

6A. APPEALS LODGED

- 4/00086/17/ENA MR & MRS K DOLLMAN
APPEAL AGAINST ENFORCEMENT NOTICE - RETENTION OF AMENITY
LAND AS RESIDENTIAL GARDEN
1 CHEVERELLS CLOSE, MARKYATE, ST ALBANS, AL3 8RJ
[View online application](#)
- 4/01641/16/FUL Banister c/o Agent
EQUINE REPRODUCTION AND REHABILITATION CENTRE - COMPRISING
A MAIN BUILDING ; BARN ; OFFICE ; HORSE BOXES ; STAFF AREA;
STORAGE BARN ; QUARANTINE BARN AND MENAGE.
LAND AT (ADJ HARESFOOT FARM), HARESFOOT PARK, CHESHAM
ROAD, BERKHAMSTED, HP4 2SU
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- 4/02205/16/FUL Williams
PART DEMOLITION OF EXISTING STORE AND GARAGE, EXTENSION
AND SUBDIVISION OF EXISTING DWELLING FORMING LINKED NEW
DWELLING. ALTERATIONS TO LANDSCAPING PARKING AND
CROSSOVERS
24 NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED,
HP4 1NU
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B. WITHDRAWN

- 4/00759/16/MFA B&M Care
PROPOSED REAR EXTENSION TO PROVIDE AN ADDITIONAL 21
BEDROOMS AND A NEW GP DOCTOR'S SURGERY
32 HIGH STREET, KINGS LANGLEY, WD4 8AA
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C. FORTHCOMING INQUIRIES

- 4/02321/16/ENA Eames
APPEAL AGAINST ENFORCEMENT NOTICE - CHANGE OF USE OF BARN
FOR VEHICLE STORAGE AND CREATION OF HARDSTANDING
PIGGERY FARM, HAMBERLINS LANE, NORTHCHURCH, BERKHAMSTED,
HP4 3TD
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D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00562/16/LBC

Mr & Mrs Pritchard
SINGLE STOREY REAR EXTENSION, REPLACEMENT WINDOWS AND
INTERNAL ALTERATIONS

OCTOBER COTTAGE, ROMAN ROAD, NETTLEDEN, HEMEL HEMPSTEAD,
HP1 3DQ

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The appeal is dismissed. There is no disagreement with regard to the proposed replacement of the external timber cladding and windows. Consequently the main issue is whether the proposed single storey rear extension and internal alterations would preserve a listed building and would preserve or enhance the character or appearance of the Nettleden Conservation Area.

The Inspector concludes that the extension would project beyond the rear elevation of the historic cottage, and also above the sills of the first floor windows, thereby creating an awkward relationship with both the existing extensions and with the historic host. This harm would be exaggerated by the continuation of the extension around the side of the house. The complexity of the form of the extension would be unacceptably different to the simple, traditional rear elevations of the host building and the other cottages in the terrace.

This harm would be exaggerated by the provision of a crown roof. Along with the fenestration pattern, the extension would be very different to the style of the cottages of the terrace and also to that of the existing extensions. Whilst the large areas of glazing separated by oak timbers would have a light-weight appearance, the substantial width of the proposal and the repeated glazing pattern would be an unacceptable contrast to the void / walls ratios of the historic buildings and also to that of the modern extensions to October Cottage. The introduction of these differences would be a harmful contrast to the plain and modest appearance of the cottages, and would thereby erode the historic character and appearance of the conservation area.

For the reasons given the proposed extension would unacceptably harm the special interest and the settings of a listed terrace, nor would it preserve or enhance the character or appearance of a conservation area.

4/02048/16/MOA

E. J. WATERHOUSE AND SONS
PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED HOUSES AND
REUSE OF APPROVED ACCESS ROAD
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA

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The appeal was dismissed on grounds that the proposal would result in a dominant urban development that would not relate to its context. The Inspector noted that properties on Sunnyhill Road have noticeably long rear gardens whilst the allotments and recreational ground beyond the western boundary of the site are generally open with the absence of significant built development and the area has a generally open and verdant character. He noted that the density guidelines within the character area relate to an area wider than the appeal site's context and assessing the scheme's impact on the character and appearance of the area purely on density would ignore other site specific factors.

Despite replacement soft landscaping, he considered that there would still be extensive hard surfacing in the proposed development due to the restrictive space between the highway and the dwellings. There would also be limited space along the western boundary between the dwellings at first floor level to allow the backdrop of the allotments and wooded hillside to feature in the new street scene and, furthermore, the layout of the dwellings would give rise to an overly regimented and repetitive pattern of development, out of keeping with the more varied siting and design of dwellings in the area. Even with a possible low pitched

roof, the siting of a triple garage at the end of the access road would also result in a 'closed-in' urban feel to the development because of its size and extent of car parking in front. The proposal would therefore be an overdevelopment.

Whilst the Inspector noted the reductions in site coverage and floorspace compared to the earlier dismissed scheme for 25 dwellings, the increased distance from the western boundary, the additional car parking provision and the greater scope for landscaping, nevertheless he considered the appeal proposal overly urban in design and detrimental to its context for the reasons indicated. In the round, the proposal would be contrary to the development plan and would not be outweighed by the affordable housing contribution which would be small because of viability issues as a result of abnormal construction costs. The Inspector therefore considered it would not be sustainable and that there are no other identified material considerations to outweigh the development plan conflict identified.

F. ALLOWED (PARTIAL)

4/02360/16/ENA MR MUBASHAR HUSSAIN
APPEAL AGAINST ENFORCEMENT NOTICE
17 TANNSFIELD DRIVE, HEMEL HEMPSTEAD, HP2 5LG
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The Council served an Enforcement Notice in relation to the creation of a second dwelling (instead of the two-storey side extension approved), the raising of the roof, the construction of a large rear dormer and the external rendering of the property. Overall, the Inspector dismissed the appeal in respect of the creation of the second dwelling (and therefore requires the internal layout of the property to return to that approved for the two-storey side extension) and the rear dormer (requiring its removal). Conversely, the Inspector allowed the raising of the roof and the external rendering to remain.

Now looking at each ground of appeal in turn. Firstly, in respect of the ground (b) appeal the Inspector concluded that the alleged change of use to two dwellings had occurred as a matter of fact. The Inspector noted that the two-storey extension contained all the necessary facilities for everyday living, as well as its own staircase to the first floor. Furthermore there were no interconnecting doors or internal access between the extension and the original dwelling. The Inspector concluded that in terms of the physical layout of the development there appeared to be two separate dwellings in a semi-detached arrangement. The Inspector also agreed with the Council regarding the nature of the use, concluding that occupation by family members, in itself, would not amount to an ancillary use. The Inspector found little evidence of a functional link between the extension and the original house. The fact that the extension does not have its own separate amenity area, parking area or separate curtilage did not alter the Inspector's conclusion. Nor did the fact that the extension would share the postal address of the main dwelling and that utilities come from the original house, stating that these are matters that are not conclusive of a use that cannot be severed. The appeal on ground (b) failed.

In terms of the ground (c) appeal, that a breach of planning controls has not occurred, the Inspector quickly dismissed the appeal in respect of the operational dwelling and the material change of use to two dwellings. The Inspector also dismissed the appellant's argument in respect of the external rendering, stating as no planning permission was implemented, then the conditions allowing render, did not come into play. The Inspector, in any case, stated that a specific condition requiring matching materials (in this case to match the existing brickwork) took precedence over a more general condition requiring that works be carried out in accordance with the approved plans (in this case render). As such the ground (c) failed.

Moving now to the ground (a) appeal - 'the deemed planning application'. The Inspector agreed with the Council that there was inadequate parking and amenity space to provide for two dwellings. The Inspector also stated that the rear dormer window was a bulky, boxy and dominant feature in views along The Apple Orchard and therefore agreed with the Council that the dormer has a harmful effect on the character and appearance of the area. Conversely, the Inspector concluded that the raised eaves and ridge heights, and the use of external render (subject to a condition asking for details of the colour to be used) were acceptable in the context the roofscape and use of materials in the locality.

Finally, the Inspector dismissed the appellant's ground (f) 'lesser steps would overcome the harm' and ground (g) 'more time is needed to comply with the requirements' appeals.

