



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

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[Handwritten initials]
[Handwritten initials]

Keith Wilding & Co
115 High Street
BERKHAMSTED
Hertfordshire
HP4 2DJ

Your Ref:
KW.Browne
Our Ref:
T/APP/A1910/A/98/296102/P7
Date: 15 SEP 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY MRS NICOLA J BROWNE
APPLICATION NO: 4/00299/98FUL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for a change of use to garden land on land adjacent to 16 Ellingham Close, Hemel Hempstead. I have considered all the written representations together with all other material submitted to me. I inspected the site on 24 August 1998.

2. The appeal site is a small area of land, owned by the Council, which lies south of and adjacent to the garden wall to your client's property, and is situated in Ellingham Road. It is some 19 metres long, and about 3.5 metres at its widest point. Adjoining it is the pavement, and there is a grass verge between that and the highway. Your client's house is in Ellingham Close; the junction between the two roads is immediately east of the appeal site. The area of land which is the subject of this appeal is planted with a variety of low shrubs and trees. On the opposite side of the road junction, further east along Ellingham Road, there is a similar area of land, although it is somewhat longer, and the planting on it is denser and taller. The surrounding area is generally one of good sized detached, semidetached and terraced houses, built, the Council stated, in the 1950s, with good sized gardens to the front and rear of the properties. The character of this side of Ellingham Road as well as Ellingham Close is relatively open; on the other side of Ellingham Road the houses are generally screened by tall hedges. Your client wishes to incorporate the land into her garden area, as it is poorly maintained, and to provide a low fence and hedging to it.

3. The Council's concerns relate to the effect that the proposed change of use would have on the character of the area. In this regard, they have referred to Policies 8 and 105 of the adopted Dacorum Borough Local Plan. Policy 8 states that a high standard is expected in all development proposals. Development should retain and supplement important trees and shrubs, and include measures to enhance the local landscape; it should respect the character of the area; and it should avoid harm through, for example, visual intrusion. Policy 105 seeks to control development on open land; proposals will be assessed on the basis of the local contribution the land makes to townscape, visual amenity and the general environment. In addition, the Council have drawn my attention to their Supplementary Planning Guidance on Development in Residential Areas. In the part of that document relevant to the appeal site,



it states that proposals for development on areas of amenity land or for their enclosure within private domestic curtilages will not normally be permitted.

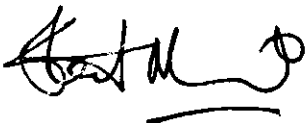
4. From what I have said above, my inspection of the site and its surroundings, and from the written representations made, I consider the main issue in this appeal to be the effect the proposed change of use would have on the character and appearance of the surrounding locality.

5. In my view, the planting on the appeal site and on the similar area on the other side of Ellingham Close contribute an important part of the open and green character to the area, and serve to screen the more urban and built up character of the walls and fences which they conceal. The set back of these walls and fences contributes to a more spacious character. The two areas of land are, in my opinion, significant features in the local landscape at the entrance to Ellingham Close. Your client's proposal for a low fence and hedging would do little to address her concerns about litter and beer bottles which spoil the area. The prospect would be that, if I were to allow this appeal, an application would be made for a taller fence or wall to protect the area from such problems. The Council, in my view, would find it hard to resist such an application, with the result that this important area of green and open amenity space would be lost. The local character would be harmed with the loss of the contribution that the planting and space make to the street scene, and the physical presence of a tall fence or wall would be visually intrusive in terms of the open appearance of the area. Furthermore, although each case is decided on its merits, the Council would, in my view, find it similarly difficult to refuse an application in connection with the land on the other side of Ellingham Close, where a further loss of valuable open public space would be caused.

6. For all of these reasons, I conclude that the proposed change of use would have a harmful effect on the character and appearance of the surrounding locality. It follows that it would not satisfy the adopted policies, nor the objectives of the Supplementary Planning Guidance in this regard. I have taken account of all the other matters raised in the written representations, but I have found no evidence that would outweigh the considerations which have led me to my decision.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal for a change of use to garden land on land adjacent to 16 Ellingham Close, Hemel Hempstead.

Yours faithfully



STUART M REID D Arch (Hons) RIBA
Inspector

**Dacorum Borough Council
Planning Department**

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH



KEITH WILDING & CO
115 HIGH STREET
BERKHAMSTED
HERTS
HP4 2DJ

N J BROWNE
16 ELLINGHAM CLOSE
HEMEL HEMPSTEAD
HERTS
HP2 5LW

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00299/98/FUL

**ADJ 16, ELLINGHAM CLOSE, HEMEL HEMPSTEAD, HERTS
CHANGE OF USE TO GARDEN LAND**

Your application for full planning permission dated 18 February 1998 and received on 02 March 1998 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read 'D. A. Noble'.

Development Control Manager

Date of Decision: 07 April 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00299/98/FUL

Date of Decision: 07 April 1998

The proposed enclosure of the application site and use as garden land would result in the loss of a valuable amenity area which would have an adverse effect on the character of the area.

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**