



Planning Inspectorate
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GTN 2074

19 DEC 1990

Comments

Our reference

APP/A1910/A790/1570747P7

Date:

17 DEC 90

Rowe and Maw
Solicitors
20 Blackfriars Lane
London
EC4V 6HD

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SUMMIT HOMES LIMITED
APPLICATION NO:- 4/0301/90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal following the failure of the Dacorum Borough Council to give notice of their decision within the prescribed period in respect of an application for planning permission for 11 town houses, 9 flats and 4 detached houses with associated garaging and car parking on land being the former curtilages of Beechcroft, Beechcroft Cottage and Kinghoe, Chesham Road, Berkhamsted. I held a public inquiry into the appeal on 4 December 1990.
2. At the start of the inquiry, the Council accepted that your client's amended layout plan No 003, and amended landscape sketch design plan No 002b, should be substituted for plans No 035 and 033a respectively. I have therefore dealt with this appeal on the basis of those amended plans.
3. Having considered the evidence presented to me at the inquiry, as well as written representations, and having visited the site and surrounding area, I am of the opinion that the main issue in this appeal is whether the proposed development would appear cramped and create a poor living environment for occupants of the proposed dwellings.
4. The appeal land is adjoined on the southern boundary by residential properties and by buildings used as a school on the northern side; to the west are the open playing fields of the school, with Chesham Road forming the eastern boundary, beyond which is a residential estate. This part of Berkhamsted is characterised by steeply sloping land and considerable changes in levels. Chesham Road forms a narrow cutting between wooded embankments, with the residential estate on the eastern side being on much higher land.
5. The land in the vicinity generally falls both from east to west and from south to north. The appeal land follows this general trend, with a distinct slope from the Chesham Road to the western boundary, and the open playing fields beyond continuing to fall away down to Kings Road, some distance to the west. There is also a considerable drop in levels between Alderley Court on the southern boundary, and the appeal site, with the land continuing to slope down towards the boundary with the school.

6. A further characteristic of the area, is that it contains substantial numbers of trees and has a pleasant wooded appearance, interspersed with mostly residential properties. Your client's land also has a wooded appearance and the trees on the site are the subject of a Tree Preservation Order.

7. It is proposed to use one of the three original vehicular access points to the land to construct a new roadway to serve the 24 proposed properties; the existing southern access would be used as a pedestrian link to Chesham Road and the existing northern access permanently closed to form part of the embankment and landscaping area. Within the site, there would be three blocks of 3 storey town houses, of which two blocks would adjoin the southern boundary with Alderley Court. There would be a block of 3 and 2 storey flats, with under storey parking, towards the western boundary, and four detached 4 bedroom houses located around the northern end of the cul-de-sac.

8. A detailed tree survey was prepared by your clients, as well as a scheme for additional landscaping. Of those trees to be removed, it was said that the proposed scheme would affect only about an additional 13 trees over the number affected under an approved scheme. The additional trees to be lost would be mostly along the southern boundary and would allow retained trees to develop and be viewed to greater advantage. The proposed landscaping scheme would enhance existing tree cover within the site and adjacent to the road frontage.

9. From the evidence given at the inquiry, it is clear that the principle of developing the appeal land for housing purposes is not in dispute; nor would the proposal be contrary to the general thrust of planning policies. The Council point out that there are many examples within Berkhamsted where planning permissions have been given for redevelopment of sites containing large residential properties. In respect of the appeal land, the Council gave outline planning permission in 1988 for housing on the land and in June 1990, planning permission was given for 21 dwellings.

10. I now turn to a more detailed consideration of the proposed scheme. In respect of plots 4 and 5, the new dwellings would be about 3.6 metres from the southern boundary, but much of that space would contain a retaining wall and embankment, above which would be the existing wall and fence on the boundary, with the two storey houses of Alderley Court standing a considerable height above the ground level of plots 4 and 5. From the section plans submitted by your clients, it would appear that the houses in Alderley Court are located about 4 metres higher than the ground level of the proposed houses. In addition, the difference in level is sudden, with much of the drop taking place between the boundary and the houses and gardens of plots 4 and 5.

11. In my opinion, that situation would create an overbearing and poor environment for occupants of the new houses, as well as giving a cramped appearance. I am aware that the dining, living and kitchen rooms of the town houses would be at first floor level, but the ground floor bedroom and the garden area would be dominated by the proximity of the substantial height of the adjoining embankment and housing.

12. Furthermore, due to the number of dwellings proposed for this short length of cul-de-sac, the proximity of the embankment and the likely number of vehicles that would use the proposed parking and manoeuvring areas, the land between the two blocks of town houses would appear cramped and congested.

13. Dealing now with plots 19 and 20, whilst your clients quite correctly pointed out the advice contained in Circular 22/80 relating to garden areas, the Circular also makes clear the need to control the design of schemes to ensure they would be in scale and character with their surroundings. In my opinion, the proximity of these houses to the boundary, and their relationship with each other, would appear cramped and quite out of character for a site immediately adjoining open land. I accept that, because of the proximity of the new houses to the boundary, and the sloping nature of the site, the development would involve a terracing of the garden areas. But in my view, that would only serve to emphasise the cramped nature of the development.

14. The relationship between the proposed flats and the space around that building would also appear cramped. Whilst the proposed position of the flats would be a reasonable distance from the boundary, their relationship with plot 19 would create a congested appearance to this part of the development. In my opinion, because of the number of units contained within the block, it would be necessary to compensate with more amenity space than is proposed if one were to avoid creating a poor design and layout. The proposed landscaping scheme, although well conceived, would not create sufficient space about the flats to avoid the appearance of the development being too dense and out of character for a peripheral site. In this respect, I consider the Council were correct to seek a substantial amenity or open space in the vicinity of the flats.

15. I have taken into account all other matters raised at the inquiry, including reference to overlooking, density of adjoining developments and the proposed landscaping scheme, together with the written representations, but none was sufficient to outweigh the considerations which led to my decision.

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

I am Gentlemen
Your Obedient Servant



D.G. Hollis BA DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Miss A Williams of Counsel - instructed by Rowe and Maw, Solicitors of 20
Blackfriars Lane, London

She called:

Mr J S Felgate MA MRTPI - Director in the practice of Vincent and Gorbing
Associates, Chartered Architects and Town
Planners of Stevenage.

Mr K P Coyne Dip LA DA Dip TP ALI MC Hort - Director in the practise of
Coyne Associates, Landscape Architects of
Stevenage.

FOR THE COUNCIL

Mr A F Barker - solicitor with Dacorum Borough Council

He called:

Mr N C Gibbs BA B TP MRTPI - Senior Planning Officer with Dacorum Borough
Council.

M/S R L Chapman BSc MSc - Woodlands Officer with Dacorum Borough Council.

INTERESTED PERSONS

Mrs M N Paton, Chairman of Alderley Court Residents Association, 6 Alderley
Court, Chesham Road, Berkhamsted, Hertfordshire HP4 3AD.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Copy of the notification of appeal and those persons notified.
- Document 3/1-3/3 - Copies of letters of objection from local residents.
- Document 4/1-4/4 - Copies of correspondence relating to management proposals
on site, completed exhibition questionnaires, decision notice
4/0302/90, and appeal decision letters submitted by Mr Felgate.
- Document 5/1-5/3 - Extracts from Dacorum District Plan, Dacorum Borough Local
Plan Review and schedule of amenity space submitted by
Mr Felgate.
- Document 6/1-6/13 - Extracts from Dacorum District Plan, Hertfordshire
Structure Plan 1986 Review, Council Committee reports, decision
notices, appeal decision letter, Tree Preservation Order, parking
guidelines, letter from Vincent and Gorbing relating to
maintenance of embankment and letter dated 8 November 1990 from
Chief Planning Officer to Vincent and Gorbing and submitted by
Mr Gibbs.
- Document 7/1-7/2 - List of suggested conditions submitted by Mr Gibbs and
suggested amended conditions submitted by Mr Felgate.

PLANS

- Plan A/1-A/11 - Copy of application plans Nos 002b,003,007,027,028,029a,030a,031,032a,034,036.
- Plan B/1-B/22 - Copy of plans JSF/1,2,3,6,8,9,10,11,13,15,17,20,21,22,23,24,25,26,27,30,31 and 32 submitted by Mr Felgate.
- Plan C/1-C/5 - Copy of drawings 10/035/001a, 003,006,007 and 008 submitted by Mr Coyne.
- Plan D/1-D/3 - Copy of Dacorum District Plan Proposals Map, plan showing footpath network and plan showing appeal site in relation to view points and submitted by Mr Gibbs.
- Plan E/1 - Plan No 003 showing pink and orange coloured areas referred to in suggested conditions 17 and 18.

PHOTOGRAPHS

- Photograph 1/1-1/5 - Set of photographs submitted by Mr Felgate.