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D/114/KSM/P

1 Jan
2 Jan

Mr A E King Dovecot Barn Alder Park Meadows Long Marston TRING Herts	PLANNING DEPARTMENT							Your reference
	DACORUM BOROUGH COUNCIL							
	Ref.					Ack.		Our reference T/APP/A1910/A/89/124617/P8
		T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received							Date	
29 JAN 1990							25 JAN 90	
Comments								

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY ALATH CONSTRUCTION LIMITED
 APPLICATION NO:- 4/0097/89

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of 2 dwellings at 13 Barncroft Road, Berkhamsted, Herts. I held an informal hearing into the appeal on 24 October 1989.
- From my inspection of the site and its surroundings and from the representations made I consider that the main issues to be decided are firstly whether the erection of 2 houses would represent a cramped form of development out of keeping with the street scene and secondly the effect of the proposal on the protected trees.
- Barncroft road is located within a well established residential area to the south-west of the town centre of Berkhamsted. It is characterised by detached houses and bungalows with wide frontages. The appeal site comprises a wedge shaped area, currently occupied by a substantial bungalow, with the narrow end of the wedge fronting onto Barncroft Road. The intention is to demolish the bungalow and replace it with 2 houses.
- There are no policy objections to infilling redevelopment or the sub-division of plots in the area, within which Barncroft Road is situated. However the Dacorum District Plan, in Policy 18, states that all new development should have regard to the physical characteristics of the site, the location and design of adjacent development, traffic considerations and the creation of a satisfactory environment.
- On the first issue, I noted carefully the visual characteristics of the appeal site in relation to its surroundings. In particular I observed the spacious nature of the existing development, which was enhanced in large measure by the tree and hedge cover. The Council argue that the proposed development would appear 'cramped' on the site in comparison with more spacious properties in the immediate vicinity. The proposed houses would occupy a frontage of only 31 m and as a consequence have individual frontages of 13 m and 18 m respectively. These would be well below the level of frontage width prevailing in Barncroft Road. The Council accept that the setting back of the house beyond the front wall of the existing bungalow, would help the feeling of spaciousness, somewhat. Nevertheless in the opinion of the Council this slight benefit would be more than obliterated by siting the garages in front, which it argues would increase the built-up nature of the appeal site, when seen from Barncroft Road.

6. You stress that the character and appearance of Barncroft Road, whilst pleasant, ought not to preclude a development which you consider would blend in satisfactorily with adjoining development and would not detract from the street scene. In support of this contention, you indicate that the houses have been individually designed for the site and that the forward location of the garages reflect what has been permitted at No 11, without any undue harm being created. Your proposal, you claim, exhibits a feeling for its surroundings and the space between the 2 houses will enable a better view of the protected trees to the rear to be obtained, than at present. On a more general note you indicate that within the immediate locality, permission has been given for the development of smaller plots and others with more limited frontages, than your client's current proposal. In your opinion this development has by and large been assimilated into the townscape without any harmful effect on the character of the area.

7. I agree with the Council that the spaces between the buildings in the vicinity of the appeal site are an important feature, having regard to the generous width of plots in Barncroft Road. In this connection I note that the appeal site has a comparable frontage to that at No 11. However there is no doubt in my mind that the proposed development would occupy considerably more of the frontage than the existing bungalow and would reduce the overall perception of space between the appeal site and neighbouring properties. It would result in a development with frontages a good deal smaller than any others nearby and in addition the siting of the garages in front of the houses would accentuate the built-up nature and reinforce the feeling that the development is too cramped for the site. Travelling along Barncroft Road from Shooters Way the eye is drawn naturally to the appeal site which occupies a dominant position in the street scene at a point where the road bends. The resultant development would be very apparent to the public using the road.

8. I conclude that the proposed dwellings, with their limited frontages and occupying a prominent location visually in the street scene would appear cramped and at variance with the prevailing character of Barncroft Road. The damage likely to be caused to the character and appearance of the street scene would be sufficiently harmful to justify withholding planning permission in this case.

9. Turning to the second issue, the Council claim that the development, would lead to requests for some of the larger protected trees at the rear of the plots to be felled. I saw at my inspection that much of the rear garden area of the proposed houses was taken up by tree cover and that the available usable open space to the rear was not excessively large. Whilst the larger trees (protected) were closest to the rear boundary of the appeal site many smaller trees were sited closer to the proposed houses. You indicated that only the removal of the smaller trees in front of the larger protected trees would be necessary and that the fears of the Council were largely unfounded. Although limited trimming to certain protected trees with dangerous limbs would be necessary, this represented good silviculture and was vital for the long term safety of the trees themselves. I accept your views about the need for management of the trees. From my own observations I consider that the siting of the trees in relation to the proposed dwellings is sufficiently distant to cause no harmful effects to them, thereby securing their long term retention as an amenity feature.

10. I have taken account of all the other matters raised, including several appeal decisions brought to my attention, but they do not alter my conclusions based on the main planning issues.

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

I am Sir
Your obedient Servant

Michael Gibson

MICHAEL GIBSON BA(Hons) DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

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|--------------------------------|---------------------------------------|
| Mr A E King BA(Hons) BP1 MRTPI | - Planning Consultant, Tring. |
| Mr P Bridgeman | - Arboricultural Consultant, Farnham. |
| Mr G Brightman | - Appellant Company. |

FOR THE PLANNING AUTHORITY

- | | |
|-------------------------------------|---|
| Miss S Richardson BA(Hons) MRTPI | - Senior Planning Officer, Dacorum Borough Council. |
| Miss R Chapman BSc(EnvSc) MSc(Oxon) | - Woodlands Officer, Dacorum Borough Council. |

INTERESTED PERSONS

- | | |
|---------------|-----------------------------------|
| Mrs J Bennett | - 2 Barncroft Road, Berkhamstead. |
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DOCUMENTS

- Document 1 - List of persons present at the informal hearing.
- Document 2 - Letter of notification of the informal hearing, with distribution list.
- Document 3 - Bundle of letters from local residents and Berkhamstead Town Council.
- Document 4 - Perspective Illustration of proposed development.
- Document 5 - Dacorum District Plan - Written Statement.
- Document 6 - Appeal Decisions T/APP/A1910/A/87/76983/P6, T/APP/A1910/A/88/092945/P4, T/APP/A1910/A/89/115294/P8, T/APP/A1910/A/88/111087/P4A, T/APP/A1910/A/87/70716, T/APP/A1910/A/87/082934/P2, T/APP/A1910/A/87/80568/P4.

APPLICATION PLANS

- Plan A - Site layout - Scale 1:200.
- Plan B - House type - Plot 2 - Scale 1:100.
- Plan C - House type - Plot 1 - Scale 1:100.

PLANS (CONT'D)

Plan D - 1/1250 scale location plan.

Plan E - Site layout - Scale 1:200 showing location of existing trees and new planting.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Alath Construction Ltd.
24 Lincoln Court
Berkhamsted
Herts.

A.E. King, Esq.
Dovecot Barn
Alder Park Meadows
Long Marston
Tring
Herts.

	Two dwellings

at	13 Barncroft Road, Berkhamsted, Herts.

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 13 January 1989 and received with sufficient particulars on 16 January 1989 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 proposed development, by reason of the restricted site frontages afforded to each plot and the forward siting of the garages, would appear cramped in relation to the existing spacious street scene, thereby adversely affecting the residential character and appearance of Barncroft Road.
2. The proposed development would be likely to have an adverse effect on the health and long term well being of trees protected by a Tree Preservation Order.

Dated 19th ... day of April 19 89

Signed..... *Wm Barnard*

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.

2. 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 Borough 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.

3. 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 s.169 of the Town and Country Planning Act 1971.