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					Ack. Your reference	
C.P.O.	T.C.P.M.	DP.	D.C.	B.C.	Admin.	File
					Our reference	
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26 JUL 1990					Date	
Comments					25 JUL 90	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MILL LODGE PROPERTIES

- I refer to this appeal, which I have been appointed to determine against the decision of the District Council of Dacorum to refuse to approve details reserved by the outline planning permission (No 4/0080/87) dated 6 May 1987 for residential development, roads and sewers on land off Gadebridge Lane, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on Thursday 7 June 1990.
- The appeal site is part of a larger area of land within which housing development has commenced. The scheme is in 2 discreet parts. Twenty one dwellings would be erected on land north of an area shown on the submitted plans as public open space. I shall refer to this element of the scheme as part A. Seventeen dwellings would be erected south of the same area of open space and this part of the scheme I shall call part B. Where appropriate I shall deal with each part of the scheme in turn.
- I note that plan no. N124/10/I shows access way widths which conform with local standards. The plan referred to in your letter of 2 May 1990 and forwarded after my inspection indicates that the kerb radii required by the Council could also be achieved; their provision could be covered by a suitably worded condition attached to any approval. I have considered the Council's reference to other shortcomings in highway design, but bearing in mind the advice contained in Planning Policy Guidance Note 13, I consider that the aspects of the scheme mentioned would not be likely to cause danger.
- From the representations made and from my inspection of the site and the surrounding area, I consider that the central issues in this case are first, whether the scheme would amount to over-development and, secondly, the effect of the scheme on the character and appearance of the area.
- The policy background is found in the Hertfordshire County Structure Plan 1986 Review and the Dacorum District Plan of 1984. Each plan indicates that importance is to be attached to the quality of the design of new areas of housing and of the resulting environment.
- On the first issue the Council says that the site could not accommodate the proposal with necessary amenities and vehicle parking facilities and maintains that the development would be excessive.
- The parking arrangements within part A of the scheme would be sufficient, in terms of the number of spaces, to meet the standards set out in the Council's interim

parking guidelines. Also, in my opinion, the spaces would be reasonably close to the houses which would be served by them. I accept your view that the allocation and identification of residents' and visitors' spaces, outside individual curtilages, could be covered by a condition attached to any approval of details.

8. There would be a large parking area, for 19 cars, within part A. I consider that this would be visually unattractive and would give rise to noise and general disturbance. However, I find that this consideration alone does not rule this part of the scheme out. The effects on those living in surrounding houses would be mitigated by the close boarded fencing around the parking area, while the wider impact of this car park would be small, given its location at the rear of the site, offset from the curved line of the access and surrounded by houses.

9. I see no reason to conclude that part A of the scheme would fail in any other way to provide residents with a reasonable level of amenity or adequate parking facilities. In the light of these observations I find that part A would not amount to over-development.

10. The number of parking spaces within part B of the scheme would fall slightly short of that required by the guidelines. I am not convinced that the guidelines are unreasonable and consider that the shortfall would at times be likely to result in congestion which would interfere with the free and safe movement of vehicles in this part of the site.

11. A number of parking spaces would be laid out directly in front of houses, some as little as 1-2 m from the front elevation. I consider that this arrangement fails to take account of the reasonable expectations of future residents in respect of amenity. Their outlook would be unpleasant and, for several, there would be noise and general disturbance in unreasonable proximity to their homes.

12. I share the Council's view that the large protected oak tree adjacent to the parking area referred to in paragraph 11 would be likely to be affected by the scheme. Tree surgery would probably be necessary, to raise the crown, and ground disturbance and changes in surfacing close by would affect its root system. The tree is an important feature of the site. I consider that its deterioration and/or loss would be likely and that this would harm the appearance of the sites and consequently the visual amenities of residents.

13. All this leads me to conclude that part B of the scheme would, unlike part A, amount to over-development.

14. I now turn to the second issue. My view is that housing will undoubtedly alter the existing open character and appearance common to the site and much of the land surrounding it. But, from what I saw, the emerging character of the housing already approved and under construction is reasonably spacious and respects certain existing features of the area, such as a number of protected trees.

15. The Council considers that the density of housing now proposed is too great and would harm the general character and spaciousness of the area. I note that there is no mention of density in the outline planning permission and the Council says that there is no objection in principle to the introduction of smaller units.

16. You suggest that spaciousness would be maintained because of the proximity of the scheme to the area of open space. I do not agree. I note that the open space is not a new feature, nor part of the scheme before me, but was required by the terms of the outline planning permission and is embodied in the details already approved. I consider it would have little effect on the character or appearance of this scheme because it would be cut off from both part A and part B by the houses which would stand along its north and south sides.

17. I consider that the appearance of development on both parts of the site would be more tightly knit than would have been the case had the previously approved details been implemented. Nevertheless, given the details of part A of the scheme which I have already discussed, I consider that the erection of 21 houses on this small section of the wider site would not harm the character and appearance of the area.

18. As to part B of the scheme, I find that the housing proposed there would be unduly cramped, since an inordinate amount of the site would be used for vehicle parking and manoeuvring. There would be little scope for landscaping of any scale. Also this part of the scheme would, in my view, have an adverse effect not only on the protected oak tree, mentioned in paragraph 12 above, but also on 2 others shown to be retained. My conclusion, is that part B would harm both the existing and emerging character and appearance of the surrounding area.

19. I have considered all the other matters raised but none is sufficient to alter the conclusions I have reached. Taken together, the objections to part B of the scheme are overriding, but there are no substantive reasons to withhold approval for part A of the scheme. As the 2 parts of the scheme are physically distinct and neither is dependent upon the other for its implementation, I shall issue a split decision.

20. The details submitted are not precise in respect of the materials to be used for walls or roofs, nor in respect of the landscaping shown on the plans. So these matters will be covered by suitably worded planning conditions.

21. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal in respect of the erection of 16 houses and 1 flat on plots 51-58 and 86-94 (inclusive).

22. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and approve the details for the erection of 21 houses on plots 59-73 and 80-85 (inclusive) in accordance with the terms of the application (No 4/1820/89) dated 2 November 1989 and the plans submitted therewith, as modified by drawing no. N124/10/I, subject to the following conditions:

1. no development shall take place until there has been submitted to and approved by the local planning authority a schedule of the wall and roofing materials to be used in the construction of all the buildings;
2. no development shall take place until details of the planting materials to be used in the landscaping shown on the plan have been submitted to and approved by the local planning authority and such details shall not include materials which would obstruct the sight lines shown on the approved plans;
3. no development shall take place until details have been submitted to and approved by the local planning authority of the manner in which the car parking spaces to be sited outside individual curtilages are to be allocated and identified;
4. kerb radii of 4.5 m shall be constructed in accordance with the details shown on the indicative sketch, enclosed with the letter from John Mowlem Homes to the Secretary of State dated 11 June 1990.

23. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A M Clemence.

A M CLEMENCE BA(Hons) DipTP MRTPI
Inspector