

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Alath Construction Limited
24 Lincoln Court
Charles Street
Berkhamsted

Mr A E King
Wetherby House
The Hemmings
Shootersway,
Berkhamsted

Two storey side, single storey rear extensions,
porch and erection of dwelling.
at Orchard Cottage, Shenstone Hill (off Gravel Path).
Berkhamsted.

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 26.2.1985 and received with sufficient particulars on 27.2.1985 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 Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policies of the local planning authority seek to preserve the appearance of the area. The erection of an additional dwelling on this site would result in a higher density of development in the immediate area to the detriment of the character of the area and the Area of Outstanding Natural Beauty.
2. Policy 24 of the Dacorum District Plan seeks to protect important views and skylines in rural areas, the application site occupies a prominent elevated position on the boundary of the Green Belt and the Urban Area. The proposed dwelling would be viewed against an important skyline and would occupy a relatively narrow gap in the line of buildings forming the edge of the built-up area. This would intensify the mass of buildings in this area making existing dwellings more prominent, and detract from the adjoining rural area.

/Cont'd separate sheet...

Dated 16th day of May 1985

Signed [Signature]

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.

4/0251/85

Reasons cont'd

3. The erection of a further dwelling on the site would result in the sub-division of the existing wide plot, and would form 2 plots which are substantially narrower than those of the adjoining properties. Such sub-division is unsympathetic to the character of existing adjacent development, affecting adversely visual and general amenities and detracting from the character of the area.

Dated 16th day of May 1985



Signed.....

Chief Planning Officer

an

Department of the Environment and Department of Transport

Common Services

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GTN 2074



CHIEF EXECUTIVE OFFICER	
4 DEC 1985	
File No.	.....
Refer	..... <i>alo 412</i> .....
Class	.....

Andrew King Esq BA(Hons) B.Pl MRTPI  
 Wetherby House  
 The Hemmings  
 Shootersway  
 BERKHAMSTED  
 Hertfordshire

Your reference

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Our reference					
T/APP/A1910/A/85/032241/P2					
Ref. Date			Ack.		
- 3 DEC 85					
C.P.O.	D.	C.	Admin.	File	
Received <i>JMB</i> - 4 DEC 1985					
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9					
APPEAL BY ALATH CONSTRUCTION LTD					
APPLICATION NO: 4/0251/85					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY ALATH CONSTRUCTION LTD  
 APPLICATION NO: 4/0251/85

- I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for a 2-storey side extension and a single-storey rear extension, and the erection of a dwelling at "Orchard Cottage", Shenstone Hill, Gravel Path, Berkhamsted. I have considered the written representations made by you and the council, and also those made by interested persons. I inspected the site on 28 October 1985.
- From my inspection of the appeal site and its surroundings, and from the representations made, I consider the main issues to be the effect which the new dwelling would have, firstly on the character and appearance of the surrounding area which is within an Area of Outstanding Natural Beauty, and adjacent to the Metropolitan Green Belt, and secondly on the amenities of neighbouring residents.
- The appeal proposals consist of 2 distinct parts - the extensions to the existing, newly constructed house, and a new dwelling. I note that the council's reasons for refusal do not relate to the extensions, although there are adverse observations in the representations. The proposals include a single-storey rear extension which would be clearly visible only from the rear gardens of this and adjoining properties, and a 2-storey side extension somewhat lower than the house, which would have little impact on the surrounding area, in my opinion. As the extensions are proposed in materials to match the house and are not, in my opinion, inappropriate in style, or obtrusive in bulk or siting, I consider that they are acceptable in this location.
- The site of the proposed additional dwelling is in an area of well spaced detached houses in large gardens, mainly of recent construction. Access to the area is by way of a private drive and the appeal site is towards the further end of the drive, somewhat tucked away from view, at a distance from the public highway. The proposed site has houses to the north and south, and beyond a tree screen there is a larger, older house to the east. To the west, however, is an attractive, broad valley, largely undeveloped across which there are views towards the Castle Hill area on the northern edge of Berkhamsted. Some mature trees on the southern half of the appeal site boundary restrict these views to the west. From the opposite side of the valley there are views towards the appeal site, although at the time of my inspection the proposed plot was hidden by trees.
- With regard to the first issue, I consider that the council's concern to protect the Metropolitan Green Belt and the Area of Outstanding Natural Beauty (AONB) is to

be fully supported, as the countryside to the north of Berkhamsted and the green wedge extending southwards towards the town are a most attractive area and a valuable amenity. However, the appeal site is not in the green belt, and although within the AONB, the boundary of this area appears to predate the significant recent development of these grounds of large Victorian houses. I therefore consider that the development of the site with a new dwelling is not objectionable in principle.

6. I note the council's concern about the effect on views from the west of intensification of the development hereabouts and the infilling of spaces between dwellings. However, I note that the views towards this part of the appeal site would be largely obstructed by trees, even in winter, and furthermore, I consider that other neighbouring development would be more clearly visible in these views than the proposed dwelling. I conclude, therefore, that the proposals would not detract from the rural character or appearance of the AONB.

7. With regard to the second issue, I note that a number of residents and the council object to the development because of the effect it would have on the density and traffic in the area, and because it would act as a precedent. Whilst I accept that the subdivision of the plot does increase density and generate additional traffic, I do not consider that the effect of this one additional dwelling which would have a garden of reasonable size, would result in a material increase in activity or traffic, or a reduction in the amenities or space standards of the area as a whole. I have taken particular note of the concern expressed about additional traffic along the access drive which is rather narrow and has sharp bends. However, the traffic flows are very low at present, so that even if this and other, permitted dwellings were erected, there would still be, in my opinion, very little traffic. Although there is the possibility that the approval of this scheme will encourage others to seek permission, such schemes would need to be assessed on their merits in the circumstances prevailing, and arguments of precedent should not, in my opinion, influence the decision in this case, where there are no strong planning objections to the development.

8. I have taken into account all other matters raised in the written representations but they do not affect my conclusions on the planning considerations leading to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for a 2-storey side extension and a single-storey rear extension, and the erection of a dwelling at "Orchard Cottage", Shenstone Hill, Gravel Path, Berkhamsted in accordance with the terms of the application (No 4/0251/85) dated 26 February 1985 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the erection of the new dwelling shall not be commenced until details of the facing materials have been submitted to and approved by the local planning authority.

10. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir  
Your obedient Servant

*J I Chambers*

J I CHAMBERS BArch MCD MRTPI  
Inspector