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CHIEF EXECUTIVE

C

11 DEC 1980

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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
11 DEC 1980	
FILE No.	DATE

Your reference

Our reference

T/APP/5252/A/80/8692/G2

Date

10 DEC 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MISS R A BOLTON
 APPLICATION NO:- 4/96/80

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwelling and flat at Malting Lane, Aldbury. I held a local inquiry into the appeal on 16 October 1980.
- The appeal site is situated on the south-eastern edge of the village of Aldbury on the east side of the private access road which runs from north to south at the top of Malting Lane. The site is triangular in shape and about 800 sq m in extent. It is currently unused and occupied by undergrowth and some saplings. The site rises fairly steeply to the east. To the west of the site are a pair of mature semi-detached bungalows, and to the north of these 3 detached dwellings also on the west side of the access road. To the east of the site the land is occupied by mature beechwood and continues to rise steeply, forming the Chiltern escarpment which runs north to south at this point.
- In support of your client's case you made the following main points. The site is not suitable for sport and recreation but it is suitable for one dwelling, and main services are available. The proposal would not be detrimental to the visual amenities of the area which your client is anxious to preserve. Only the top part of the site would be visible from the west of the village and only part of the proposed dwelling would rise above the level of the other dwellings in the village. Such an irregularity would not be out of character in a village, the dwelling would be set among trees, and you do not consider that it would adversely affect views (photograph 1A). Moreover the proposed dwelling would be designed to nestle into the hillside and the site would be landscaped to blend it into the scene. Dwellings designed in this way in a similar location to the north of the site, in Beechwood Drive, enhance the scene (photographs 1B and 1C). The proposed dwelling would be about 50 ft behind the semi-detached bungalows and should not intrude unreasonably upon them or other nearby dwellings. The proposal would not result in a loss of woodland of high environmental value. The woodland is to the east of the site and would not be harmed. Saplings on the site would mostly be able to mature. Your client has in mind a substantial house with "granny flat", a family unit which would be an asset to the village, but she would also be prepared to erect a bungalow, which would not affect significantly the amenities of the area. Your client is a retired school teacher and the site represents her only asset, apart from the cottage she lives in.
- In opposing your client's proposal the council made the following main points. It would conflict with policies 2 and 15 of the approved County Structure Plan and

policies G4 and G5 of the draft District Plan. These policies state a general presumption against housing development in villages, except those identified in local plans, unless it can be demonstrated that the proposal is necessary to meet the needs of local agriculture or other local rural uses. Aldbury is not a village selected for development and your client's proposal would not qualify as an exception to the policies. Aldbury is a most attractive village and it owes much of its character to its position under the Chiltern escarpment. The appeal site is in a prominent elevated position and a dwelling on it, house or bungalow, would be damaging to the panoramic views of the village and escarpment from wide areas to the west of the village, and to views from within the village (photographs 2A, 2B, 2C). The Beechwood Drive houses do not affect these views. The appeal site is outside the established development area of the village and if the development were permitted it would set a precedent for other development at a higher level along the escarpment. The proposal would also be detrimental to the amenities of the dwellings on the west side of the access road. The Vice Chairman of the Parish Council opposed your client's proposal, whether it was a house or a bungalow, particularly on the grounds that it is outside the village envelope, and local residents expressed concern at being overlooked by the proposed dwelling and at the effect on property values and on the stability of the road.

5. From my inspection of the site and its surroundings, and the representations made, I am of the opinion that the main issues in this case are first, whether the proposal would be detrimental to the form and appearance of the village and second, whether the proposal would be detrimental to the amenities of nearby dwellings.

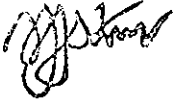
6. On the first issue if a dwelling were erected on the appeal site it would be the only one on the east side of the access road at the top of Malting Lane; it would be set very prominently on a steep slope and at a significantly higher level than nearby dwellings. In these circumstances I do not consider that it would relate satisfactorily to the existing form of the village. In addition I am of the opinion that if permission were granted, in this very attractive village, it would create pressures for developments elsewhere outside the established development area of the village, and contrary to planning policies, which it would be difficult for the council to resist. A dwelling on the site would lie significantly higher up the escarpment than other dwellings and in my opinion, whether it were a house or a bungalow, it would damage the outstanding views of the village and of the escarpment from the west and views from within the village. I accept your view that irregularity is often part of the visual character of a village but in this case I consider that the introduction of an irregular feature would be out of place. You argue that landscaping would blend the building into the hillside but the appeal site is not a large one for landscaping and I feel that landscaping here could have no more than a marginal effect. I noted on my site inspection that the dwellings in Beechwood Drive have substantially larger plots than the appeal site.

7. On the second issue the site is only about 80 ft deep and any dwelling on it would have to be set quite close to the access road. It would also be at a substantially higher level than the dwellings on the opposite side of the road. In my opinion a dwelling here would have an overbearing effect on the semi-detached bungalows opposite and would significantly reduce the privacy enjoyed by them. There would also be some overlooking of the next dwelling to the north, although in this case intervening trees would provide some screening. I do not consider that this situation would be acceptable.

8. I have considered all the other representations made, including those relating to the availability of main services, and to the vegetation on the site, but find that they do not outweigh the considerations that have led me to the conclusion that the merits of the proposal are not strong enough to justify the granting of permission. I noted your client's personal circumstances as outlined at the inquiry, but I regret that they do not, in my view, override the planning objections.

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

I am Sir
Your obedient Servant



A J J STREET
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Miss R. A. Bolton,
1 Toms Hill Road,
Aldbury,
TRING,
Herts.

B. H. Bishop, Esq., A.F.A.S.,
"Chimanisani",
Toms Hill Road,
Aldbury,
TRING, Herts.

Dwelling and Flat
at Malting Lane, Aldbury, Tring.

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 15th January, 1980 and received with sufficient particulars on 17th January, 1980 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

- 1. The site is within the Chilterns Area of Outstanding Natural Beauty on the approved County Development Plan and in an area referred to in the approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings, (or the change of use or extension of existing buildings), for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy.
2. The proposed development would result in the loss of a section of woodland of high environmental value.
3. The proposed development would be seriously detrimental to the visual amenities of this Conservation Area.
4. The proposed development would adversely affect views of Aldbury from the west.

Dated 28th day of February, 1980.

Signed [Signature]

Designation Director of Technical Services.

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.