



# The Planning Inspectorate

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Andrew King and Associates  
Chartered Town Planning and Architectural  
Consultants  
Folly Bridge House  
Bulbourne  
TRING  
Hertfordshire  
HP23 5QG

Your Ref:

Our Ref:

T/APP/A1910/A/97/281917/P2

Date:

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.					Ack.
D.P.	D.P.	D.C.	B.C.	Admin.	
Received 16 FEB 1998					
Comments					

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR AND MRS J SALMOND  
APPLICATION NO: 4/00292/97/OUT

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for a detached dwelling on land adjacent to Oakleigh, Shootersway Lane, Berkhamsted. I conducted a hearing into the appeal on 6 January 1998.
2. First of all, I would confirm that although the application is for outline permission, it was agreed at the hearing that the siting of the building and the means of access are to be determined at this stage. In addition you confirmed that the shape of the building, as indicated by the front elevation on the submitted drawing, is included as part of the proposal, although the detailed design and external appearance are reserved for subsequent approval together with the landscaping for the site. Furthermore, the application includes the provision of replacement parking and access for Oakleigh.
3. The Development Plan for the area comprises the Hertfordshire County Structure Plan Review, Incorporating Approved Alterations 1991 and the Dacorum Borough Local Plan 1995. The Council have referred to a large number of policies in both Plans, which encourage housing development within urban areas, and within Berkhamsted in particular. High densities are sought but having regard to the effect of development on the surrounding area. At my visit, I saw that Shootersway Lane has been the subject of much development in recent years, involving the subdivision of gardens and the redevelopment of large houses in generous grounds. Nonetheless, the area maintains a spacious character which is enhanced by the mature landscaped setting of the houses.
4. The Council do not question the principle of the subdivision of plots in the vicinity of the appeal site for further houses. Policy 8 of the Local Plan, however, includes criteria



to ensure a high standard for all development proposals. In addition, policy 9 states that development should normally meet the environmental guidelines contained in Part 5 of the Plan. The Council accept that the environmental guidelines are met by the proposal, but consider that the development would be inappropriate having regard to the nature of its surroundings.

5. Against this background, from the representations made at the hearing and in writing, and from my inspection of the site and its surroundings, I consider that there is one main issue in this appeal. This is the effect of the development on the character and appearance of the residential area.

6. The appeal site is situated at the head of a cul-de-sac which forms a spur of Shootersway Lane. It is currently part of the front garden of the detached house, Oakleigh, which is located to the side of the turning head. The site contains a large detached double garage with a double width access close to the boundary with Garden Cottage. The remainder of the road frontage is secured by a tall conifer hedge. I found that the generous gap between the existing house and garage adds to the spacious character of the area, despite the presence of the frontage hedge. In addition, the view of the hedge at the end of the cul-de-sac, with mature trees beyond, makes a significant contribution to the appearance of the street scene.

7. In my opinion, the proposed dwelling would result in a substantial change to the character and appearance of this corner of the residential area. The majority of the hedge fronting the road would be removed, and the new building would be a more prominent feature at the head of the cul-de-sac than the existing garage. To my mind, the attractive, verdant character of the end of the road would be lost. I appreciate that the scheme has been altered from that determined on appeal in 1996 under ref: T/APP/A1910/A/95/260660/P4, by providing a chalet style dwelling. Although the building would be some 1.5m lower and 1m narrower than the house previously proposed, accommodation would be provided on two floors over the whole of the footprint, whereas the previous proposal included a single storey attached garage set back from the frontage. In my view, the change in design would not overcome the concern identified by the previous inspector that the dwelling would appear to be squeezed in, which would diminish the spacious character around the head of the cul-de-sac.

8. At the hearing, it was agreed that the length of Oakleigh's frontage to the turning head is 11.3m rather than 13m as indicated on the submitted drawing. The provision of a 5m width access to the new dwelling together with an access with a minimum width of 2.4m for Oakleigh would occupy the major part of the frontage leaving little room for intervening planting. Moreover, there would be minimal separation between these accesses and those to Garden Cottage and Wentworth, which would further change the spacious and vegetated character of the turning head to one dominated by hard surfaces. I appreciate that the drive for Oakleigh would curve away, providing room for landscaping further back from the road, and I have noted your clients' intention to retain the cedar tree in the front garden. Nonetheless, I consider that the alignment of the drive to Oakleigh, across part of the front of the new dwelling further illustrates the cramped nature of the proposed development.

9. The plot size, although smaller than most in the area, would be similar to that of the adjoining Garden Cottage. However, that property is sufficiently separated from other houses

so as to have a minimal effect on the pattern of development in the area. In contrast, I believe that two closely spaced dwellings on comparatively small plots would give a crowded appearance which would be at odds with the openness of the area. I have also considered the new house which has been erected in the garden of the Briars, to which you have referred. Nonetheless, in my opinion, the characteristics of that site are quite different to those of the appeal site.

10. Looking next at the preserved trees on the rear boundary, the canopy of one of the Oak trees, which is under-represented on the application drawing, would come very close to the rear of the proposed dwelling. When in leaf, I consider that it would have a significant effect on the amount of daylight reaching the rooms closest to it. In addition, the proximity of the tree to the building would be likely to cause inconvenience from falling leaves and debris. In my opinion, pressure from future occupiers for significant pruning and crown reduction would be likely as a result of the development. Such action would diminish the value of the tree and harm the appearance of the area. I acknowledge that the inspector in determining the 1996 appeal was of the view that there would be no serious risk to trees, because of the distance from the house. In that case, however, the rear of the single storey garage, rather than living accommodation, would have been most affected.

11. On the main issue, I conclude that the proposed dwelling would cause significant harm to the character and appearance of the residential area. The proposal thus conflicts with policy 8 of the Local Plan, and in particular those criteria which seek to ensure that development is appropriate to its setting and respects the townscape, density and general character of the area.

12. I have considered the effect of the additional traffic that would be generated by the proposal. It seems to me that the activity generated by the extra dwelling would be noticed by the occupiers of neighbouring properties. Nevertheless, I am not convinced that it would result in a significant intrusion in the peace and quiet of the area sufficient, in itself, to justify withholding permission. Furthermore, bearing in mind the limited amount of vehicular activity which takes place in the cul-de-sac, my view is that the extra traffic movements would have no appreciable effect on highway safety.

13. I have given careful thought to the concerns expressed regarding overlooking. However, I am satisfied that the dwelling could be designed to ensure that adequate privacy levels were maintained. I have taken into account all other matters raised at the hearing and in the written representations, but nothing is sufficient to outweigh the considerations which have led to my decision.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'B Campbell', enclosed within a circular scribble.

B M Campbell BA(Hons) MRTPI  
Inspector

## APPEARANCES

### FOR THE APPELLANT

- |                                  |  |
|----------------------------------|--|
| Mr A King BA(Hons) B.Pl<br>MRTPI | - Principal of Andrew King and Associates, Folly<br>Bridge House, Bulbourne, Tring, Herts HP23 5QG |
| Mr J Salmond                     | - Appellant, Oakleigh, Shootersway Lane,<br>Berkhamsted  |
| Mrs Salmond                      | - Appellant, Oakleigh, Shootersway Lane,<br>Berkhamsted  |

### FOR THE LOCAL PLANNING AUTHORITY

- |                                      |                              |
|--------------------------------------|------------------------------|
| Mrs J Ambrose BA(Hons) B.Tp<br>MRTPI | - Planning Officer           |
| Mrs R Chapman BSc MSc                | - Head of Landscape Services |

### INTERESTED PERSONS

- |            |   |
|------------|---|
| Mr K Smith | - Garden Cottage, Shootersway Lane, Berkhamsted |
| Mrs Smith  | - Garden Cottage, Shootersway Lane, Berkhamsted |
| Mr C Byron | - Wentworth, Shootersway Lane, Berkhamsted      |
| Mrs Byron  | - Wentworth, Shootersway Lane, Berkhamsted      |

## DOCUMENTS

- Document 1 - List of persons present at the hearing
- Document 2 - Letter dated 20 March 1997 submitted by Mr Smith
- Document 3 - Letter dated 2 January 1998 from Mr Eggar submitted by the Council
- Document 4 - List of suggested conditions submitted by the Council
- Document 5 - Extracts from the Hertfordshire Structure Plan submitted by the Council
- Document 6 - Submission of C Byron, submitted by Mr Byron
- Document 7 - Extract from BS 5837 : 1991 submitted by the Council

**PLANS**

- Plan A - Application drawing - site location on ordnance survey extract
- Plan B - Application drawing - number JS101B.FEB 97
- Plan C - Photocopies of Plan B annotated and submitted by Mr Smith
- Plan D - A4 sheet showing corrected position of existing cedar tree submitted by Mr King
- Plan E - Extract from Plan B showing revised alignment of the proposed drive to Oakleigh submitted by Mr King

# PLANNING



Mr A.King  
Folly Bridge House  
Bulbourne  
Tring, Herts  
HP23 5QG

Applicant:  
Mr & Mrs Salmond  
Oakleigh  
Shootersway  
Berkhamsted  
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/00292/97/OUT**  
**DETACHED HOUSE AND GARAGE (OUTLINE)**  
**LAND ADJACENT OAKLEIGH SHOOTERSWAY LANE BERKHAMSTED HERTS**

Your application for outline planning permission dated 20 February 1997 and received on 25 February 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1HH

Date of Decision: 28 May 1997

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00292/97/OUT**

Date of Decision: 28 May 1997

- 1. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.**
- 2. The proposed development would have a seriously detrimental effect on the trees on the site which are covered by a Tree Preservation Order because of their high amenity value.**