

A. LODGED

- 4/01275/14/FUL MR & MRS BANDY
CONSTRUCTION OF TWO-STOREY FOUR-BEDROOM DWELLING WITH
DETACHED GARAGE AND ANCILLARY WORKS
LAND ADJ. THE SPINNEY, CHIPPERFIELD ROAD, KINGS LANGLEY, WD4
9LY
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- 4/02067/13/FUL MR AND MRS C HENRY
DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF FOUR BED
DWELLING (AMENDED SCHEME)
WOODLAND VIEW, ROSSWAY, BERKHAMSTED, HP4 3UD
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B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

- 4/01388/14/FUL Mr T Senior
ERECTION OF BOUNDARY TREATMENT IN ACCORDANCE WITH
AGRICULTURAL USE
LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING RANGE,
BOURNE END LANE, HEMEL HEMPSTEAD, HP1
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E. DISMISSED

- 4/00881/14/FUL Chedgate Properties Ltd
DEMOLITION OF EXISTING OFFICE BUILDING AND CONSTRUCTION OF 4
X 2 BED AND 2 X 1 BED FLATS WITH ASSOCIATED CAR PARKING
17 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 5BS
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The Inspector considered that the proposed replacement building would be significantly greater in size, scale and height than existing and would result in a far more imposing and dominant feature in the street scene. This would be exacerbated by the overly elaborate elevational treatment facing the public car park. The Proposal would compete with the more traditional and attractive front section of the facade. Given the linear form and depth of the proposed building, and its assertive design, the

side elevation facing the car park would become the dominant facade, and this would undermine the presence of the elevation fronting Alexandra Road. Although noting the appellant's view that as the side elevation is highly visible across the car park, it must therefore be of equal importance, she reasoned that it is not a corner site where a return frontage would be expected. The Inspector concluded that the proposal would not respect the traditional pattern and form of buildings in the vicinity and would conflict with Policies CS11 and 12.

With regards to the living conditions of the adjacent properties, 3 and 3A Christchurch Road, which back onto one side of the site, the Inspector noted that these have relatively shallow rear gardens which are north facing. Whilst the proposed building would be shorter than existing, she considered that any benefit in reduced depth would be cancelled by the significant increase in height and bulk. The Inspector concluded that the proposal would result in an unduly oppressive outlook to the occupants of those properties and would also result in a material diminishment of light, contrary to Policy CS12.

On the matter of parking and highway safety, the proposal would not provide the 9 spaces required to accord with the Council's standards. However, the Inspector considered that as the site fell within a relatively central and sustainable location and saved Policy 58 allows parking to be omitted or reduced in areas in close proximity to facilities, services and passenger transport, which is reinforced by Policy CS8, the provision of one space per unit would be sufficient and would not result in any additional on-street parking.

4/01358/14/FUL EXIMIUS DEVELOPMENTS LTD
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO
STOREY SEMI-DETACHED PAIR AND DETACHED DWELLING TO PROVIDE
THREE THREE BEDROOM DWELLINGS AND ALTERATIONS TO EXISTING
VEHICLE CROSSOVERS.
THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DW
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The Inspector's view was that the pair of semi-detached dwellings with a gable roof would omit the visibility between dwellings and across the site, a feature which is prevalent in the street scene. The eaves line would be higher than adjacent properties and overall the extent of solid form across the site frontage would be harmful to the character and appearance of the CA.

The frontage would be dominated by car parking and such a layout would harm the character and appearance of the CA given the extent of unrelieved hard surfacing; where four parked cars would obscure the ground floor elevation of the dwellings.

Rear elevations would incorporate dominant three-storey projections within a garden of 8m in depth, together with the proximity of buildings to the side boundaries the proposal would appear cramped to the detriment of the character and appearance of the CA.

4/01901/14/ENA Raza
APPEAL AGAINST ENFORCEMENT NOTICE
54 AYCLIFFE DRIVE, HEMEL HEMPSTEAD, HP2 6DF
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This appeal was the second at this site relating to an unauthorised two-storey rear extension. Having lost the first Enforcement Notice appeal the homeowner modified the extension by bringing in the first floor of the extension 2 metres from the side boundaries. This led to the serving of a second Enforcement Notice. The homeowner appealed this Notice on the grounds that the modified two-storey rear extension did not require planning permission.

The Inspector dismissed this appeal and in reaching his conclusion agreed with both of the Council's arguments as to why planning permission was required. Firstly, as the first Enforcement Notice had not been complied with, it was not possible to amend the first floor of an extension on a ground floor that should have been demolished. Secondly, it was agreed that the two parts of the site's rear extension were built as one building operation. Therefore, when seen in its totality the two-storey extension was both within 2 metres of the side boundary and had an eaves in excess of 3 metres. Therefore, the rear extension did not comply with Class A.1(g) of the GPDO.

As a result the Enforcement Notice, requiring the two-storey extension to be demolished, has been upheld. This requirement must now been met within 3 months (i.e. by 15th April 2015).

F. ALLOWED

4/00435/14/ENA

MS C LEAHY

APPEAL AGAINST ENFORCEMENT NOTICE: MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR

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This appeal (of an Enforcement Notice) related to a use of part of Bovington Airfield for motor uses. The Inspector allowed the appeal and granted a two-year planning permission to allow time to assess the protection given by the noise measures to be put in place.

The Inspector agreed that the change of use of the land is inappropriate development in the Green Belt. In his argument balancing the considerations the Inspector concluded in the appellant's favour, thereby establishing the very special circumstances required to overcome the harm to the Green Belt by reason of inappropriateness and any other harm.

The Inspector found the historical use of the site for motor related uses (including the current police permission) in the appellant's favour, particularly when considering appropriately sized and sited facilities for sporting/recreational use. The Inspector concluded that some visual impact associated with the facilities has to be acceptable as sporting / recreational use is an acceptable use within the Green Belt. The Inspector also found in favour of the argument that the use makes good use of previously developed land and that there are substantial economic benefits accruing to the local area from the development. (Conversely the Inspector did not accept the appellant's arguments regarding a lack of suitable alternative locations).

The Inspector agreed with the Council that the use causes substantial harm to the openness and amenity of the Green Belt, as well causing unacceptable harm in terms of encroachment into the countryside and wider views into the surrounding area (due to the prominent location of the motor facilities in the middle of the site and their random spread across the site and their utilitarian and poor quality appearance). However, the Inspector felt that the track itself causes no harm to openness (as it already exists), cars using the track would have negligible impact on openness, and that the impact of the storage and facilities could be substantially reduced through careful consideration of their location.

The Inspector also agreed with the Council that noise levels were unacceptable (though he did note the masking effect of other noise sources in the locality). He states that it is both the loudness of the noise and its characteristics (squealing of tyres, engines revving) and repetitive nature that resulted in unacceptable harm to the living conditions of nearby residents.

Overall, the Inspector agreed with the Council that the current activities cause significant harm to the character and appearance of the area and results in unacceptable harm to the living conditions of nearby residents. However, on both counts the Inspector concluded that any harm could be controlled by condition. The Inspector also felt that any effect on the safety of users of surrounding footpaths could be controlled by condition (concluding that crash barriers used on motorways are generally low and not obtrusive).

As part of the decision the Inspector has put in place interim deadlines for the appellant and should these not be met then the planning permission ceases. These relate to the discharge of pre-commencement conditions (in particular the noise management plan and a storage plan) and their implementation.

The Council's Costs application for an award of Costs against the appellant is still awaiting a decision.