

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01804/RET	W/24/3341794	Land Adj to Fir Croft/Alexandra Road, Chipperfield	Written Representations
2	23/02208/FUL	W/24/3341865	Grove Farm, Puddephats Lane, Flamstead	Written Representations
3	23/01533/ROC	W/24/3341878	Martlets, The Common, Chipperfield	Written Representations
4	23/02883/TPO	TPO/A1910/10064	3 Rivington Gardens, Northchurch	Written Representations
5	22/02203/DRC	W/24/3342616	Land To the Rear Of 49-53 High Street, Northchurch	Written Representations
6	22/02419/DRC	W/24/3342617	Storage Land Rear Of 49 High Street, Northchurch	Written Representations
7	23/02187/OUT	W/24/3342737	1 The Orchard, Kings Langley	Written Representations
8	23/02188/OUT	W/24/3343237	1 The Orchard, Kings Langley	Written Representations
9	23/02341/FUL	W/24/3343381	1 Langdale Cottages, Station Road, Long Marston	Written Representations
10	24/00484/FUL	W/24/3343926	16 Park Road, Hemel Hempstead	Written Representations
11	24/00597/FHA	W/24/3343938	77 Gravel Lane, Hemel Hempstead	Written Representations
12	23/02299/FHA	D/24/3343948	40 Kings Road, Berkhamsted	Householder
13	23/02937/LDP	X/24/3344423	Greymantle, Hempstead Road, Bovingdon	Written Representations
14	24/00665/FHA	D/24/3344620	31 Cemetery Hill, Hemel Hempstead	Householder
15	23/00988/FUL	W/24/3345253	Martlets, The Common, Chipperfield	Written Representations
16	21/04508/MOA	W/24/3345435	Land west of Leighton Buzzard Road, Hemel Hempstead	Public Inquiry

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03228/FUL	W/23/3325819	39 Crouchfield, Hemel Hempstead	Written Representations
	Date of Decision:		16/04/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325819			
	Inspector's Key conclusions:			
	<p>The development proposed is a detached two-bedroom dwelling.</p> <p>The proposed development would be likely to give rise to additional recreational pressure on the CBSAC. The appellant has not submitted any means by which an appropriate level of mitigation can be secured. Consequently, in the absence of any such assurance, I conclude that the appeal would be likely to have an unacceptable effect in the integrity of the CBSAC when considered in combination with other projects.</p> <p>The plot itself would appear small in comparison to most others in the area. The front section would comprise a small triangle, the house would be very close to the boundaries and the rear area would be small also. I consider that the proposal would appear out of place in this area where the great majority of dwellings are set within a plot which addresses the street and runs to the rear. The proposed position of the house and its siting very close to No 39 would mean that it would have a visually awkward relationship which would have a negative effect on the street-scene and character of the area. Additionally, the small and awkward plot size and configuration would fail to harmonise with the surrounding area.</p> <p>The very close proximity of the proposed house to the boundary of No 39 and its projection beyond its rear wall would mean that the new house would be readily visible from the garden and some rooms within No 39. I consider that it would appear significantly overbearing when viewed from the garden at No 39. In addition, it would appear dominant from the nearest rooms which I consider would also be likely to suffer a loss of light as a consequence of the proposal. In relation to the property on the opposite side of the footpath, No 41, whilst it would be further away, I still consider that the proposal would appear overbearing from parts of this property, although not as significantly as at No 39.</p> <p>The proposal does not make provision for any off-street car parking. An appraisal was submitted in support of the application. The Council states that it complies with its requirements but only provides one survey instead of the two stated in the SPD. The survey states that there were 94 on-street car parking spaces available within the survey area which covered a 2 minute walk from the site. It recorded 48 parked cars within this area leaving 46 spare car parking spaces. Assuming the proposed dwelling adds a further 2 cars to the</p>			

<p>on-street parking total there would still be 44 spare car parking spaces. Whilst I accept that the Council's normal requirement of 2 surveys was not provided, the submitted survey indicates a considerable capacity to absorb additional cars. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. I consider that the evidence before me indicates that the proposal would not have any such effect.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	23/00149/FHA	D/23/3329414	Everglades, Old Watling Street, Flamstead	Householder
Date of Decision:			19/04/2024	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329414	
Inspector's Key conclusions:				
<p>The development proposed is side extension of existing office.</p> <p>The appellant does not debate that the proposed extension would result in an increase in floorspace of over 60% compared to the original. This would represent a significant increase in built form which would include mass, volume and height. It is patently clear therefore that the scheme would represent disproportionate additions over and above the size of the original building and thus not fall within the above exception. I agree that the appeal scheme could be considered small scale for the purposes of Policy CS5 but, for the reasons set out, it would not be a limited extension to an existing building. 6. I have not considered the proposed increase to the outbuilding alongside previous extensions to the main dwelling. If I were, considering the stated 200% increase in size of the original dwelling due to previous additions, the proposal would still result in disproportionate additions for the purposes of the Framework. The proposal would therefore be inappropriate development in the Green Belt, conflicting with the Green Belt protection aims of the Framework and Policy CS5 of the CS.</p> <p>The proposed increase in the size of the outbuilding would result in it being closer to the entrance of the site. Visually this would be more prominent but, because of the screening, the effect of the proposed development on the Green Belt's visual openness would be limited. There would however be a harmful reduction in the spatial openness of the Green Belt because of the increase in size of the outbuilding, establishing development where there was previously none. In that regard, the extension would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework. This harm would be in addition to the inappropriateness of the scheme.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	22/03183/FUL	W/23/3322715	Land At Little Heath Lane, Little Heath Farm, Potten End	Written Representations
Date of Decision:			13/05/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322715				
Inspector's Key conclusions:				
<p>The development is described as Proposed Stables, Feed and Hay store, for established equestrian use.</p> <p>Framework paragraph 154 says that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development meets one of a number of stated exceptions. One such exception at paragraph 154. b) is for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One of the purposes of the Green Belt, as set out in paragraph 143. c) of the Framework, is to assist in safeguarding the countryside from encroachment.</p> <p>The main parties agree that the proposed development is a form of equestrian use. On that basis, the exception at paragraph 154. b) of the Framework is relevant in the consideration of this appeal. The effect of the development on the openness and purposes of the Green Belt will therefore determine whether or not the proposal would constitute inappropriate development.</p> <p>I do not doubt that the layout, size, and design of the proposed development is, at least partly, informed by the appellant's objective to provide well-ventilated and safe stabling and handling facilities for 4 horses, as well as internal storage for hay and other feed. However, even if the stable building were as small as it could be to achieve these objectives, the development would introduce a relatively large building and a large area of hardstanding in an otherwise undeveloped section of a bigger field/paddock enclosure. In a spatial sense, such development would reduce the openness of the Green Belt.</p> <p>the proposed development would be visible from rear windows within the house at Crossways, as well as from within parts of the grounds of that property. Therefore, even if the development would not be readily visible from publicly accessible locations, it would nevertheless, and albeit to a limited extent, also reduce the visual openness of the Green Belt.</p> <p>Consequently, the development would not preserve the openness of the Green Belt. Furthermore, being located away from other buildings and in an otherwise largely undeveloped field enclosure, the stable building and hardstanding would constitute a form of development that would encroach into the countryside. For these reasons, the proposal would be inappropriate development in the Green Belt.</p>				

	Albeit the limited scale of the proposals would mean that no more than limited harm would be caused to the Green Belt, in accordance with paragraph 153 of the Framework, substantial weight is accorded to that harm. The other considerations in this appeal do not clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	22/01107/FUL	W/23/3321623	Land Adjacent Lockers Cottage, Bury Hill, Hemel Hempstead	Written Representations
	Date of Decision:		14/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3321623			
	Inspector's Key conclusions:			
	<p>The development proposed is the construction of new dwelling.</p> <p>No legal mechanism has been submitted to secure mitigation at the decision-making stage in accordance with the Council's mitigation strategy. A Grampian condition, requiring an agreement be reached before the commencement of development, has been suggested by the Appellant. However, this would approach would conflict with the mitigation strategy. Also, this would not account for the fact that the Council's SANG sites are being rapidly allocated by approved development and cannot be reserved for prospective schemes that may not proceed. Furthermore, such a condition would not secure the required certainty, to my satisfaction, that suitable mitigation would be capable of being provided to offset the impact on the SAC at the time of making a decision. Accordingly, I am unconvinced that sufficient certainty exists to ensure that the required mitigation would be in place to prevent an adverse impact.</p> <p>The site has a strong historical functional link to the listed building being formerly part of its grounds and contributes to its setting. However, it's setting has evolved with the introduction of surrounding built form placing the building within a residential estate. Furthermore, the key gaps in built form around the listed building are to its front and rear. These gaps would be retained and remain free of development, limiting the overall effect of the proposal on the setting of the listed building being set away from its main elevations.</p> <p>In layout terms, the proposed dwelling would be partly aligned with the largely rectangular footprint of the listed building, presenting a continuation of built form towards 4 Bury Hill Close (No 4). It would be offset from the shared boundary, presenting some separation of built form. Furthermore, the design of the proposal would have a barn-like form. It would include recessed components adding articulation and variety to it's front elevation. The proposal would be clad in black stained weatherboarding with clay tiles, materials that would complement the listed building.</p>			

<p>The form of the proposed dwelling would complement the setting of the listed building. Accordingly, the amended proposal would preserve the significance of Lockers Cottage.</p> <p>Although boundary landscaping would reduce overlooking, much of the existing tree and hedge cover may be removed to allow for construction and to provide reasonable light into these spaces. As such, boundary planting cannot be considered as forming a permanent screen that would maintain privacy.</p> <p>The amended version of the proposal reduces the number of windows. These include only three windows on its north elevation, looking towards No 4. These would serve a landing at first floor and a kitchen and bathroom at ground floor. The first-floor landing window would provide views from an elevated height into the rear garden of No 4. The kitchen and bathroom window would be at a lower level and less likely to result in overlooking due to the fence and separation distance. Nonetheless, as the windows serve non-habitable spaces, the limited overlooking identified could be addressed through the imposition of a condition to require these to be obscurely glazed.</p> <p>The front elevation of the amended proposal would include ground and first floor windows that would look towards Lockers Cottage. These would serve a bedroom at first-floor, a two-storey glazed section serving the living room, and a hallway at ground floor. The living room windows would be alongside the gable end of Lockers Cottage, causing no overlooking into the dwelling and only oblique and limited views towards the rear garden and courtyard at ground floor level. The bedroom window would also only overlook the car parking area of the neighbour. Due to the change in levels and separation distance the amended proposal would not result in substantive overlooking. Accordingly, the amended proposal would not demonstrably harm the living conditions of the occupiers of adjacent neighbouring occupiers through a loss of privacy.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	23/01357/FUL	W/23/3331301	Land To Rear Of 23-26 Brook Street, Tring	Written Representations
Date of Decision:			14/05/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331301				
Inspector's Key conclusions:				
<p>The development proposed is described as change the lawn area to the rear of 23-26 Brook Street to hardstanding.</p> <p>A single-storey building adjacent to the development provides a clear visual and physical backstop in the publicly accessible views along the drive. In views between the pavement and the single-storey building, areas of soft landscaping that are characteristic of the area are not readily visible. Instead, together with the drive and the other parts of the appeal site that can be seen in such views, the development forms part of a sizable area of hardstanding, which has a bland and uninteresting appearance. Therefore, albeit to a limited</p>				

	<p>extent, the development is harmful to the character and appearance of the area.</p> <p>I have no reason to doubt that the hardstanding subject of this appeal is visible by occupiers of numbers 23-26 through rear-facing windows within the upper floors of their houses. However, the outlook from these windows also includes the gardens immediately to the rear of these houses; the planted embankment that forms part of the appeal site; and trees that are nestled between and beyond nearby buildings. As such, and even when considered in combination with the other areas of hardstanding on the appeal site, the appeal scheme forms a small and non-visually intrusive part of the outlook from these windows. For these reasons, the development does not cause harm to the living conditions of the occupiers of numbers 23-26 Brook Street, with particular regard to outlook.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	23/00877/FUL	W/23/3331979	35 High Ridge Road, Hemel Hempstead	Written Representations
	Date of Decision:		15/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331979			
	Inspector's Key conclusions:			
	<p>The development proposed is described as demolition of current three bedroom bungalow and replace with two 2 bedroom two storey dwellings.</p> <p>Notwithstanding that the appellant has indicated their agreement to the specified SAMMS and SANG contributions, no Unilateral Undertaking or Section 106 agreement to this effect has been provided. There is insufficient evidence to provide the certainty needed to rule out adverse effects on the integrity of the SAC.</p> <p>Dwelling 2 would be both close to and significantly taller than the study window at number 37. As such, I do not doubt that the proposed development would obstruct a significant amount of daylight from entering the study window. Furthermore, even if the study has a secondary indirect light source, I have not been provided with compelling evidence to conclude that, following the implementation of the development, the amount of daylight available within the room, would enable users of it to secure adequate living conditions. Therefore, and on the evidence before me, I am unable to conclude that the level of daylight that would be available to users of the study at number 37 would not be harmfully reduced by the implementation of the proposed development.</p> <p>The development would cause harm to the living conditions of the occupiers of number 37 High Ridge Road, with particular regard to daylight light and outlook. However, it would not cause harm to the living conditions of the occupiers of number 3 High Ridge Close, with particular regard to privacy and outlook, or the occupiers of number 37 with particular regard to sunlight.</p> <p>The spacing between the 2 proposed dwellings would be smaller than that which is typical between dwellings on High Ridge Road, and less than that</p>			

	<p>identified within the Council's HCA34: Manor Estate character appraisal3. However, it would not be dissimilar to that observed between some nearby dwellings. Moreover, and even though the resultant density of development on the appeal site would exceed that which the character appraisal indicates is typical of the area, the reasonably sized gap between proposed dwelling 2 and the dwelling at number 37, and the large gap between dwelling one and number 33 High Ridge Road, would prevent the development from having either a cramped appearance or a harmful terracing effect.</p> <p>The proposed houses would align well with the dwellings either side of them on High Ridge Road. Therefore, the development would not be prominent within views along this road. The proposed development would not cause harm to the character and appearance of the area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	23/02040/RET	D/23/3335244	7 Olivers Close, Potten End	Householder
	Date of Decision:		20/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3335244			
	Inspector's Key conclusions:			
	<p>[This is Appeal B in the Decision Letter]</p> <p>The development proposed is described as the retention of replacement raised decking and installation of privacy screen.</p> <p>In the case of appeal B, users of the elevated decking on the appeal site, would have clear views of much of the rear outside spaces at number 8, as well as into the nearby glazed openings serving the kitchen and dining room of that house. In terms of privacy, this would cause harm to the living conditions of the occupiers of number 8.</p> <p>In appeal B, the development would cause harm to the living conditions of the occupiers of number 8, with particular regard to privacy. While it would not cause such harm in respect of outlook, this is a neutral consideration.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	23/00277/FUL	W/23/3327913	Kingsway, London Road, Bourne End	Written Representations
	Date of Decision:		22/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327913			
	Inspector's Key conclusions:			
	<p>The development proposed is the erection of 3 detached dwellings and garage with associated access, parking and landscaping.</p> <p>Paragraph 154 of the Framework sets out that limited infilling in villages is not inappropriate in the Green Belt. The development would largely fill the gap between the petrol station and the nursery. However, it does not necessarily</p>			

follow that the appeal site currently constitutes part of the village. I am advised that Bourne End is not afforded settlement boundaries within the current Development Plan. That being the case, whether the appeal site is within the village of Bourne End must be determined based on the facts on the ground and the evidence.

When travelling from the nearby junction between the A41 and the A4251 towards Bourne End, the character of the area changes markedly beyond the appeal site. Together, the petrol station; the 'Bourne End' sign; and the signs which indicate the start of a 30mph zone, read as a gateway to the village. At this point, the hedgerows, fields, undeveloped land and sporadic properties to the sides of the road also give way to an area within which houses and other built development become dominant.

The appeal site is not deemed to be within a village. Consequently, the proposed development cannot constitute limited infilling within a village. The proposed development would be inappropriate development in the Green Belt. As such, unless very special circumstances exist, the scheme should not be approved.

In both spatial and visual terms, the development would reduce the openness of the Green Belt.

The spacing of the proposed development would not be atypical of other nearby development addressing London Road. The proposed houses would be set well back from London Road. While sizable amounts of hardstanding would be formed to the front of the houses, these would be broken up by areas of lawn. Furthermore, the dwellings would be of modest heights, and the proposed site sections plan indicates that most of the ground floors of the buildings would be beneath the level of London Road to the front of the site. For these reasons, and because of the proposed retention of the well-established band of trees and plants close to the London Road facing site boundary, the development would be well-screened and not prominent from those locations along London Road where it would be visible. The retention of the planting close to the site frontage, will also serve to preserve the sense of verdancy of the stretch of London Road passing the appeal site. The quality of the London Road streetscape will not therefore be harmed as a result of the implementation of the proposals. For these reasons, the proposed development would not cause harm to the character and appearance of the area.

In terms of daylight distribution and having regard to the submitted daylight and sunlight assessment produced by BRE, I am satisfied that each of the 3 appeal site-facing classrooms would individually meet the associated BRE guidelines. If the development was implemented, the BRE assessment demonstrates that in terms of the vertical sky component calculations, the nursery windows facing the appeal site would be marginally below the BRE guidelines. Nevertheless, classrooms 1 and 3 have additional windows in other elevations of the building, and the evidence indicates that a negligible reduction in daylight to these windows would occur.

	<p>The orientation of those nursery windows that face the appeal site, is greater than 90 degrees from due south. As such, these windows are in shade for much of the day. Therefore, even if there were to be a small reduction in the amount of time towards the latter part of the day that these windows would be in direct sunlight, I cannot conclude that this small reduction in sunlight would be harmful to the users of these classrooms. For the reasons given above, the proposed development would not harm the conditions of the users of the neighbouring day nursery, with particular regard to sunlight and daylight.</p>
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/01836/MFA	W/23/3333545	Rectory Farm, Kings Langley	Public Inquiry
	Date of Decision:		09/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333545			
	Inspector's Key conclusions:			
	<p>The development proposed is a comprehensive development comprising 135 residential units, new community buildings (including cafe and farm shop, cycle hub, repair shed, meeting & office space) creation of new public open space and play space, provision of new vehicular and pedestrian access from Hempstead Road, provision of cycle and car parking and associated works.</p> <p>The application was refused for four reasons. Reasons 3 and 4 relate to the absence of a suitable legal mechanism to secure the necessary infrastructure and transport contributions. The s106 agreement would secure the contributions sought from the Council (and Hertfordshire County Council as Highway Authority). Accordingly, I am satisfied that reasons for refusal 3 and 4 have been adequately addressed.</p> <p><u>SANG</u></p> <p>The Appellant's Statement of Case identifies two off-site options for securing SANG. The first is Council-led SANG and the second, a private SANG at Westbrook Hay owned by the Boxmoor Trust (BMT). Although there is no dispute about the suitability of SANG as effective mitigation, the Council has a clear preference for option 2. This is reflected in the drafting of the UU.</p> <p>The Council argued that the allocation of strategic SANG to the development, would not be in accordance with the Allocations Protocol due to; a) the site's Green Belt location, b) the scheme comprises inappropriate development and c) the finite capacity of the Council-led SANG sites.</p>			

I am...satisfied that there is sufficient capacity at Council-led SANG sites to accommodate the proposed development without prejudicing the delivery of future development in the borough.

The Council accepted that the appeal scheme falls within a category of development that will be prioritised, albeit it has the lowest priority out of six categories. Accordingly, and given the Council has not implemented its early warning system nor produced any of its own evidence to demonstrate imminent capacity constraints at its own SAMNG sites, the Council should be doing "all it can" to make strategic SANG available to the appeal scheme in accordance with paragraph 7.1.8 [of the Council's Mitigation Strategy]. That very clearly has not happened in this instance.

The final bullet to paragraph 7.1.5 directly contradicts footnote 12 which states that SANG will be retained for schemes that are allowed on appeal. No explanation was provided by the Council to explain why it decided to rely on the (incomplete) final bullet to paragraph 7.1.5, when it could have relied on footnote 12. Had it done so and made the necessary SANG credits available to the Appellant, there would have been no need for a Grampian condition, the UU or for that matter, the appeal itself. In that scenario the Council's argument c) would also fall away as the Council already accept that absent the SANG issue, very special circumstances have been demonstrated.

I am satisfied that following a grant of planning permission, the allocation of Council-led SANG to the appeal scheme would be in accordance with the SAC Mitigation Strategy. While the Council is correct to say it cannot be compelled to release SANG credits to the Appellant, I consider a continued refusal to do so in light of a grant of planning permission and given my findings above would be the epitome of unreasonableness.

NE has approved the Management Plan for the private SANG at Westbrook Hay. This identifies the site to have a capacity of 3,029 SANG credits. The BMT received board approval in November 2023 to negotiate the sale of SANG credits to the appeal scheme and legal agreements between the trust, Council and Appellant are progressing well and the Council anticipate completion of its legal agreement by around June 2024.

The only real issue between the Council and Appellant in respect of Westbrook Hay is the delivery mechanism. The Appellant favours the use of a Grampian condition which would restrict occupation until the necessary credits have been secured. Appeal decisions where Inspectors have accepted such an approach were discussed at the Inquiry.

I am...satisfied that option 2 put forward by the Appellant removes all reasonable scientific doubt of adverse effects on the SAC. In the absence of any evidence to the contrary and considering the November 2023 board approval, there appears to me to be a very real prospect that the Appellant will be able to secure SANG credits at Westbrook Hay within the lifetime of the permission. That is sufficient to satisfy the PPG test.

I therefore conclude that the proposed development would not adversely affect the integrity of the designated habitats sites alone or in combination with other plans or projects and I consider it to be acceptable under the tests of the Habitats Regulations.

GREEN BELT

I find there would be limited harm to Green Belt purposes b) and c). There would be limited harm to visual openness and significant harm to spatial openness. I therefore pitch the overall level of harm to purposes and openness as moderate. The balancing exercise required by paragraph 153 of the Framework is carried out in the Planning Balance below.

LANDSCAPE

Having carefully considered the site sections, I consider the landscaping and topography would combine to screen most built development from receptors along Hempstead Road. In coming to that view, I accept the point that the hedge across the road frontage would need to be cut back to the fence line within the site. However, even accounting for this, I consider the hedge would continue to provide a formidable visual screen along Hempstead Road. While there would be views of the development from the canal towpath, even in winter these would be heavily filtered.

Overall, there would be limited visual harm arising from the loss of the site's open and undeveloped character. There would be some views of upper sections of the apartment buildings from Hempstead Road and also fleeting views through the access points. There would also be views of the development from windows in the houses on the western side of Hempstead Road. However, these would be local and, in most cases, private rather than longer distance public views. Over time, views from these receptors would soften as the structural landscaping matures such that the visual effects of the development would be limited. Overall, I conclude there would be very limited landscape and visual harm arising from the proposal.

BENEFITS

In my view the delivery of 135 dwellings, 54 of which would be affordable, in an area where there is a chronic under supply of housing and staggering levels of affordability, is the weightiest consideration in the planning balance. I attach very substantial weight to these benefits.

The opening up of large parts of the site for public access and outdoor recreation as well as relieving recreational pressure on the SAC are benefits which attract significant weight. The benefits associated with the community facilities attract significant weight. I also attach significant weight to the 15% biodiversity net-gain which exceeds policy requirements. Finally, I attach significant weight to the economic benefits.

<u>OVERALL CONCLUSION</u>				
<p>Based on the foregoing, it is evident that the benefits or 'other considerations' listed above are of such magnitude that they clearly outweigh the identified harms. On a further matter of judgement, I conclude that very special circumstances exist, which justify permitting the proposed development in the Green Belt. Accordingly, the proposal would accord with Policy CS5 of the Dacorum Borough Core Strategy (2013) and national Green Belt policy in Section 13 of the Framework.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	23/01330/FHA	D/23/3332110	7 Olivers Close, Potten End	Householder
Date of Decision:			20/05/2024	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332110	
Inspector's Key conclusions:				
<p>[This is Appeal A in the Decision Letter]</p> <p>The development proposed is the retention of replacement and additional raised decking and installation of privacy screen.</p> <p>In the case of appeal A, a 1.8m privacy screen is proposed on the parts of the decking that are on or close to the shared boundary with number 8. Such screening would prevent users of both levels of the decking from being able to see into the sections of the garden at number 8 which are closest to the house and which include decking and outside seating areas. The screening would also prevent a harmful loss of privacy for the occupiers of number 8 within their open-plan kitchen/dining room.</p> <p>While views of the lower and/or mid sections of the rear garden at number 8 would be variously possible from the decking and the steps in both appeals, I have no reason to doubt that these areas of the garden are already visible from the rear windows of the house at number 7. Furthermore, on the basis that the steps are reasonably likely to be used for access rather than for idling purposes, any views from them over the property at number 8 would be no more than fleeting. Their use would not therefore result in a harmful loss of privacy for the occupiers of number 8, within either their house or rear garden.</p> <p>In the case of appeal A, the lower level of the decking would be stepped away from the shared boundary. For these reasons, those parts of the developments that would be visible above the boundary fencing from the property at number 8 would not be oppressive in such views. Nor would they result in a harmful sense of enclosure within either the house or garden at number 8. Instead, occupiers of number 8 would continue to retain a good and fairly open outlook, over the length of their sizable garden and the countryside beyond, from within both their house and garden.</p>				

	For the reasons given, in respect of appeal A, the development would not cause harm to the living conditions of the occupiers of number 8 Olivers Close, with particular regard to outlook and privacy.
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6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn between 01 April 2024 and 31 May 2024.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 01 April 2024 and 31 May 2024.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/22/00293/NAP	C/23/3316713	Martlets, The Common, Chipperfield	Written Representations
	Date of Decision:		02/05/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316713			
	Inspector's Key conclusions:			
	<p>The appeal proceeded on grounds (a) (f) and (g). The unauthorised development relates to the construction of a replacement detached outbuilding which now straddles the rear gardens of the two cottages. The outbuilding is divided internally and provides outside storage space for each cottage.</p> <p>In terms of its siting the building does not respond to the original plot layout of the cottages and appears incongruous. Moreover, its overall scale, extending the full width of both plots, has resulted in a building which appears cramped with little space around the building itself. Its box design and form are reinforced by the deep plastic fascia and shallow pitch roof. Considering its domestic fenestration arrangement, including the bulky UPVC windows/doors,</p>			

the building has a crude residential appearance and does not display the simple characteristics of an ancillary utilitarian garden building. I appreciate that the building has been constructed in timber, however, the narrow tongue and groove boarding does not reflect the appearance of wide black weatherboarding, which is a more traditional and common material of construction for outbuildings in the CA. Overall, the design and appearance of the building does not respond to its setting and has a harmful effect on the character and appearance of the host properties and the CA.

I recognise that the outbuilding is located within the rear garden of the cottages and thus not readily visible from The Common. However, it is clearly visible from the approach to the Village Hall which is a public building and overlooked from windows within the Village Hall and by neighbouring properties. I conclude that the replacement building has a harmful effect on the character and appearance of the area and fails to preserve or enhance the character or appearance of Chipperfield Conservation Area.

the replacement building has a larger footprint and volume than the one it replaced and thus there has been a small loss of openness both visually, and spatially, having regard to the cramped positioning of the building...I conclude that the building would be inappropriate development in the Green Belt.

I conclude that the requirements are not excessive to achieve the statutory purpose of the notice and the appeal on ground (f) fails. I conclude that a period of three months is a reasonable time frame within which Steps 1-4 of the notice can be complied with. The appeal on ground (g) fails.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 April 2024 and 31 May 2024.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 April 2024 and 31 May 2024.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 31 May 2024).

APPEALS LODGED IN 2024	
PLANNING APPEALS LODGED	35
ENFORCEMENT APPEALS LODGED	0
TOTAL APPEALS LODGED	35

APPEALS DECIDED IN 2024 (excl. invalid appeals)	TOTAL	%
TOTAL	29	100
APPEALS DISMISSED	18	62.1
APPEALS ALLOWED	9	31
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	6.9

	TOTAL	%
APPEALS DISMISSED IN 2024		
Total	18	100
Non-determination	1	5.6
Delegated	15	83
DMC decision with Officer recommendation	1	5.6
DMC decision contrary to Officer recommendation	1	5.6

APPEALS ALLOWED IN 2024	TOTAL	%
Total	9	100
Non-determination	1	11.1
Delegated	7	77.8
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	11.1

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/02475/ROC	W/24/3337121	Shootersway, Berkhamsted	05.06.24

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	10.09.24
2	21/04508/MOA	W/24/3345435	Land west of Leighton Buzzard Road, Hemel Hempstead	tbc

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 01 April 2024 and 31 May 2024.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 01 April 2024 and 31 May 2024.

None.