

## **A. LODGED**

4/01576/14/FUL MR S LIDDLE  
CHANGE OF USE OF OFFICES (B1) TO RESIDENTIAL (C3)  
67 HIGH STREET, HEMEL HEMPSTEAD, HP1 3AF  
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4/02306/14/LBC MR S LIDDLE  
CONVERSION OF THE BUILDING TO TWO APARTMENTS ON FLOORS  
ONE AND TWO PLUS A SELF CONTAINED RETAIL UNIT ON THE GROUND  
FLOOR TO INCLUDE THE BASEMENT AREA  
67 HIGH STREET, HEMEL HEMPSTEAD, HP1 3AF  
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## **B. WITHDRAWN**

None

## **C. FORTHCOMING INQUIRIES**

None

## **D. FORTHCOMING HEARINGS**

None

## **E. DISMISSED**

None

## **F. ALLOWED**

4/00262/14/MFA TAYLOR WIMPEY (UK) LTD  
NEW DEVELOPMENT TO PROVIDE 92 DWELLINGS TOGETHER WITH  
ACCESS FROM SHOOTERSWAY, ASSOCIATED HIGHWAY WORKS,  
FORMAL SPORTS PITCH PROVISION, SCHOOL DROP OFF AREA, CAR  
PARK, AMENITY SPACE AND LANDSCAPING.  
LAND AT JUNCTION OF DURRANTS LANE &, SHOOTERSWAY,  
BERKHAMSTED  
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### Summary of Inspectors findings

The appeal site includes part of a strategic housing site (SS1) in the Dacorum Core Strategy 2006-2031 (CS). The Council confirms that it wishes to remove its 1st, 2nd and 3rd refusal reasons (relating to comprehensive development, Green Belt policy and highway safety) and amend its 4th refusal reason to delete the references to amenity space and play areas. The proposed playing fields would be located on land within the Green Belt to the north-west of Durrants Lane. The Council's Policies Map identifies this area for a 'community playing field and additional open space to be provided alongside SS1'. As such, this element of the scheme would be consistent with the CS. Although disputed by the appellant, I share the Council's view that the proposed establishment of playing fields on what is presently agricultural land would amount to a material change of use. This is not identified as one of the exceptions to the definition of inappropriate development in the National Planning Policy Framework (the Framework). Nevertheless, the specific policy support for such a use in that location in a recently adopted Local Plan would in my view amount to a very special circumstance sufficient to clearly outweigh the harm by reason of inappropriateness and any other harm. Taking the above matters together, the main issue in this appeal is whether the scheme would provide a satisfactory layout

The appeal proposals include the development of a residential estate with a vehicle access from Shootersway. The Council's remaining concern is that this part of the scheme would fail to incorporate appropriate focal points. In particular, it refers to the following elements: the main vehicular entrance from Shootersway; the pedestrian access proposed on the western side of the housing area; the intended location of the vehicular link to phase 2 of the development (at the north of the site); and the proposed east-west pedestrian linkage within the site. The spacing of dwellings along the scheme's main circulation route and the degree of set-back from that route are also criticised. In summary, I do not accept the Council's criticisms. I share the view of its officers that the design and layout of the scheme is satisfactory. With reference to the appellant's design evidence, it is noted that the development would comprise a number of distinct character areas.

The main vehicular entrance (within a 'gateway' character area) would be defined by flanking dwellings (plots 1 and 73): plot 71, which would include a facing gable, would provide a central visual focus at that point. The retained woodland belt would provide a visually distinctive edge to the housing development (the 'suburban edge' character area) and would also provide a focal point on the footpath link from the west. Within the scheme itself, a number of distinctive dwellings would be sited so as to terminate views along particular stretches of road – for example at plots 8 and 79.

On the northern side of the housing area, the dwelling on plot 56 would provide a focal point when approaching the scheme from the proposed phase 2 area. However, this would not form a primary approach to the development and, as such, its role as a 'gateway' would be less significant than the above-noted approach from Shootersway. The intended use of a less visually distinctive dwelling type in this position than the plot 71 dwelling is therefore justified.

The proposed east-west pedestrian link within the site would provide necessary permeability. Adjoining dwellings, such as those on plots 65 and 66 would be oriented so as to provide passive surveillance of the route, while the gap between those two properties would clearly identify the walkway's junction with the main circulation route. The design of the plot 65 house, with a chimney and bay window close to the footway, would act as a further signal. The linear area of open space next to footpath would prevent the pedestrian route from appearing unduly confined, thereby adding to its attractiveness and usability.

In terms of the spacing and set-back distances of dwellings along the main circulation route, it seems to me that the resulting effect would be more varied than the Council suggests. The degree of separation between dwellings would not be uniform: gaps of varying sizes are proposed to accommodate garages, small cul-de-sacs off the main circulation route, gardens (for example in plots 13 and 72) and the above-noted pedestrian link. Much of the western side of the scheme would contain dwellings on only one side of the road, facing the woodland area opposite. Similarly, there would be a range of set-back distances from the circulation route. As already noted, some dwellings would be sited close to the road (such as plot 65), while others would be set-back some distance (such as plots 9-13). This would create an appropriate degree of variety, consistent with the area's wider character and appearance. I conclude that the appeal scheme would provide a satisfactory layout, in line with CS policy CS11.

Although not maintained as refusal reasons by the Council, other parties raise concerns about (1) whether the scheme would amount to an appropriately comprehensive form of development and (2) its effect on highway safety. In respect of the first matter, it is clear that – as already mentioned – the intended location of housing and open space reflects the requirements of the relevant CS allocation. The allocation is supported by a jointly prepared Framework Masterplan which formed part of the CS evidence base. The appeal scheme is broadly consistent with that masterplan, allowing (as already discussed) a linkage to be provided to an additional development area to the north. I have no reason to doubt that this policy context is sufficient to safeguard an appropriately comprehensive development scheme.

In respect of highway safety, I have seen no substantive technical evidence that would cause me to disagree with the findings of the appellant's Transport Assessment, which has assessed the transport implications of a larger scheme than the present proposal. Although derived from 2012 traffic counts, this has been adjusted for growth using recognised growth factors and an accepted modelling methodology. Traffic arising from other developments in the area has been accounted for,

and recommended improvement works, including at the Kings Road/Kingshill Way/ Shootersway junction, have been identified.

Provision for contributions towards off-site transport infrastructure have been made in a Section 106 agreement. The local highways authority does not object to the scheme on traffic impact or highway safety grounds and does not require a condition delaying commencement until the identified improvement works have taken place. I have no reason to take a different view.

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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This appeal was against the Council's imposition of Condition 2, which sought to distinguish a previous planning permission should the development granted under this application be implemented. The Inspector concluded that this condition was not necessary, reasonable or relevant to the development permitted. It therefore failed three of the six tests for conditions set out in the NPPF and the Planning Practice Guidance. In particular the Inspector noted that the condition was not necessary because agriculture is an acceptable use whilst the Council has granted permission for the dog day care activities. Therefore, it was unreasonable for the Council to force the appellant to choose which permission to implement. Furthermore, a dual use on the site, which was the Council's principal concern cannot proceed without a further application even if Condition 2 had not been imposed.

The Inspector refused the appellant's application for Costs against the Council. The Inspector considered the condition's intention (to protect the Green Belt and the countryside) was clear. He also understood that the Council's may have had concerns over a dual use on the site due to the appellant's use of the site and recent permissions and the uncertainty this had created. Finally the Inspector concluded that the Council was not seeking to stifle development on the site or was prejudiced in any way against the appellant (proved by the granting of four out of the five applications submitted by the appellant). As such the Inspector concluded that Council properly exercised its development management responsibilities in relation to the imposition of Condition 2 on planning permission 4/01388/14/FUL and that the actions of the Council did not amount to unreasonable behaviour.

4/02254/14/FHA      MR & MRS BONNER  
LOFT CONVERSION WITH FRONT AND REAR DORMERS, PORCH AND  
REPLACEMENT REAR EXTENSIONS  
33 WINGRAVE ROAD, TRING, HP23 5HE  
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Whilst the proposed rear dormer and first floor extension would enable the appellants to create useful additional accommodation, on balance and for the above reasons, I conclude that the appeal should be dismissed with regard to the proposed rear dormer and first floor extension. Also, it is evident that the appeal decision plans for the conversion of the loft space would not be possible without the construction of the proposed rear dormer. Therefore, as I am unable to separate this part of the proposed development, I dismiss the appeal in this respect. For the avoidance of doubt and in the interests of good planning, I impose a condition requiring the development to be carried out in accordance with the approved plans.