



Appeal Decision

site visit held on Monday, 20 December, 1999

by A Clive Hughes, BA(Hons), MA, DMS, MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

PLANNING	
DoP	FILE
Received 31 JAN 2000	
Comments	

The Planning Inspectorate
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28 JAN 2000

Appeal : T/APP/A/1910/A/99/1031429/P9

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr and Mrs G Harris against Dacorum Borough Council.
- The site is located at Ashenden, Gravel Path, Berkhamsted, Hertfordshire HP4 2PJ.
- The application (ref: 4/00334/99/FHA), dated 23 February 1999, was refused on 20 May 1999.
- The development proposed is vehicular access (formation of secondary access to improve safety).

Decision: The appeal is dismissed.

Procedural matters

1. Prior to its determination by the Local Planning Authority the application was amended by revisions to Drawing Nos. DWG1 and DWG2 accompanying letters dated 16 April and 10 May 1999 respectively. I have based my decision on these revised plans.

The main issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and on this part of Gravel Path in particular.

Inspector's reasons

The development plan

3. The development plan includes the Hertfordshire Structure Plan Review 1991-2011 (adopted 1998) and the Dacorum Borough Local Plan 1995. Structure Plan Policy 29 states that the traffic and road safety implications of development proposals will be assessed, while Policy 41 requires development to be designed to ensure the health of retained trees and hedges. Local Plan Policy 8 relates to the quality of development and sets out various criteria with which new development should comply. These include the requirements that important trees and landscape features are retained; that the general character of the area is respected; and that the development provides a satisfactory means of access that will not cause or increase danger to pedestrians and road users. Policy 94 relates to the preservation of trees and woodland and states that where development is proposed a high priority will be given to the retention of existing trees and to their protection during development.

The emerging plan

4. Policy 9 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft 1998 largely reiterates the provisions of Policy 8 of the adopted Local Plan in respect of the quality of development, while Policy 100 restates the considerations of Policy 94 of the adopted Plan in respect of trees and woodland. This emerging Plan is at an early stage in the process and

therefore I give it only limited weight in accordance with the provisions of paragraphs 47-49 of Planning Policy Guidance 1: General Policy and Principles (PPG1, 1997).

Effect on character and appearance of the area

5. Gravel Path is a winding, sunken road that runs uphill from Berkhamsted in a north-easterly direction towards open countryside. Although it is largely residential, with substantial houses set back from the road in a mature landscape, due to the relatively low level of the road and the steep wooded banks on either side, the area has an almost rural character, despite its close proximity to the centre of Berkhamsted. There is a footpath on the south-eastern side of the road which, for much of its length, is at a significantly higher level than the road. Towards Berkhamsted the footpath is separated from the road by trees and vegetation, but by the time it reaches the appeal site it is separated by a relatively small, grassed, mound.
6. The gradient of the road begins to level off at the appeal site, but nonetheless the grassed area, albeit with a less pronounced raised mound, maintains the semi-rural character referred to by the Council. It is proposed to excavate part of this raised mound to create a secondary vehicular access to Ashenden. This excavation would extend for a length of about four metres, with the banks graded back on either side. At this point the mound has a height of about 0.7 metres above the level of the road, and, in my opinion, its appearance still contributes significantly to the character of the area. I consider that the excavation would have an adverse effect upon the appearance and the impact of this significant landscape feature, to the detriment of the character and appearance of the area. I consider that this would be visually intrusive, contrary to the provisions of Policy 8 of the adopted Local Plan and Policy 9 of the emerging Local Plan.
7. I conclude on the main issue, therefore, that the proposed additional access would harm the character and appearance of the area, contrary to the provisions of the development plan and the emerging Local Plan.

Highway safety

8. The description of the development includes reference to the access being provided to improve safety. I would give more weight to this aspect of the scheme if it involved a replacement access rather than an additional access. I acknowledge that visibility from the existing access is not ideal due to a bend in the road and the height of the mound either side of the access point. This additional access would be further from that bend and the banks either side would be lower in height. However, it is proposed to retain that existing access and so there would be no guarantee of an improvement in highway safety terms. There appears to be ample space within the site to turn and thus ensure all egress onto the road is in forward gear, and I do not consider that the potential advantage of improved visibility would outweigh the harm identified above.

Precedent

9. The Council has referred to the potential for the provision of a secondary access to this property creating a precedent for further accesses. However, I noted that there are very few other properties where such accesses could be formed. I understand the general concern about the potential for cumulative impact, but I have determined this appeal on its individual planning merits. This does not preclude the Council from determining future cases on their merits.

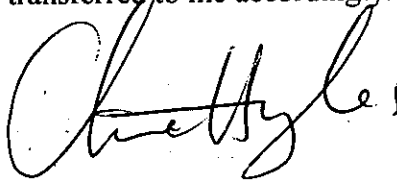
APPEAL DECISION

Other matters

10. I have considered all the other matters raised in the written representations, including the likely effect on the trees within the curtilage of Ashenden. The proposed access would pass close to existing trees but no evidence has been presented that leads me to believe that they would be harmed by the development. The former hedge had already been removed at the time of the site visit to allow for drainage works, unconnected with the current proposal, to be undertaken. However neither this nor any other matters raised outweigh my conclusions on the main issue.

Conclusions

11. Overall, therefore, I conclude that while I do not consider that the present proposal would set an undesirable precedent or adversely affect the health of the trees within the curtilage of Ashenden, I consider that these factors would be outweighed by the harm that would be caused to the character and appearance of the area.
12. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.





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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00334/99/FHA

ASHENDEN, GRAVEL PATH, BERKHAMSTED, HERTS, HP4 2PJ
FORMATION OF SECONDARY VEHICULAR ACCESS

Your application for full planning permission (householder) dated 23 February 1999 and received on 24 February 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 20 May 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00334/99/FHA

Date of Decision: 20 May 1999

- 1. The proposed development, which would involve substantial excavation, would appear visually intrusive and would be detrimental to the rural character and appearance of this part of Gravel Path.**
- 2. The provision of a secondary access to Ashenden would set an undesirable precedent for further accesses on to Gravel Path, the cumulative impact of which would further detract from the area's semi-rural character and appearance.**