

6. APPEALS

A. LODGED

4/00274/15/FHA Mr Goldthorpe
FRONT & REAR DORMER WINDOWS
3 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS
[View online application](#)

4/03188/14/FHA Dr R Green
LOFT CONVERSION WITH TWO FRONT DORMERS, ONE
REAR VELUX ROOF LIGHT AND GABLE END WINDOWS
65 SHELDON WAY, BERKHAMSTED, HP4 1FG
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

4/00900/14/ENA WEBB

APPEAL AGAINST ENFORCEMENT NOTICE: A MATERIAL CHANGE IN USE OF THE LAND FROM AGRICULTURAL LAND TO LAND FOR THE STORAGE OF PORTACABINS.

LAND AT BOVINGDON AIRFIELD, BERRY FARM, WHELPLEY HILL, CHESHAM, HP5 3RW

[View online application](#)

The Council served an Enforcement Notice to seek the removal of portacabins from the site. The Council considered that these portacabins had been brought onto the land for the purpose of renovating the listed farmhouse and that as no works had taken place for a long period that the land was now being used to store portacabins. The appellant argued that the portacabins were ancillary to the lawful agricultural / aviation use of the land. The Inspector allowed the appeal and quashed the enforcement notice.

Firstly, the Inspector felt that the Council had too tightly defined the land covered by the notice and had lost sight of the need to consider the use of the planning unit. Furthermore, as the arguments put forward by both parties related to the use of the portacabins the Notice needed to state a specific use rather than the storage use alleged in the Notice. The Inspector did not reach a decision as to which parties version of events he preferred - indeed he stated that this could not be done without hearing oral evidence at a local Inquiry. As such he felt unable to correct the Notice without causing injustice.

Secondly, the Inspector considered the larger of the two portcabins to constitute a building as it was attached to the ground by its own weight (its removal would require specialist lifting gear) and because, due to the use it is put, it is intended to be permanently placed in the position (The Inspector also applied this second point to the smaller portacabin). As such the Notice is incorrect in alleging only a material change of use as the breach of planning control.

The Inspector dismissed the appellant's application for Costs against the Council as the Council was not wrong to direct the notice at part only of the planning unit and the conclusion that one of the portacabins is a building is a matter of judgement and the Council was entitled to hold the view that the portacabins are not buildings.

4/03618/14/FHA MR AND MRS P RANDALL

FIRST FLOOR FRONT, SIDE AND REAR EXTENSIONS. TWO

STOREY REAR EXTENSION. FIRST FLOOR
ACCESS/BALCONY TO REAR, CONVERSION OF GARAGE
SPACE TO HABITABLE ROOM. SINGLE STOREY FRONT
EXTENSION AND PORCH, REMOVAL OF CHIMNEY TO MAIN
ROOF. ALTERATIONS TO OPENINGS (WINDOWS AND
DOORS), ADDITION OF SKYLIGHT TO MAIN ROOF. CHANGE
OF ROOF TILES
122 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RL
[View online application](#)

Inspectors Main Issues

The main issues are (i) the effect of the alterations and extensions on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of No. 120 Pickford Road as regards daylight and sunlight.

Reasons

Character and Appearance

I saw on my visit that because 'Frindles' to the west has a separate access and is positioned well into its site with substantial boundary screening, No. 122 is effectively an end property in this part of Pickford Road. It is also set back slightly from No. 120 and well screened by trees in the front garden.

The combination of these factors results in the property not being read as having a particularly close visual integration with the street scene of this part of Pickford Road, where in any event the adjoining properties have been substantially extended at their front and sides. This is particularly so in the case of No. 120 which appears to have originally been a similar design to No. 122.

With these points in mind I see no objection to the additions and the different design proposed, especially as 'Timbers' on the opposite side of Pickford Road is of very similar appearance and therefore indicates the acceptability of the principle of this type of design. Paragraph 60 of the National Planning Policy Framework 2012 ('the Framework') states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes*'. Having regard to my observations on the street scene and that in my view the altered building would be an improvement on the existing house and a better balanced architectural composition than the extended houses nearby, I consider that a refusal of permission would be contrary to that guidance.

On this issue, I therefore conclude that the appeal scheme would not have an adverse effect on the character and appearance of the area in harmful conflict with Policy CS12 of the Dacorum Core Strategy 2006-2031 adopted in 2013; the advice within Appendix 7 of the saved Dacorum Borough Local Plan 1991-2011 adopted in 2004, and Section 7: 'Requiring Good Design' of the Framework. I have used the term 'harmful conflict' in this case because although I acknowledge that there is some technical conflict with Appendix 7, the circumstances are such that the proposal would not have an adverse effect.

Living Conditions

The Council's concern on this issue is that the two storey extension would result in a material loss of light to the patio and the rear patio doors serving the lounge of No. 120. The dispute here focuses on the encroachment of the two storey extension on the 45 degree line drawn from the rear elevation of No. 120. However from the evidence before me I am not sure whether that line has been drawn to start from the most appropriate point, which in my view would be a quarter or half way across the nearest significant opening, depending on the particular circumstances.

Be that as it may, the proposed block plan shows the first floor extension would be only in slight conflict with the 45 degree line and the design of the proposed roof is such that it would slope away from No. 120. The appellant also says that the occupier of that property prefers this scheme to the approved scheme negotiated with the Council. Although the neighbour does not confirm this in writing, it is reasonable to give weight in the appeal to the absence of any objection to the current proposal from that source.

On balance on this issue I do not find that any adverse effect on the living conditions for the occupiers of No. 120 in terms of daylight and sunlight as a result of the proposal would be so significant as to be in conflict with Policy CS12(c) of the Core Strategy and the core planning principles of the Framework.

Conclusion

As I have found that the proposal would be acceptable on both main issues I shall allow the appeal Appeal Decision APP/A1910/D/15/3005610