



**Department of the Environment and
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ENT
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Ref.	Your Reference		
C.P.O.	D.P.V.E.	B.C.	FFEM/SW/355/1
			Our reference
Received 18 APR 1983	T/APP/5252/A/82/11947/PH3		
- 5 APR 1983 - 6 APR 1983			
Comments			

1) MB
2) MB
3) MB
4) TEAM 2
RETURN TO MB
FOR COMMITTEE
REPORT

EPB 25 April 83
6.23

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY JOSEPH DRIVER (BUILDING) LTD
APPLICATION NO:- 4/0304/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of five 3-bedroom houses, seven 2-bedroom houses, garages and parking on land at the junction of Western Road and Chapel Street, Tring. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 3 February 1983.
2. Western Road is one of the main roads leading into Tring, Chapel Street a narrow residential road entering its southern side. The appeal site occupies the western corner adjoining and lapping behind terraced houses in both roads and on its southern side abutting the rear gardens of houses in Park Road. Now used mainly for the open storage of builder's materials the site is cut into the gently rising land to be a little below the Chapel Street and Park Road houses and a little above those in Western Road.
3. The part of central Tring to the south of Western Road consists very largely of terraces of small Victorian houses fronting onto an intricate pattern of often narrow streets. It is attractive and has a distinctive character which has prompted its designation as a Conservation Area. Many of the houses have been modernised and restored and a certain amount of infilling and small scale redevelopment has taken place, in keeping with the general character of the area. The narrow streets, the common lack of off-street parking space for the houses and the proximity of the town centre, together with a mixture of industrial and commercial premises in the eastern part of the area, appears to give rise to some congestion and much of the area is subject to measures of parking and traffic control. Chapel Street has parking restrictions on week days and is one-way in the direction of Western Road.
4. From my consideration of the written representations and my visit to the appeal site and its surroundings in my view the principal issue in this case is whether or not the proposal can be accommodated without unreasonably reducing the amenity of the occupiers of neighbouring houses or giving rise to serious hazard or congestion in Chapel Street or the service areas of the development.
5. I can see no objection, nor does the council, to the residential development of the appeal site, for which purpose it is indicated in the local plan. The general form of your proposal appears to make the most of a relatively small site of difficult shape and it is apparent that you have given considerable

thought to preparing a scheme that would fit in with the Conservation Area and function properly. However, you have recognised that there are difficulties in accommodating a modern development of relatively high density in an area already closely developed. House No 8 would abut the site boundary at the rear of the houses in Western Road. Although the relative levels are not indicated on the submitted drawings it would seem that the new house would be a little higher than those in Western Road. Those houses, tunnel backed, have rear gardens only some 7.75 m long. Even with a hipped roof substituted for a gable, house No 8 being on the southern side would be likely to overshadow the nearest houses and their gardens to an extent that would be neither reasonable or neighbourly.

6. At the southern end of the same terrace house No 12 would be sited relatively closely to the only tree of any note on the site. It is your intention to retain this walnut tree and it appears to me to be a valuable part of the outlook of the Park Road and Chapel Street houses as well as, potentially, an attractive feature of the scheme itself. The necessary excavation to erect the house, which seems to be at a lower level, and the direction taken by its main branches appears to me likely to make its retention doubtful with the house so close.

7. The council consider that the scheme is an overdevelopment of the site. In terms of the amount of residential accommodation proposed I do not accept that this is necessarily so but it is apparent that the extent or siting of the terrace of C type houses would be unsatisfactory as it is now proposed. It would be likely to be severely damaging to the amenity of the surrounding houses.

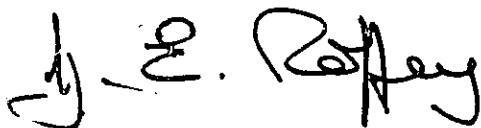
8. It was noticeable on visiting the area, as you point out, that not only are many of the roads narrow but so are the pavements and the corner radii of the public roads are often much smaller than modern standards would suggest. They are, nevertheless, a part of the area's character which should not be lightly changed and are reasonably reflected in new developments. In the council's view, however, the small kerb radii and sight lines proposed for the access from Chapel Street could result in the larger vehicles that would serve the houses having difficulty in entering and leaving the site without mounting the pavements while the space within the site for these vehicles to turn is limited. I think that the appearance and safety of the scheme would be improved by the suggestions contained in your letter of 27 January 1983 but not to an extent that these fundamental obstacles to the safe and convenient working of the scheme would be overcome.

9. I have noted your willingness to alter the scheme to improve the pavement proposed outside house No 3. Narrow pavements are part of the character of Chapel Street (and at present there is no pavement outside the appeal site) and in places they are at present partially obstructed by the front steps of the houses. Nevertheless, it appears likely that the development itself would add to the usage of the Chapel Street pavements, particularly on the western side, and that they should be adequate for convenient use by, for example, people with perambulators or young children. The 1.8 m suggested by the council does not seem unreasonable in the circumstances.

10. I have taken into account all other matters raised and have looked carefully at other developments that have taken place in the area from which parallels might be drawn with your current scheme. I find in them nothing to alter my conclusion that the scheme is as proposed unsatisfactory in the matters I have mentioned and should be further considered.

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

I am Gentlemen
Your obedient Servant.

A handwritten signature in cursive script, appearing to read 'G E Roffey'.

G E ROFFEY MSc(Econ) DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Joseph Driver (Building) Ltd
9 Akeman Street
Tring
Herts

Messrs Melvin, Lansley & Mark
The Red House
113 High Street
Berkhamsted
Herts

..... 5 three-bedroom houses, 7 two-bedroom houses, garages
..... and parking on land at the junction of
..... Western Road and Chapel Street, Tring

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 8 March 1982 and received with sufficient particulars on 15 March 1982 and shown on the plan(s) accompanying such application..

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

1. In the opinion of the local planning authority the proposal represents an overdevelopment of the site and would, if permitted, prove injurious to the amenity of adjoining residential properties.

Dated 27 day of May 19 82...

Signed *Colin Bannard*

Designation Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.