

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0296/96

Miss J Maclarty
11 Little Gaddesden
Berkhamsted
Herts
HP4 1PA

Rickaby Thompson Associates
27 Castle Street
Berkhamsted
Herts
HP4 2DW

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

11 Little Gaddesden, Berkhamsted, Herts

RETENTION OF EXISTING OUTBUILDING

Your application for *the retention of development already carried out* dated 06.03.1996 and received on 07.03.1996 has been **REFUSED**, for the reasons set out on the attached sheet(s).

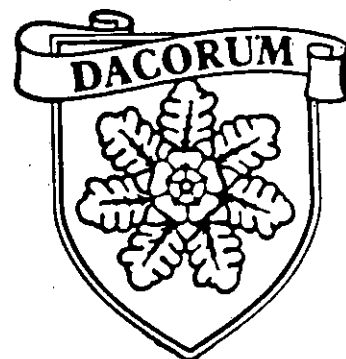
Director of Planning

Date of Decision: 22.05.1996

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0296/96

Date of Decision: 22.05.1996



The orientation of the outbuilding is contrary to the traditional positioning of outbuildings whereby they are located in the same plane as the houses. This structure is at variance with this approach and has a seriously detrimental effect on the general character and amenity of the Conservation Area. It also sets an undesirable precedent for other similar structures.



The Planning Inspectorate

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

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Mr R Perrin MRTPI
42 Baskerville Road
Sonning Common
READING
Berkshire
RG4 9LS

Your Ref:

Our Ref:

T/APP/A1910/A/96/267776/P9

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Date: 11 MAR 1997

D.P.

O.C.

B.C.

File

12 MAR 1997

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MISS J MACLARTY
APPLICATION NO: 4/0296/96

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 planning permission for the retention of an existing outbuilding at 11 Little Gaddesden, Berkhamsted. I conducted a hearing into the appeal on 28 January 1997.
2. First of all, I would confirm that as the appeal relates to the retention of an existing building, I have considered it under Section 73A of the Town and Country Planning Act 1990 (as amended). At the hearing, the Council confirmed that the size, design and external appearance of the building are considered to be satisfactory and that it is only the orientation of the building, at an angle to the house, which is unacceptable.
3. From the representations made at the hearing and in writing and from my inspection of the site and its surroundings, I consider there is one main issue in this appeal. This is the effect of the building on the character and appearance of the area, having regard to its location within the Little Gaddesden Conservation Area and the Chilterns Area of Outstanding Natural Beauty (AONB).
4. The Hertfordshire County Structure Plan Review, Incorporating Approved Alterations 1991 (SP) and the Dacorum Borough Local Plan 1995 (LP) comprise the Development Plan for the area. The Development Plan contains policies which aim to protect and to enhance the character of urban and rural areas, including the character and setting of rural settlements such as Little Gaddesden (47, 48 & 52 - SP, 5 - LP). These are reinforced by AONB policies where the prime consideration is the preservation of the beauty of the area (2 - SP, 90 - LP). In addition, the policy relating to conservation areas reflects the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, when considering proposals for new development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the area (110 - LP). Further policies seek high standards for development proposals; the protection of special buildings; adequate

parking provision; and provide general design criteria for development (56 - SP, 8, 9, 10, 20 & 54 - LP).

5. Little Gaddesden Conservation Area includes the greater part of the settlement of Little Gaddesden. Most of the built development is located on the east side of the principal road leading through the village. The pattern of development has evolved over a considerable period of time and in general, the buildings have been sited to relate to the road frontage. I found the area to contain dwellings of various ages, sizes and styles. The linear form of the settlement results in a close relationship to the surrounding countryside throughout, which, to my mind, enhances its attractive rural character.
6. Your client's property comprises a semi-detached cottage, in a row of 8 similar properties, situated towards the northern end of the village. The outbuilding has been erected close to a corner of the rear garden, formed by the staggered southern boundary, and beyond an oil storage tank. I saw that the building has a particularly attractive appearance, having been constructed in facing bricks with a tiled pitched roof to compliment the existing house.
7. The orientation of the building in relation to your client's cottage and to the boundaries of the garden is unusual. Although, at the site visit, the angle of the building in relation to the house was found to be less than the 45° suggested, it is, nevertheless, appreciable. The building is not, however, visible from the road frontage and I saw that from the side and rear of the house, it is partially screened by the boundary fence. From the rear garden, the building is seen to fit comfortably into the corner of the site, against a backdrop of fencing. In my view, this modest sized building is not an unduly dominant feature in the garden, nor does it occupy a prominent position. In these circumstances, despite the orientation, I consider it to be an appropriate garden building which has a minimal visual impact on the immediate environs.
8. The rear of your client's property is visible, at a distance, from a public footpath which crosses the fields immediately to the east. Although I was able to see the outbuilding, its orientation in relation to existing buildings was not immediately obvious. Moreover, it is seen against the background of the existing cottages and, to my mind, forms an integral part of the pattern of built development rather than appearing as an isolated structure. In my opinion, the angle of the building has little effect on the appearance of this edge of the settlement when viewed from the open countryside.
9. Drawing together my findings, I conclude that the proposed development preserves the character and appearance of the Little Gaddesden Conservation Area and does not conflict with the objectives of the relevant policies of the development plan, in particular policy 110 of the LP. In addition, I find that the development does not harm the natural beauty of the area and I note that the Council agree with this opinion. Thus, the proposal meets the requirements of policy 2 of the SP and policy 90 of the LP relating to the AONB and does not conflict with the purpose of its designation. I therefore intend to allow your appeal.
10. I would confirm that my decision has not been influenced by the presence of larger and more unsightly outbuildings in neighbouring gardens. I saw that the rear gardens of neighbouring properties are staggered in a similar manner to your client's garden and I have given careful thought to the suggestion that in allowing this appeal, the Council would have difficulty resisting future proposals for outbuildings with a comparable orientation. Each

application must, however, be treated on its own merits and having regard to the effect on the character and appearance of the area.

11. I have noted that the position of the outbuilding precludes the implementation of the planning permission for the erection of a garage at the premises. Nevertheless, I saw that there was ample space for the parking of cars to the side of the cottage, to fully meet the Council's parking requirements.

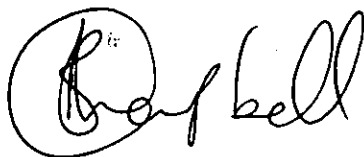
12. The Council have not suggested any conditions to be attached to the planning permission and I am satisfied that none are necessary. I have taken into account all other matters raised at the hearing and in the written representations, but nothing is sufficient to outweigh the considerations which have led to my decision.

13. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the retention of an existing outbuilding at 11 Little Gaddesden, Berkhamsted in accordance with the terms of the application (No 4/0296/96) dated 6 March 1996 and the plan submitted therewith.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

15. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B M Campbell', enclosed within a circular stamp or seal.

B M Campbell BA(Hons) MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

- Mr R Perrin MRTPI - Town Planning Consultant, 42 Baskerville Road
Sonning Common, Reading RG4 9LS
- Miss J MacLarty - Appellant, 11 Little Gaddesden, Little Gaddesden,
Berkhamsted, Herts HP4 1PA

FOR THE LOCAL PLANNING AUTHORITY

- Ms A Bochnacki - Principal Planning Officer
BSc(ECON) DipTP
MRTPI
- Mr C Kingsley Fulbrook - Head of Conservation, Planning Department
BA DipTP Dip.Arch.Con
MRTPI

INTERESTED PERSONS

- Councillor F Seely - 20 Rambling Way, Potten End, Berkhamsted,
Herts HP4 2SF
- Mr J Dalton - Ash Riding, Little Gaddesden, Berkhamsted,
Herts HP4 1PB

DOCUMENTS

- Document 1 - List of persons present at the Hearing
- Document 2 - Letter of notification of the appeal
- Document 3 - Letters of representation
- Document 4 - Appendices 1-5 to Appellant's statement
- Document 5 - Annex A and annex B to Council's statement

PLANS

- Plan A** - Application drawing MLH 300A
- Plan B** - Ordnance Survey extract attached to Appellant's statement
- Plan C** - Little Gaddesden Conservation Area - Drawing 51 submitted by the Council at the hearing