



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Received		-2 SEP 1994	
Comments			
T/APP		A1910/A/94/238327/P5	

Mr A E King BA(Hons) BPl MRTPI
Osborne Lodge
Wick Road
Wigginton
TRING
Herts
HP23 6HQ

Your Ref:

Our Ref:

Date:

1 SEP 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 322 AND
SCHEDULE 6
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
APPEAL BY MR B E CARRELL
APPLICATION FOR COSTS BY MR B E CARRELL

1. I refer to your application for an award of costs against the Dacorum Borough Council which was made at the hearing held at the Civic Centre, Hemel Hempstead on 16 August 1994. The hearing was in connection with an appeal by Mr B E Carrell against a refusal of planning permission on an application for the erection of a boundary wall and gates on land at Chipperfield House, Tower Hill, Chipperfield Herts. A copy of my appeal decision letter is enclosed.

2. In support of the application, you stated that you were very surprised by the Council's attitude to the proposals for the entrance gates in that they had not recognised the relevance to the significance of the house and had only considered the scheme in relation to the amorphous character of Tower Hill. You noted that when considering possible conditions the Council strongly supported a replica of the gates which were close to the house. The Council's attitude demonstrated that they failed to appreciate the quality of the design in relation to the overall setting and had not determined the application on the basis of sound planning grounds. The application should have been permitted and the refusal amounted to unreasonable behaviour that had resulted in the expense of the appeal.

3. In response, for the Dacorum Borough Council it was stated that the Council were fully aware of the details of the design and that Chipperfield House was one of the principal houses in the area. Indeed there had been discussions with the landscape architects who prepared the scheme, prior to submission. Subsequently after the refusal an offer had been made by the Council's officers to discuss an alternative design which might have overcome the need for the appeal, but

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this was not taken up. The decision on matters of design were in some respects a matter of opinion but in this case there were strict policy constraints concerning the Green Belt and the conservation area. There was also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be considered. It was not inconsistent to agree that if the development was to proceed that the gates should match those near the house. The Council did not consider that its behaviour had been unreasonable.

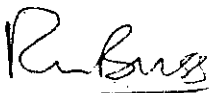
4. The application for costs falls to be determined in accordance with the advice contained in Circular 8/93 and all the relevant circumstances of the appeal, irrespective of its outcome, and costs may only be awarded against a party who has behaved unreasonably.

5. I consider that, although aesthetic judgements are to some extent subjective and authorities should not impose their taste on applicants simply because they believe it to be superior, the planning authority were in this case acting in accordance with policies to protect the visual amenities of the Green Belt and to preserve or enhance the conservation area. In my opinion the Council were entitled to give greater weight to the effect of the proposals on Tower Hill than to the appearance of the house and the reasons for refusal logically followed from their assessment of the impact of the scheme on the surroundings. The Council thus did not, I consider, behave unreasonably. I therefore conclude that your application for an award of costs is not justified.

FORMAL DECISION

6. For the above reasons, and in exercise of the powers transferred to me, I hereby refuse the application by Mr B E Carrell for an award of costs against the Dacorum Borough Council.

Yours faithfully

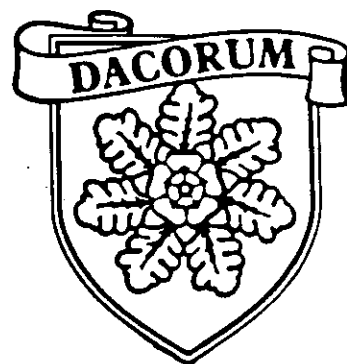


R M BUSS MSc DipTP RIBA MRTPI MIMgt
Inspector

ENC

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0083/94

Mr B E Carrell
Chipperfield House
Tower Hill
Chipperfield
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION

Chipperfield House, Tower Hill, Chipperfield, Herts

ERECTION OF BOUNDARY WALL & GATES

Your application for *full planning permission (householder)* dated 21.01.1994 and received on 24.01.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

A handwritten signature in black ink, appearing to read 'Whitmore', is written over the printed name of the Director of Planning.

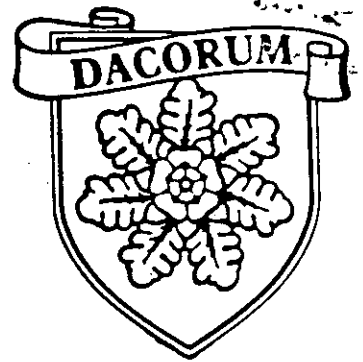
Director of Planning

Date of Decision: 16.03.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0083/94

Date of Decision: 16.03.1994



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan and the Dacorum Borough Local Plan Deposit Draft. Department of the Environment Planning Policy Guidance Note 2 states that the visual amenities of the Green Belt should not be injured by proposals for development which are inappropriate by reason of their siting, materials or design. The proposed boundary wall and gates are considered to be inappropriate developments, harmful to the interests of the Green Belt and detrimental to the character and appearance of this rural area.
2. The site is situated within Chipperfield Conservation Area. The proposed boundary walls and gates are incompatible with the property's rural setting and would have a detrimental effect on the general character and appearance of a designated Conservation Area contrary to the aims of Policy 109 of the Dacorum Borough Local Plan Deposit Draft.



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Mr A E King BA(Hons) BPl MRTPI
Osborne Lodge
Wick Road
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HP23 6HQ

Your Ref:

Our Ref:

T/APP/A1910/A/94/238327/P5

Date:

1 SEP 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR B E CARRELL
APPLICATION NO: 4/0083/94

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the erection of a boundary wall and gates on land at Chipperfield House, Tower Hill, Chipperfield, Herts. I conducted a hearing into the appeal on 16 August 1994. At the hearing, an application was made on behalf of your client for an award of costs against the Council. This is the subject of a separate letter.

2. From the representations made at the hearing and in writing and my inspection of the site and its surroundings, I have formed the view that the principal issues in this case are the impact of the proposed development, first, on the Green Belt and, second, on the Chipperfield Conservation Area within which the appeal site lies. In respect of the first matter, I have considered whether the proposed development would be appropriate development in the Green Belt and if not whether there are any very special circumstances sufficient to justify overriding the strong policy presumption against development in the Green Belt. In relation to the second matter, I have considered, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whether the proposed development would preserve or enhance the character or appearance of the conservation area.

3. Chipperfield House is a substantial country house, probably dating from early C19, within extensive parkland in rural surroundings. It lies to the north-west of the centre of Chipperfield village. The approach to the house is by means of a long curving drive which connects to Tower Hill, a Class C road that is subject to a 30 mph speed limit. At the entrance to the drive there are short lengths of curved painted fencing and gate posts. Either side of the fences and

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behind the highway verge and ditch there is a thick overgrown hedge and many trees. Close to the entrance there is a electricity sub-station enclosure. The entrance lies opposite Scatterdells Lane.

4. The house and its grounds, the village and the surrounding area are within the approved Metropolitan Green Belt. The older part of Chipperfield village, Chipperfield Common and land either side of Tower Hill including the appeal site are within the designated Chipperfield Conservation Area. The northern part of the conservation area, which differs from the centre of the village, is predominantly rural in appearance with a prevalent agricultural character. A particular feature of Tower Hill, within the conservation area, is the long lengths of roadside hedge with limited breaks for buildings and their entrances.

5. The approved structure plan and the adopted and emerging local plans contain policies for the Green Belt. These (Policies 1, 1 and 3 respectively) state generally that development other than for agriculture, forestry, recreation or other uses appropriate to a rural area will not normally be permitted. The latter policy does however also refer to very small scale building that is necessary to sustain an acceptable use being generally acceptable, provided that it has no harmful impact on the character, function and appearance of the Green Belt.

6. These development plan policies accord with the advice in Planning Policy Guidance Note No.2 (PPG2) which sets out the main purposes of Green Belt designation. The Note states that the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. It also states that the visual amenities of the Green Belt should not be injured by proposals for development which, although they would not prejudice the main purpose, might be inappropriate by reason of their siting, materials or design.

7. The structure plan also contains a policy (47) which seeks to protect and enhance the existing settlements and the essential character of the County's urban and rural areas. Policy 8 of the deposited local plan (as modified) provides criteria for new development generally and Policy 9 refers to the environmental guidelines which amplify these criteria. The guidelines include specific advice for development within conservation areas. In Policy 109 there are criteria for development within conservation areas. These include the requirement for any scheme to be of a scale or proportion which is sympathetic to the scale, form, height and overall character of the surrounding area. I have given the policies in the emerging local plan significant weight commensurate with the stage reached. Circular 8/87 advises that, in determining applications for development in conservation areas, in addition to taking into account formally adopted policies, special regard should be had to such matters as

bulk, height, materials, colour, vertical or horizontal emphasis and design.

8. You explained at the hearing that the present fencing at the entrance to Chipperfield House was probably not the original treatment and you do not consider that it reflected or matched the character of the house. The appellant wished to have an entrance that was sympathetic to and commensurate with scale of the estate and the house, which had recently been extensively renovated. There was also a need for greater security and to provide better screening to the sub-station.

9. The design, comprising a symmetrical arrangement of walls and piers, in a local brick, and wrought iron gates and railings, to match those gates close to the house, would, you contend, respect the character of the house and its setting and reflect its scale and quality. It was a carefully designed scheme incorporating discreet lighting and good materials. You described how the removal of a short amount of hedge, which had suffered damage, would not cause any harm to the surroundings. You explained that the Council's officers appeared to accept the principle that a brick wall and iron gates could be acceptable. In addition you referred to the opportunity for your client to erect a similar, albeit lower, form of walls and gates, without the need for express permission, within the grounds if permission was not forthcoming. Particular mention was made of the many large country houses which have impressive entrance gateways that are an established part of the rural scene and, in this context, especially to the frontage of the Manor House which was within the Chipperfield Conservation Area.

10. The Council considered that, as a form of entrance was ancillary to an existing use, a new boundary wall and fence, would not in principle be inappropriate development in the Green Belt. However it was considered that the grandiose style and height proposed would create an intrinsically urban feature which would be out of character with the open rural character of the area. The walls would appear as a jarring and alien feature, out of character with its surroundings. For these reasons the visual amenities of the Green Belt would be injured and thus the proposed boundary wall and gates would be inappropriate and harmful in the terms of paragraph 14 of PPG2. The Council also considered that the proposed walls and gates would be a prominent feature that was incompatible with the rural setting and this, coupled with the loss of vegetation, would have a detrimental effect on the character and appearance of the conservation area.

11. The present fencing at the entrance to Chipperfield House is clearly a low key feature that suits the rural section of Tower Hill in which it lies. It seems to me that this provides a modest identification of the entrance to the house, which is not itself visible from the road. I can therefore understand the desire for a clearer demarkation of the entrance and for sound gates to prevent unauthorised entry to the grounds for greater security. In my opinion, the

replacement of the existing entrance arrangements with a more substantial provision would not, in principle, be inappropriate development in the Green Belt.

12. The proposed walls and gates, which clearly have been designed with some care, would however bring about a marked change to the present rural appearance of this part of Tower Hill. The substantial length and height of the proposed walls and the overall design would, in my view, create a major interruption in the long line of hedgerow on the south-west side of Tower Hill, and add a significantly more urban feature to the surroundings. I consider, therefore, that, although a new form of entrance might not prejudice the main purpose of the Green Belt, the scale and design of the proposed entrance would be inappropriate as it would seriously injure the visual amenities.

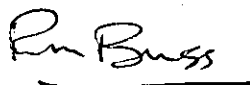
13. The effect of the proposed entrance on the character of the northern part of the conservation area would be similarly striking, in my opinion, as the appearance would contrast with the rural scene, adding a harmful discordant focal point along Tower Hill. The nature of the road would mean that the walls would be conspicuous and I consider that the proposed scheme would be contrary to the objectives of the relevant local plan policies. I have taken account of your observations concerning the Manor House, but the relationship between that house, the railings to the front and the highway are, I consider, very different from the proposals before me. I conclude that the character and appearance of the conservation area would not be preserved or enhanced.

14. I can fully understand the desire to replace the existing entrance and screen the sub-station and the need to improve security but I consider that the proposals would result in serious harm which could not be overcome by conditions, such as for additional planting. Furthermore I do not consider that the benefits of the proposed scheme provide compelling reasons that amount to very special circumstances sufficient to justify overriding the strong policy presumption against development in the Green Belt.

15. I have taken account of all the other matters raised at the hearing and in writing but none of these matters is of sufficient weight to alter the conclusions on which my decision is based.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



R M BUSS MSc DipTP RIBA MRTPI MIMgt
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA(Hons) - Chartered Town Planner
BPl MRTPI Osborne Lodge, Wick Road,
Wigginton, Tring, Herts.

Mr B E Carrell - The Appellant

Mrs M Carrell

FOR THE LOCAL PLANNING AUTHORITY

Mrs J Custance - Senior Planning Officer
BA(Hons) MRTPI Dacorum Borough Council

DOCUMENTS

- Document 1 - List of persons present at the Hearing.
- Document 2 - Letter of Notification and circulation list
- Document 3 - Letters received in response to 2 above
- Document 4 - Appendices to Mr King's Statement
- Document 5 - Appendices to the Council's Statement
- Document 6 - Plan showing adopted highway, Tower Hill, in vicinity of appeal site
- Document 7 - Report of appeal decision:
T/APP/C/89/J2210/7/P6 from JPL.
- Document 8 - Report of Simmonds and Others v S of S
for the Environment and Rochdale MDC
from JPL
- Document 9 - Extract from Council's Survey of Listed
Buildings 1992 in respect of the
railings, piers and gate at The Manor
House, Chipperfield
- Document 10 - Photocopy from old postcards of
Chipperfield House
- Document 11 - Extract from The Victoria History of
Hertfordshire 1908 relating to
Chipperfield

PLANS

- Plan A - Application Plan: Location Plan (No: 9312/5)
- Plan B - Application Plan: Site Survey (No: 9312/1)
- Plan C - Application Plan: Proposed Entrance Details (No: 9312/4)
- Plan D - Copy of Land Registry Plan



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The Solicitor to the Council
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Date: 1 SEP 1994

LAW AND ADMIN

DEPT.

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 322 AND
SCHEDULE 6
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
APPEAL BY B E CARRELL

1. At the hearing into the above mentioned appeal held on 16 August 1994 an application for costs was made on behalf of B E Carrell.

2. I enclose my decision on this application.

Yours faithfully

R M BUSS

R M BUSS MSc DipTP RIBA MRTPI MIMgt
Inspector

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