

6. APPEALS UPDATE

A. LODGED

4/01050/16/ENA

APPEAL AGAINST ENFORCEMENT NOTICE - REMOVAL OF LOG CABIN
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE, TRING, HP23 5QE
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA

MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01489/15/FUL

MR M CANNON
STUDIO FLAT
LAND ADJ STRONGS PRINTING SERVICES, BANK MILL LANE, BERKHAMSTED, HP4 2NT
[View online application](#)

The main issues are the effect of the proposal on the Berkhamsted Conservation Area and highway safety.

The pattern of development (wide plots which are well spaced) to this side of bank Mill lane is locally distinctive and contributes positively to the character and appearance of the area. In contrast to the adjoining plots, the appeal site is narrow and as a result the proposed development would be smaller with a narrower frontage. The layout would have a cramped appearance, and the scale and form would be at odds with the prevailing pattern. Whilst the front and rear walls would align with the house to the east, it would be clearly visible in the Bank Mill Lane street scene as well as from the

Canal towpath. The proposal would have a harmful effect on the character and appearance of the Conservation Area.

The reason for refusal also cites CS10, CS13 and LP Policy 111 but there is no substantive evidence to indicate that the proposal would be unacceptable in either of these regards.

The proposal includes a single parking space. There is no footpath along the front of the site, and on both sides, the neighbouring properties boundary fences are at least 1m high and extend up to the highway. In the case of either parking layout, visibility would be constrained. Whilst the appellant refers to a consultation response from highways, the response is based on a plan which was not included within the appeal submission. As such it is given little weight. Neither party provided dimensions of the visibility splays that may be applicable to the site access. Moreover the appeal submissions do not include drawings demonstrating the visibility achievable. Having regard to the physical constraints on site, it has not been adequately demonstrated that the proposal would not pose a risk to highway safety. the proposal thus conflicts with CS 8 and CS12 and LP Policy 58 to the extent that they require proposals to provide safe and satisfactory access and parking.

Despite pre-application advice and the suggestion that the site should be considered as part of the redevelopment of the adjoining Strongs printers lane, a proposal for a more comprehensive form of development does not form the appeal proposal.

It is recognised that the proposal did not receive local objections, would meet relevant Housing Building Council design standards and create an additional housing unit, nevertheless there is nothing to suggest that the council is unable to demonstrate a 5 year supply of deliverable housing land and the absence of objections does not amount to a benefit weighing in favour of the proposal. The modest contribution made by the proposal would be outweighed by the concerns set out above.

4/02312/15/FUL

Mr K Pritchard
REPLACEMENT DWELLING
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
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The Inspectorate considered that the main consideration was whether the replacement dwelling constituted inappropriate development in the Green Belt and if so whether there were any 'very special circumstances' to outweigh the harm. The Inspector considered that the difference in area between the original bungalow and the proposed dwelling was clearly vast (in excess of 5 times the size) and beyond the increase envisaged by either the NPPF or the Council's Local Plan. As such the Inspector considered that there was no doubt that the development would constitute inappropriate development in the Green Belt and, in addition to the harm caused by inappropriateness, must be added the harm arising from the loss of openness that would result from replacing the original dwelling (and the floorspace of the garage now demolished) with such a large building. The Inspector considered that was no very special circumstances to outweigh the harm by reason of inappropriate development and loss of openness, giving regard to the fall-back position of permitted development extensions. The appeal was dismissed.

4/02967/15/FUL

Mr Sellick
ONE BED DWELLING WITH ASSOCIATED CAR PARKING SPACE
(AMENDED SCHEME)
76 ST ALBANS ROAD, HEMEL HEMPSTEAD, HP2 4BA
[View online application](#)

F. ALLOWED

4/02616/15/FUL CARDTRONICS UK LTD - MS L WOLSTENCROFT
PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS
INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF
ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH
WITHDRAWALS'
99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG
[View online application](#)

The main issue in the consideration of this appeal is the impact of the proposed ATM on pedestrian safety.

99 High Street is a listed building set within the Conservation Area, listed building consent for the works has already been granted. It is concluded therefore that the works would satisfy the heritage requirements of the NPPF.

The ATM would be accessed via a very narrow pavement. In the vicinity of the appeal premises there is parallel parking on-street, this has the effect of reducing the road to a single carriageway. The footpath opposite, which serves the convenience store is wider and allows better pedestrian movements. Whilst pedestrians passing each other may have to step off the pavement to allow others to pass, this is generally into the area between parked cars and not into the carriageway itself.

It is agreed that this is not an ideal location for an ATM, however it is ideally located at the centre of the village. Whilst its use may result in some additional inconvenience to pavement users, it is not likely to significantly alter safety concerns associated with this narrow pavement. It may encourage drivers to stop but this would not result in material changes with regard to the operation of the highway itself.

Whilst the concerns raised by the council, parish council and a number of local residents have been considered, considerable weight has been given to the view of the highway authority who do not object.

Overall, it is concluded that the proposal would not result in significant changes to either pedestrian or highway safety.

4/02694/15/LDP MR K PRITCHARD
SINGLE STOREY SIDE AND REAR EXTENSIONS AND CONSTRUCTION OF
4 DETACHED OUTBUILDINGS
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

The Inspectorate determined this appeal as a split decision, insofar, agreed that the Class A extensions constituted permitted development, however he dismissed the appeal for the Class E outbuilding, which was the part of the proposal that the Council refused permission for. The Inspector considered that the amount and extent of facilities proposed goes far beyond what could be viewed as reasonably required for purposes incidental to the enjoyment of the dwellinghouse as such, and certainly the appellant has not proved to the contrary.