

TOWN AND COUNTRY PLANNING ACT 1990

*DACORUM BOROUGH COUNCIL*

Application Ref. No. 4/0164/94

R Smythe  
5 Shrublands Road  
Berkhamsted  
Herts

Mr N.A. Johnson  
37 Storey Street  
Hemel Hempstead  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

5 Shrublands Road, Berkhamsted, Herts

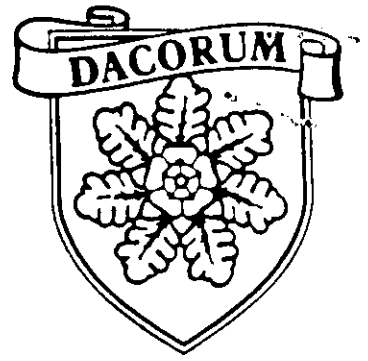
TWO STOREY SIDE EXTENSION (REVISED SCHEME)

Your application for *full planning permission* dated 20.01.1994 and received on 04.02.1994 has been **GRANTED**, subject to any conditions set out on the attached sheet(s).

Director of Planning.

Date of Decision: 31.03.1994

(encs. - Conditions and Notes).



CONDITIONS APPLICABLE  
TO APPLICATION: 4/0164/94

Date of Decision: 31.03.1994

1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of s.91 of the Town and Country Planning Act 1990.

2. The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.

Reason: To ensure a satisfactory appearance.

3. The development hereby permitted shall not be occupied until the car parking spaces shown on Plan No 4/0164/94FL shall have been provided, and these spaces shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

4. This permission does not extend to the construction of the fabricated steel walkway.

Reason: In the interests of amenity.



# The Planning Inspectorate

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

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*Handwritten initials/signature*

Mr R J Smyth  
5 Shrublands  
BERKHAMSTED  
Herts  
HP4 3HY

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
DCP	T.C.P.M.	DP	D.C.	B.C.	OUR REF.	FILE
Road						
Received			- 5 AUG 1994		Our Ref: T/APP/A1910/A/94/237377/P5	
Comments					Date: - 4 AUG 1994	

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: 4/0164/94

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to grant planning permission subject to conditions on an application for the erection of a two storey side extension (revised scheme with alterations to the roof shown on a previously approved plan and with a steel walkway) at 5 Shrublands Road, Berkhamsted. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council at application stage by Berkhamsted Town Council and interested persons which have been forwarded to me. I inspected the site on 11 July 1994.

2. The condition in dispute is No 4 which provides that:

This permission does not extend to the construction of the fabricated steel walkway.

The reason given for the condition is that it is in the interests of amenity.

3. At section C of the appeal form you indicated that this is an appeal against the decision of the local planning authority to refuse any matter required by a condition on a planning permission. However, it is clear from your grounds of appeal that this appeal has been made on the basis set out in the two previous paragraphs and I note that the Council has responded to this appeal on the basis that it relates solely to the imposition of condition No 4.

4. The appeal premises are used as a residential care home for the elderly. I observed that work on the extension permitted under reference 4/0164/94 is well advanced. The fabricated steel walkway would serve as a fire escape and



would extend the whole length of the rear garden. It would provide a level route between the first floor of the extension and the car park at the rear of the premises where the ground level is high relative to the house. The walkway would also be used for general access purposes.

5. From my reading of the representations and my inspection of the site and its surroundings I consider that the main issues in this case are:

(i) whether the walkway would cause material harm to the character and appearance of this residential area;

(ii) whether the amenities of adjoining occupiers would be materially harmed in respect of privacy.

6. Policy 18 of the adopted Dacorum District Plan sets out a number of matters that need to be considered in relation to proposals for new development including external appearance and materials. The Council regards the adopted Local Plan as having been superseded for development control purposes by the emerging Dacorum Borough Local Plan; the draft Plan has made good progress towards adoption and needs to be accorded due weight. Policies 8 and 9 of the Composite Version (1) of the draft Local Plan together with the Environmental Guidelines relate to the quality of development and the environment. The provisions of Policy 8 include that development will not be permitted unless it is appropriate (in relation to its immediate and general surroundings) in terms of design, scale and materials and avoids harm to adjoining properties through, for example, loss of privacy. It is against this background that the proposed walkway needs to be assessed.

7. On the first issue, I consider that the walkway would constitute an extensive structure that would appear as an alien feature in this rear garden area. I have taken account of your view concerning the degree to which views of the structure would be obscured by a combination of the boundary wall and trees and shrubs. Nevertheless, I consider it likely that a significant proportion of the walkway would be apparent from the house known as Mole End and from parts of 7 Shrublands Road or its garden. With regard to views from the public highway, there is nothing to indicate that there is any public right of way over the rear access while it appears to me that it is likely that, in due course, the erection of flats on the site of 3 Shrublands Road would have the effect of blocking views of the proposed walkway from Shrublands Road itself. However, and while no details of the elevations of the proposed flats on the adjoining site are before me, I consider that it likely that a significant proportion of the walkway would be visible from parts of the new flat development.

8. I have therefore concluded that by reason of its large size the walkway would be an inappropriate and unattractive feature that would cause material harm to the character and

appearance of this residential area as it is perceived by the occupiers of a number of the existing or proposed dwellings in the vicinity of the appeal site. I consider that to permit the walkway would be contrary to the objectives of the Policies concerning the quality of development and the environment as referred to in paragraph 6 above.

9. Turning to the second issue, the information supplied by the Council concerning proposals for development on the site of 3 Shrublands Road indicates that it is likely that a large proportion of the walkway would adjoin a parking area. It also needs to be borne in mind that the Council does not object to the principle of a fire escape (as evidenced by the development approved under references 4/0742/90 and 4/1392/92) and that existing ground levels in the rearmost part of the appeal site are high relative to land to the north. Taking all of these points into account, I see no convincing reason to conclude that the walkway would result in an unacceptable increase as regards the degree to which adjoining premises are overlooked. I have therefore concluded that it is unlikely that the amenities of existing or future adjoining occupiers would be materially harmed in respect of privacy.

10. This does not alter my view that there is a serious objection to the walkway on the basis of its visual impact. It is clear that there is a need to provide some form of fire escape and this is accepted by the Council. However, I do not consider that a structure of the size proposed is necessary in order to provide a safe and convenient means of escape. I have taken account of the additional objective of providing an easier means of general access but this is not a matter that outweighs the objection to the particular structure that forms the subject of condition 4 and this appeal.

11. I have concluded that condition No 4 as set out in paragraph 2 serves a necessary and reasonable purpose. I have considered all other matters raised in the representations but find that there is nothing so cogent as to alter the conclusions I have reached.

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

Yours faithfully



NICHOLAS STREET BSc(Hons) DipTP MRTPI  
Inspector