

Date 1 March 2000  
Your Ref  
Our Ref 4/00112/00/TCA  
Contact Hilda Higenbottam  
Extn 2334

BRIDGEWATER BOATS  
CASTLE WHARF  
BERKHAMSTED  
HERTS  
HP4 2EB



The Borough of Dacorum  
is twinned with  
Neu-Isenburg Germany  
Civic Centre Hemel Hempstead  
Herts HP1 1HH  
(01442) 228000 Switchboard  
(01442) 228334 Directline

Dear Sirs

**WORKS TO TREES IN THE CONSERVATION AREA:  
BRIDGEWATER BOATS LTD, BRIDGE STREET, BERKHAMSTED, HERTS,  
HP4 2EB**

I write to inform you that the above application was considered on 01 March 2000. The Council objects to the proposals on the grounds that the tree has high amenity value, and contributes significantly to the character and appearance of this part of the Berkhamsted Conservation Area.

As you are already aware, a Tree Preservation Order has been made in respect of this tree.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Hilda Higenbottam', written in a cursive style.

**Hilda Higenbottam  
Senior Planning Officer  
Planning Department**



# Appeal Decision

Hearing held on 13 July 2000

by **Shelagh C Bussey**

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

DoP	ED	DP	DC	BC	SS
Rec'd. 17 AUG 2000					File
Comments :					
DipTP DipEM MA PhD MRTPI PLANNING DEPARTMENT DBC					

The Planning Inspectorate  
Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ  
☎ 0117 987 8927

Date

15 AUG 2000

**Appeal Ref: APP/A1910/A/00/1040491**

**Sandon, 53 Station Road, Tring.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Rectory Homes Ltd. against the decision of Dacorum Borough Council.
- The application (ref: 4/00113/00/OUT), dated 19 January 2000, was refused by notice dated 3 March 2000.
- The development proposed is the construction of a new dwelling with access and new access to 53 Station Road.

**Summary of Decision: The appeal is allowed and outline planning permission granted subject to conditions set out in the Formal Decision below.**

## Procedural Matter

1. The application was made in outline form, with all matters, except for the means of access, reserved for future consideration. At the Hearing the Council confirmed that the footprint and siting of the house and garage, shown on drawing number 954 02A, were considered as being indicative only. I shall also treat them as being indicative.

## Main Issues

2. I consider that there are two main issues in this case.
  - i) The effect of the development on the character and appearance of the area.
  - ii) The effect of the development on the living conditions of its occupiers and on the occupiers of neighbouring dwellings with particular reference to their privacy and prospect.

## Planning Policy

3. The Development Plan for the area includes the Hertfordshire Structure Plan Review 1991-2011, adopted in 1998 and the Dacorum Borough Local Plan, adopted in 1995. It is not disputed that the development would accord with Policies 1, 2 and 6 of the Structure Plan that require development to be consistent with the principles of sustainable development.
4. Policy 7 of the Dacorum Borough Local Plan (DBLP) advises that within residential areas in Tring, appropriate residential development is encouraged. The tests for appropriateness of development are expanded upon in criterion (a) of Policy 8, which sets out development principles against which the impact of development is assessed. Other criteria of Policy 8 include that development, (c) respects the townscape, density and general character of the area, (d) preserves residential amenity, (e) provides a satisfactory means of access that will not cause or increase danger to pedestrians and road users and (f) that the traffic generated

by the development does not result in serious detriment to amenity, safety or traffic flow. Policy 9 refers to environmental guidelines that amplify the criteria in Policy 8. These are set out in Part 5 of the DBLP. Part 3 of the environmental guidelines provides guidance on the layout and design of residential areas and considers matters including privacy, garden and amenity space, spacing of dwellings and sunlight and daylight. Policy 101 concerns the density of development in residential areas.

5. In addition, supplementary planning guidance on "Development in Residential Areas" (SPG), which was adopted by the Council in 1998 refers to the Grove Road and Cow Lane area, within which the appeal site is situated. Section 5 - Tring (TCA 19) gives a character appraisal of the area and provides additional development principles that seek to retain its main characteristics. The SPG was prepared in general accordance with advice given in Paragraph 3.15 of Planning Policy Guidance Note 12: Development Plans (PPG12). I, therefore, afford it substantial weight, in accordance with advice contained Annex A of Planning Policy Guidance: General Policies and Principles (PPG1) and paragraph 3.16 of PPG12.
6. It is intended to carry forward all of those policies, in a very similar form, in the Dacorum Borough Local Plan: Deposit Draft (1991-2011). DBLP Policy 7 will be carried forward as Policy 7, DBLP Policy 8 as Policy 9, DBLP Policy 9 as Policy 10 and DBLP Policy 101 will be carried forward as Policy 22. The environmental guidelines of the DBLP will be incorporated in Part 5 of the emerging Local Plan and the SPG will be incorporated in Part 4: Area Proposals, of the emerging Plan. The Public Inquiry into the Dacorum Borough Local Plan: Deposit Draft (1991-2011) opened in March 2000. No objections have been made to any of the policies that are applicable to the proposal. I, therefore, afford those policies substantial weight, consistent with advice contained in paragraph 48 of PPG1.

## Reasons

### *The Site and its Surroundings*

7. The appeal site is located within the designated urban area of Tring and forms part of the rear garden of 53 Station Road that is known as Sandon. It lies adjacent to Damask Close, which is an attractively landscaped private road off Station Road that serves new residential development. The existing vehicular access to Sandon, from Damask Close, would serve the proposed dwelling and, as part of the proposal, a new access for the existing dwelling would be constructed, also off Damask Close. The site is flat and approximately rectangular, measuring about 19.5 metres by 25.2 metres. It appeared to me to be comparable to the plot sizes of other development in Damask Close. A rear garden length of about 25 metres would be retained for Sandon. There are mature hedges about 2.0 metres high on the southern and western boundaries of the site and there is a 2.0 metre high close-boarded fence on its eastern boundary. The northern boundary is undefined.
8. I saw that the older development on the southern side of Station Road and the estate development on the northern side of the road are characterised by mainly large dwellings that have generously landscaped, substantial front gardens. Their linear layout is emphasised by clearly defined building lines. I perceived that, although the new development in Damask Close generally respects these main characteristics for residential development in this area, which are described in the SPG, its character and appearance is different to the older development in the area. Its layout, although principally linear in form, is freer flowing and its density is higher than the dwellings on the southern side of Station Road. There is a

considerable variety in the house types in Damask Close and not all front the road. Some of their front gardens are bounded by high brick walls and are not clearly visible in the street scene.

### *The Effect on the Character and Appearance of the Area.*

9. At my visit to the site I saw that there are clear views of numbers 9 and 11 Damask Close along the length of the private road, from Station Road. Conversely, the dwellings at numbers 53 and 54 Station Road are apparent in views back along the estate road towards Station Road. In my opinion, the differing characters of these two adjoining areas of residential development are clearly evident in these views. However, I consider that the new development is contained by the brick entrance feature to Damask Close and the walls and fences along the eastern boundary of 53 Station Road and the western boundary of 54 Station Road. Thus, although the separation distance between the developments would be significantly reduced by the proposal, I consider that the proposed development would be seen in the context of the Damask Close development and the distinctiveness of the two areas would be retained.
10. Taking into account the dimensions of the site and the design criteria of the environmental guidelines, I consider that it is likely that the development would be positioned close to the eastern boundary of the site and that its front garden would be located to the north or to the south of the dwelling. These possible layout features are evident elsewhere in Damask Close and in my opinion, they do not detract from the character or appearance of the surrounding area. I conclude that a dwelling that is sensitively designed to reflect the size and scale of the new dwellings and which preserves the containment of Damask Close need not detract from the character or appearance of the surrounding area. I conclude also that an appropriately designed dwelling could be erected at the site in accordance with Policy 7, criteria (a) and (c) of Policy 8, the criteria of the environmental guidelines associated with Policy 9 and with Policy 101 of the DBLP and also in accordance with the SPG and with all of the corresponding policies of the emerging Local Plan.

### *The Effect on Living Conditions*

11. Number 11 Damask Close is a two-storey house sited to the south of the appeal site. It has windows to principal rooms on the ground and first floor of its rear elevation. The depth of its rear garden to the southern boundary of the appeal site varies between about 11 metres and 13 metres. Concerns have been raised by the Council and the occupiers of number 11 that the development would result in inadequate privacy for the occupiers of both the existing and proposed dwellings. In addition, the occupiers of number 11 are apprehensive that its proximity and mass would be overbearing, visually intrusive and would result in loss of sunlight to their rear garden and principal rooms.
12. Considering firstly the matter of privacy, I have previously concluded that a dwelling of a scale that is comparable to others in Damask Close could be erected on the appeal site in compliance with the Council's spacing standards, which are set out in its environmental guidelines. However, I consider that in order to preserve the privacy of the occupiers of both the existing and proposed dwellings, careful consideration of the positions of windows to principal rooms of the proposed dwelling would be necessary. It is my opinion that the hedge on the southern boundary of the appeal site, which is in the appellant's ownership, would restrict overlooking into the respective gardens and into the ground floor windows at the rear of number 11. I consider that, with imaginative and sensitive design, it could be

possible to devise areas within the new garden that would be private in views from the first floor windows of number 11. I, therefore, conclude that the development need not result in unsatisfactory levels of privacy for occupiers of either number 11 or the proposed dwelling.

13. For the reasons that I have previously given, I consider that the proposed development would probably be sited towards the eastern side of the plot. It need not, therefore, entirely block views from number 11. Furthermore, the bulk of the development would be sited to the north of the access, which would be a considerable distance from the rear elevation of the existing dwelling. Taking these factors into account, I do not consider that the development would have a significantly overbearing effect on the occupiers of number 11. Careful consideration of the height and form of the roof could also minimise the impact of the development in views from number 11. Thus, I conclude that the development need not be significantly visually intrusive or overbearing in views from the rear of number 11 Damask Close.
14. The principal windows and the rear garden of number 11 face northwards and as a consequence, daylight and, particularly, evening sunlight is restricted. However, taking into account the orientation and probable juxtaposition of the two dwellings, it is my opinion that the development would result in only negligible loss of sunlight and daylight to the existing dwelling, which would not be sufficient to warrant refusal of planning permission. In view of all of the above, I conclude that the development would not result in unsatisfactory living conditions for its occupiers or for the neighbouring occupiers. I conclude also that it would accord with criterion (d) of Policy 8, with Policy 9 and Part 3 of the environmental guidelines of the DBLP and with all corresponding policies of the emerging Local Plan.

#### *Other Matters*

15. Some local residents are concerned that the traffic that would be generated by the development would be detrimental to the safety and convenience of other users of Damask Close, including pedestrians. But in my opinion, the small amount of traffic that would be generated by the proposed dwelling would not add significantly to the quite low volume of traffic using this private cul-de-sac, which does not have segregated footways. Although the public footpath between numbers 56 and 57 Station Road is unlit, I consider that it nevertheless provides a satisfactory alternative route for pedestrians because it is hard surfaced and it may be surveyed at both ends by occupiers of adjoining dwellings. Furthermore, it is my opinion that there is ample scope within the site to provide off street parking for the occupiers of the development and their visitors, in compliance with the Council's car parking standards and guidance contained in PPG3.
16. Residents are also concerned that the use of the existing access to serve the new dwelling would be contrary to highway safety. I have taken into consideration the traffic calming measures that are incorporated in the design of the road, the position of the access in relation to the bend in the road and the neighbour's 2.0 metre high wall, which abuts the access to the south. In my opinion, the speed of vehicles passing the access would be low and the visibility from the access is satisfactory. I saw that many of the existing dwellings in Damask Close do not have a turning area within their curtilage. I do not consider that one would be essential at the appeal site. For these reasons, I conclude that the development would not be detrimental to the safety or convenience of other road users, nor would it be contrary to criteria (e) or (f) of Policy 8, or to Policy 9 and its associated environmental guidelines of the DBLP, nor would it conflict with the corresponding policies of the

emerging Local Plan.

17. I have considered all of the other matters raised in the written representations and at the Hearing, including the observations of another Inspector concerning appeal reference T/APP/A1910/A/89/121749/P7. I have attached little weight to concerns that the granting of planning permission for this development could set a precedent for other similar proposals, which some residents consider to be undesirable piecemeal development, because all proposals for development should be considered on their own merits in the light of the Development Plan and all other material considerations. I have also considered the conditions suggested by the Council in the light of Circular 11/95 "The Use of Conditions in Planning Permissions". In my opinion they are all necessary in order to preserve the character and appearance of the area, to safeguard the residential amenity of the occupiers of the existing and proposed dwellings and in the case of condition 8, to ensure that adequate provision is retained within the curtilage of the dwelling for on-site parking.

### Conclusions

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

### Formal Decision

19. In exercise of the powers transferred to me, I allow the appeal and grant outline planning permission for the construction of a new dwelling with access and new access to 53 Station Road at Sandon, 53 Station Road, Tring in accordance with the terms of the application No: 4/00113/00/OUT dated 19 January 2000, and the plans submitted therewith, subject to the following conditions.
- 1) Approval of the details of the siting, design and external appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
  - 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
  - 4) Before the development hereby permitted is commenced details of all hard and soft landscaping of the site shall be submitted to the local planning authority for its approval in writing and the work shall be carried out in accordance with such approved details before the dwelling is first occupied or, in the case of planting, in the next planting season following completion of the development or when otherwise agreed in writing with the local planning authority.
  - 5) Before the development hereby permitted is commenced details of the protection, during construction, of the hedge growing at the southern boundary of the site shall be submitted to the local planning authority for its written approval and such protection shall be carried out before construction works commence on the site in accordance with such approved details.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by approval of the reserved matters details shall be inserted in the southern elevation of the building without the prior written permission of the local planning authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other alterations permitted under Schedule 2, Part 1 Classes A-F inclusive of that Order shall be constructed without the prior written permission of the local planning authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, the garage(s) permitted by approval of the reserved matters details shall not be converted or adapted for living accommodation without the prior written permission of the local planning authority.

**Information**

20. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
21. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
22. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

*S C. Bussey*

INSPECTOR