council has acted unreasonably in that it has introduced new issues at a late stage, specifically reference to the loss of the equestrian use of the land, to which the Council refer to as social infrastructure, and the suitability of the site for housing having regard to access to services and public transport.

The applicant also contends that the Council erred in its insistence of the need for a legal agreement at the Permission in Principle (PIP) stage to secure a financial contribution towards mitigation measures as a consequence of the Chilterns Beechwoods Special Area of Conservation (SAC) designation.

The Council's sole refusal reason relates to the effect of the development on the character and appearance of the Flaunden Conservation Area. With regards to the loss of the grazing land as part of the equestrian use of the wider site, the Officer's report indicates that this matter was not for consideration as part of the PIP application.

However, the Council's appeal submissions later raised the issues as set out above, which were not relied upon as part of the refusal of the application. The equestrian use of the land and the location of the site were not determinative in the appeal, given my findings in relation to the main issue. Nevertheless, the applicant had to carry out additional work that was not initially anticipated in order to respond to these additional matters through the submission of their final comments. I therefore find that it was unreasonable behaviour that the Council later relied on these matters in their Statement of Case.

With regards to the Council's case in so far as it relates to the absence of a mechanism to secure monies in relation to the potential effects of the development upon the SAC, this matter was raised by the Council at the appeal stage as the Footprint Ecology Report on 14 March 2022 and receipt of revised guidance from Natural England postdates the date of the Decision Notice. The Council contends that a legal agreement is required in order to secure appropriate mitigation measures to ensure there would be no adverse effect on the SAC as a result of the proposal.

The PPG sets out that planning obligations cannot be secured at the PIP stage. However, it also highlights that PIP must not be granted for development which is habitats development unless the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site (Paragraph: 005 Reference ID: 58-005-20190315). Therefore, it was not unreasonable for the Council to raise this change of circumstance in evidence.

I therefore find that unreasonable behaviour by the Council, through the introduction of late evidence relating to the loss of the equestrian land and locational sustainability, which has directly caused the applicant unnecessary and wasted expense, has been demonstrated and that a partial award of

costs relating to this aspect only, is justified.
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## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 12 May 2023 and 02 July 2023.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/02060/FHA</a>	D/22/3308023	Honeysuckle Barn, Birch Lane, Flaunden	Householder
	<b>Date of Decision:</b>		02/06/2023	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3308023</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The application for costs in this case was made by the applicant against the Council on the grounds of the substance of the appeal.</p> <p>There are several strands to the applicant's case for an award of costs. These include: preventing or delaying development which should clearly be permitted, having regard to it being in accordance with the development plan, national policy and any other material considerations; a failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis.</p> <p>Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Council's reason for refusal is set out in its decision notice. This reason is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal, in the view of the Council, would conflict with. This is a matter of planning judgement. I have found that this reason was adequately substantiated by the Council in its officer report.</p>			

Whilst I appreciate that the applicant does not agree with the outcome of the application, and I have made my own views on the planning merits of this case in a separate decision, I find nothing to suggest that the Council has acted unreasonably.

Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

## **6.14 FURTHER SUMMARY OF APPEALS IN 2023**

<b>APPEALS LODGED IN 2023</b>	<b>TOTAL</b>	<b>% OF TOTAL</b>
HOUSEHOLDER	13	30.2
MINOR	14	32.6
MAJOR	1	2.3
LISTED BUILDING	0	0
CONDITIONS	0	0
TELECOMMUNICATIONS	2	6.6
LAWFUL DEVELOPMENT CERTIFICATE	1	2.3
PRIOR APPROVAL	2	6.6
LEGAL AGREEMENT	0	0
ENFORCEMENT	10	23.3
<b>TOTAL APPEALS LODGED</b>	<b>43</b>	<b>100</b>

<b>APPEALS DECIDED IN 2023</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
HOUSEHOLDER	15	50
MINOR	8	26.7
MAJOR	1	3.3
LISTED BUILDING	1	3.3
CONDITIONS	2	6.7
TELECOMMUNICATIONS	0	0
LAWFUL DEVELOPMENT CERTIFICATE	1	3.3
PRIOR APPROVAL	0	0
LEGAL AGREEMENT	1	3.3
PERMISSION IN PRINCIPLE	1	3.3
ENFORCEMENT	0	0
<b>TOTAL APPEALS DECIDED</b>	<b>30</b>	<b>100</b>