

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To

E Greenham Limited  
13 Alexandra Road  
Hemel Hempstead  
Herts

Savage & Partners  
The Gatehouse  
1 Blucher Street  
Chesham  
Bucks

Residential Development (6 dwellings)

at Meadow Cottage  
Gravel Path, Berkhamsted, Herts.

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 ..... 9.2.88 ..... and received with sufficient particulars on ..... 18.2.88 ..... and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

Having regard to the semi-rural appearance of Gravel Path, the proposal, including the removal of the existing embankment to form a visibility splay, will result in a substantial change in the appearance of the road. In the opinion of the local planning authority, the proposal will not lessen the impact that the works will have upon the street scene to the detriment of its overall character and the visual amenity of the locality.

Dated ... SECOND ... day of ... JUNE ... 19 88

Signed .....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

#### 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.



**Department of the Environment and  
Department of Transport**

Common Services

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D/130/JM/P

28290

CHIEF EXECUTIVE

17 FEB 1989

Refer to

28290 13/2

New Homes Marketing Ltd  
138 Cemetery Road  
HOUGHTON REGIS  
Beds  
LU5 5DA

JEB  
270N  
3)RB

Your reference

Our reference

T/APP/A1910/A/88/88832/P4

Date

A/88/100237/P4

10 FEB 89

C.C.

Admin.

Received

13 FEB 1989

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY E GREENHAM LTD  
APPLICATIONS NOS: 4/1401/87 AND 4/0301/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Dacorum Borough Council to refuse planning permission for the erection of 6 detached dwellings and garages on land around Meadow Cottage, Gravel Path, Berkhamstead. I have considered the written representations made by you and by the council and also those made by Berkhamstead Town Council and interested persons. I inspected the site on Tuesday 13 December 1988.

2. From the representations made and from my inspection of the site and the surrounding area, my view is that there are 2 main issues to be decided which are common to the 2 cases before me. The first is whether the schemes or parts of them would harm the character or appearance of Gravel Path and the second is whether the amenities of neighbours would be harmed.

3. The site is a plot of around 0.4 ha (1 acre) within which stands a single house, known as Meadow Cottage, and a detached garage. Both schemes propose the erection of 6 more detached houses with garages in the grounds of Meadow Cottage. In order to distinguish between the 2 cases I shall refer to the earlier scheme, submitted to the council in 1987, as scheme A and to the project submitted in 1988 as scheme B. In view of a number of differences between them, I shall deal with the 2 principal issues by discussing each scheme separately before commenting generally on other matters.

4. In both cases relevant policies of the Dacorum District Plan are a material consideration as it is a statutory local plan.

5. I saw that Gravel Path climbs steeply towards the appeal site from the south-west. The road continues to rise less steeply along the frontage of the site, where it is in a cutting with steep banks to either side. This cutting is a feature only of this relatively short section of the road. There are no footways adjacent to the carriageway. A footpath runs along the top of the embankment on the south side of the road. These features, together with trees and shrubs growing on and above the sides of the cutting, give the road a decidedly rural character and appearance at this point, particularly as views to east and west are cut off by bends in the road. Moreover, the housing to either side, while not entirely hidden, is dominated by the natural features which I have described. This is true of Meadow

Cottage and its neighbours, including the more recently built houses. In my view this latter characteristic arises both from the siting of the houses, in relation to Gravel Path, and from the generous size of many of the plots.

6. I consider that not only house No 4 but also Nos 3 and 5 in scheme A would feature quite prominently in the street scene as seen by anyone approaching from the south. This would result from the raised position of the site and its exposed south-west corner. Similarly, houses Nos 4, 5 and 6 would figure prominently in the view of those passing along the footway opposite or approaching the site from the north-east. I find that these new buildings, together with the proposed brick faced retaining wall along much of the frontage, would change the landscape quite dramatically. The rural character and appearance of the cutting would be lost and so, in my opinion, Gravel Path would become less attractive.

7. The council says that there would be little opportunity for planting and screening. I note that in scheme A a close boarded fence, to be erected on top of the retaining wall, would be set back to allow an evergreen hedge to be planted. My view is that, while this would provide a measure of privacy for occupants of the houses adjacent to it, it would not compensate for the harm done to the character and appearance of the road.

8. I consider it likely that the root systems of the beech trees within the grounds of Kingsmead to the north-east of the site would be adversely affected by the construction of the access road. The same would be true of others above the road frontage affected by excavations for the retaining wall. These trees make an important contribution to the landscape and scheme A fails, in my opinion, to take sufficient account of this.

9. As regards scheme B, the steep bank to the road would be recreated in a new position and the new slope landscaped in a similar fashion to the existing bank. I consider that this would do much less harm to the character of Gravel Path than the retaining wall in scheme A, but the wide verge necessary to create an adequate visibility splay to the south-west would still be alien to the closely confined character of the road. Despite changes in the design of houses Nos 4 and 6, my view is that both they and houses Nos 3 and 5 would remain prominent. The impact of scheme B on trees would be little different from scheme A, even if the excavations for the road were hand dug as suggested.

10. Thus while scheme B goes some way to overcoming the failure of scheme A to fit into its setting I find that there remains an overriding objection to it on the grounds of the harm it would cause to the character and appearance of Gravel Path.

11. I now turn to the second issue. In my opinion neighbours would be affected by scheme A in the following ways. The privacy and quiet of Meadow Cottage would be most obviously harmed by the close proximity of houses Nos 5 and 6 and the access/turning area and garage of house No 5. Also some late afternoon/evening sunlight would be lost. Meadow Cottage would become a much less pleasant place in which to live. The access road close to the north-east boundary would run virtually the full length of the rear garden of the adjoining house and quite close to the house itself. Despite screen fencing and the mature trees which stand north of the boundary, my view is that the noise and general disturbance of vehicles of all types using the access road serving 7 houses on the appeal site would reduce the peace and quiet to which neighbours have been accustomed to an unacceptable extent. The concern expressed by the present occupants of the adjacent house is justified. I have also considered the question of privacy of houses other than Meadow Cottage. I

find that the scheme would not result in overlooking of neighbours to any great extent given the siting of and the existing landscaping within the grounds of adjoining houses and the proposed screen fencing around the site.

12. As to scheme B, my opinion is that this would be little different from scheme A in its effect upon the amenities of neighbours, despite the alterations made to the project.

13. I consider that both schemes fail to take sufficient account of the surroundings of the site, a matter which is identified as important in Policy 66 of the Dacorum District Plan. This adds weight to the conclusions I have reached.

14. I have also been mindful of the question of highway safety mentioned by many interested persons. My view is that the design of the entrance to the site and sight lines of 2.4 m x 70 m would provide adequate visibility for traffic using Gravel Path and vehicles leaving the site. For pedestrians the scheme would be less satisfactory. There is to be no footway on the north side of the road. While visibility would be sufficient to allow most people to cross the road safely, having crossed, pedestrians would be faced with steep steps to reach the footpath on top of the opposite embankment. As a result, I believe that there would be some danger for young children, the elderly and the disabled. Although the number of houses to be erected is not great, this aspect of the scheme is not, in my opinion, satisfactory.

15. I have considered all the other matters raised, including the advice given in Circulars 22/80 and 15/84 but nothing causes me to alter my view that both schemes would harm interests of acknowledged importance.

16. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss these appeals.

I am Gentlemen  
Your obedient Servant

*A M Clemence*

A M CLEMENCE BA(Hons) DipTP MRTPI  
Inspector