

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/00175/RET	W/24/3345676	Hicks Road, Markyate	Written Representations
2	23/01713/FUL	W/24/3345753	118 Hempstead Road, Kings Langley	Written Representations
3	24/00394/ADV	Z/24/3345830	Berkhamsted Golf Club, The Common, Berkhamsted	Written Representations
4	23/02640/FUL	W/24/3346139	Bag End, Hogpits Bottom, Flaunden	Written Representations
5	24/00462/RET	Z/24/3346204	M&S, Unit 1, 300 High Street, Berkhamsted	Written Representations
6	23/02646/FUL	W/24/3346304	Land to west of Astrope House, Astrope Lane, Astrope	Written Representations
7	24/00515/RET	D/24/3347024	The Farriers, River Hill, Flamstead	Householder
8	24/00684/FHA	D/24/3347160	Lower Farm End, Luton Road, Markyate	Householder
9	24/00655/RET	D/24/3347197	21 Hedgeside, Potten End	Householder
10	23/01616/FUL	W/24/3347446	Aurora Hair And Beauty, 72 London Road, Hemel Hempstead	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03491/FUL	W/23/3322549	Land Adj to Rose Cottage, River Hill, Flamstead	Written Representations
	Date of Decision:		04/06/2024	
	Link to full decision:			
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322549	
	Inspector's Key conclusions:			
	The development proposed is to replace double garage block and viewing deck over with a single bedroomed split level studio, viewing deck area and			

single garage.

Paragraph 154g) of the Framework allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The main parties are in agreement that the appeal site represents previously developed land and I find no reason to take a different view.

The proposed development would be notably larger than the existing building and be much bulkier in its appearance. It would have a greater footprint, be closer in part to River Hill, it would be wider, and its central section would be considerably higher than the height of the existing built form. In views taken from the adjacent allotments, from the adjacent public footpath, from the garden of Rose Cottage and from River Hill itself the difference in scale between what exists and what is proposed would be readily appreciable.

Whilst existing landscaping provides screening from some views and the differences in scale would be less perceptible in longer views, there would nonetheless be a clear impact on openness when seen from the areas I have identified. The impact on the openness of the Green Belt resulting from the proposed development would not be the same or less than the impact that arises at the present time, it would instead be greater in both a spatial and visual sense.

In conclusion, the proposal would not fall into the exception listed at paragraph 154g) of the Framework, and it would be inappropriate development in the Green Belt.

The appeal proposal would be a building of a modern appearance, incorporating flat roofs and the use of timber cladding on its external elevations. It would occupy most of the appeal site, having a significant width and visual bulk in comparison to such a constrained site. Timber cladding is not a facing material used so extensively in the surrounding area and it would appear visually at odds with its surroundings. There would be an absence of any notable fenestration or detailing on the front elevation of the proposed dwelling which along with its bulk would result in an uncharacteristic and incongruous building. The screening to the roof terrace would be a dominant visual feature which too would be out of keeping in the locality. For these reasons, I conclude that the proposed development would cause harm to the setting of the Conservation Area.

I find that no harm would result with respect to future occupiers.

Due to the position of the proposed roof terrace and its elevated height there would be the clear opportunity for intrusive overlooking to occur from it onto the garden area of the adjacent dwelling, resulting in harm to the living conditions of the occupiers of Rose Cottage. That said, the appellant suggests that high screening could be installed around the proposed roof terrace to

prevent overlooking from it. Whilst this would elevate the height of the building adjacent to the boundary with Rose Cottage, it would be far enough away from the adjacent property and not of such a height to cause harm from a loss of light or from its massing. Such screening could be secured by way of a planning condition, and this would ensure that the proposal would accord with Policy CS12 of the CS where it seeks to avoid loss of privacy to surrounding properties.

There therefore remains a possibility that if bats were present and utilising the building as a roost, a bat mitigation license might be needed. Natural England advice is clear that before granting planning permission a decision maker must be confident that a license would be issued, which is subject to three legal tests being passed. It would not therefore be possible to address this matter by way of a planning condition.

The proposed development would fail to accord with Policies CS6, CS26, CS27 and CS29 of the CS and therefore with the development plan taken as a whole. Whilst there would be benefits arising from the provision of new housing, including self-build housing, and from a reduction in overlooking onto Rose Cottage, these do not outweigh the harm that would result to the Green Belt, to the setting of the CA and in terms of the ecological matters relating to protected species and habits. The material considerations outlined do not therefore indicate that a decision should be made otherwise than in accordance with the development plan.

The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. It would also cause harm to the setting of the CA, which given that the harm would be localised would be less than substantial. In accordance with paragraph 208 of the Framework, the harm to the designated heritage asset should be weighed against the public benefits of the proposal.

Of the considerations outlined by the appellant, it is those related directly to the provision of the new dwelling which would be public benefits. These would be public benefits of a collective substantial weight. There would be no public benefit from removing an unsightly building and replacing it with one that would equally cause visual harm. Balanced against these public benefits, the harm that I have found would arise to the designated area is a matter to which I afford significant weight. I find that the public benefits do not outweigh the harm to the CA that would result.

Whilst there are a number of considerations which weigh in favour of the proposal, including those relating to the provision of a new dwelling which taken together I have afforded substantial weight, I find that collectively and individually the other considerations put forward in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	23/00307/FHA	D/23/3327777	54 Nettleden Road, Little Gaddesden	Written Representations
	Date of Decision:		17/06/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327777			
	Inspector's Key conclusions:			
<p>The works proposed are described as a single storey extension including works in curtilage of listed building; new windows, pantry, wine cellar and potting shed.</p> <p>The main issues are whether the proposal would preserve the Grade II listed building known as "54" (Ref: 1100429) (No 54), and any features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Little Gaddesden Conservation Area (CA).</p> <p>For the purposes of this appeal, the significance of No 54 primarily derives from its historic and architectural interest. The building's age, surviving historic fabric, vernacular form and design utilising traditional construction techniques and materials, all make important contributions in these regards.</p> <p>I am satisfied that the proposed installation of a lightweight glazed Crittal screen in the existing hall could be achieved without harm to the historic fabric of the building. Therefore, this would have a neutral effect on the significance of the listed building.</p> <p>The proposed replacement windows on the main house are said to relate to those on the elevation facing the Green, the dormers on the elevation facing the garden, the kitchen windows and the single glazed lounge window which looks out onto the patio. The replacement windows are described as like for like with the spacer detail to match the window frame, although slimline double glazing is proposed in place of single glazed units. In any event, very limited information is before me to enable a sufficiently detailed assessment of their impact on the building's heritage significance. On the evidence before me, the proposed replacement windows have the potential to diminish the building's architectural value, resulting in harm to the significance of the listed building.</p> <p>The proposed extension incorporating the wine cellar would not affect the historic fabric of the listed building, being attached to the 1990's cross-wing extension. Moreover, the proposed use of extensive glazing for its walls would enable the fabric of the cross-wing extension to remain visible. Contemporary design and building forms can work well juxtaposed with historic buildings. However, the proposed flat roof line would sit uncomfortably with the pitched roofs of No 54, cutting across the gable end and obscuring visibility of its eaves on one side.</p> <p>Furthermore, in wrapping around the cross-wing extension, the proposed building line would project much further into the garden than the cross-wing extension. As such, although set back from the building line of the annex and</p>				

garage, and even with fully glazed elevations, the proposal would dominate in views from its garden, relative to the historic timber framed element of the building.

In addition, the dimensions of the proposed chimney on the single storey extension would be comparatively wide and squat relative to the taller, slimmer chimneys on the existing building. Also, the proposed grey brick colour of this chimney would appear stark, being a colour not notable elsewhere on the appeal building, further drawing the eye as an incongruous modern feature. Moreover, the groundfloor windows and door on the cross-wing gable elevation would be replaced with patio doors, positioned off-centre. This would further emphasise this as a discordant feature and would disrupt the simplicity of the existing, symmetrical gable.

As such, the proposed extension would hinder the ability to appreciate the historic and architectural features of the existing building. Furthermore, it would appear more intrusive than the existing conservatory which has a discreet footprint and profile when viewed from the garden of No 54. Therefore, I conclude that the proposed extension would not preserve this asset in a manner appropriate to its significance. Also, that the proposed replacement windows have the potential to add to this harm.

Given the extent and nature of the works proposed, the degree of harm would be less than substantial. In these circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that even the less than substantial harm to a designated heritage asset carries. In light of the foregoing, the proposed works would fail to preserve the special architectural and historic interest of the Grade II listed building (No 54). As such, it would fail to satisfy the requirements of the Act.

Despite the harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be readily visible from public or private domains. Under such circumstances case law¹ has established that proposals must be judged according to their effect on the CA as a whole and therefore must have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and would thus preserve its significance.

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	23/00308/LBC	Y/23/3327780	54 Nettleden Road, Little Gaddesden	Written Representations
	Date of Decision:		17/06/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327780			
	Inspector's Key conclusions:			

(See above summary – Inspector’s Decision letter combined decision on planning application and listed building consent).
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01525/FUL	W/23/3332531	158 High Street, Berkhamsted	Written Representations
	Date of Decision:		26/06/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332531			
	Inspector’s Key conclusions:			
	<p>The development proposed is described in the application form as “removal of vertical glazing bar from Water Lane shopfront”.</p> <p>The building as existing is relatively modern but it has been designed to be in keeping with its surroundings in the Conservation Area, making use of traditional forms and materials. It is a two-storey structure, with a pitched roof that has a hipped end towards Water Lane. The building is primarily constructed of brickwork, especially above the ground floor, but much of the ground floor elevations to the High Street and Water Lane has been finished with a timbered shopfront design that incorporates classical architectural features.</p> <p>Notwithstanding the design approach, the existing building has large windows on the entrance elevation, facing the High Street, and a large window in the end elevation, facing Water Lane. The window in the end elevation is set within a classical architectural surround and the glazed area is currently divided in two by a vertical glazing bar (or “mullion”) that is part of the wooden window frame. The building is prominent in the townscape, due to its position facing the wider part of the High Street, but it is not out of place.</p> <p>It is now proposed to remove the vertical glazing bar, to create a single window pane in this end elevation.</p> <p>The proposal to remove the existing central glazing bar in the end window of the appeal building would have only a very limited impact on the appearance of the building itself or on the wider streetscene. A larger window would be created in this elevation but it would not be dissimilar to others nearby, including the larger window that is to be seen in the main elevation of the appeal building.</p> <p>The architectural design of the existing building and the details of the shopfront elevations are in harmony with the surroundings, while the colour scheme for the shopfronts enhances the overall concept. The removal of the central</p>			

	<p>glazing bar would not detract from the overall quality of the building in the Conservation Area, in my view, and I am not persuaded that any material harm to the character or appearance of the Conservation Area would ensue. Nor would the scheme materially affect the setting of nearby listed buildings.</p> <p>The proposed alteration would have only a minimal effect on the usefulness of the building and I am not persuaded that there would be a significant benefit deriving from the scheme. Nevertheless, I have concluded that the project would not have a materially harmful effect on the character and appearance of the host building and its surroundings in the Berkhamsted Conservation Area and that, therefore, it can properly be permitted.</p>
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6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/02481/FUL	W/24/3340758	Downlands, Icknield Way, Tring	Written Representations
	Date of Decision:		24/06/2024	

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00027/NAP	C/24/3345662	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
2	E/21/00256/NPP	C/24/3347853	Conifers, Rucklers Lane, Kings Langley	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 June 2024 and 14 July 2024.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 June 2024 and 14 July 2024.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 June 2024 and 14 July 2024.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 14 July 2024).

APPEALS LODGED IN 2024	
PLANNING APPEALS LODGED	45
ENFORCEMENT APPEALS LODGED	2
TOTAL APPEALS LODGED	47

APPEALS DECIDED IN 2024 (excl. invalid appeals)	TOTAL	%
TOTAL	34	100
APPEALS DISMISSED	21	61.8
APPEALS ALLOWED	10	29.4
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	3	8.8

	TOTAL	%
APPEALS DISMISSED IN 2024		
Total	21	100
Non-determination	1	4.8
Delegated	18	85.7
DMC decision with Officer recommendation	1	4.8
DMC decision contrary to Officer recommendation	1	4.8

APPEALS ALLOWED IN 2024	TOTAL	%
Total	10	100
Non-determination	1	10
Delegated	8	80
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	10

6.10 UPCOMING HEARINGS

None.

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	15.10.24

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 01 June 2024 and 14 July 2024.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 01 June 2024 and 14 July 2024.

None.