



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

B/380/SJ/P

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Comments

Raymond P Crosby  
109 St Agnells Lane  
HEMEL HEMPSTEAD  
Herts  
HP2 7BG

Your Ref:

196

Our Ref:

T/APP/A1910/A/92/208843/P8

Date:

29 OCT 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY: MR T PYKE  
APPLICATION NO: 4/0337/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for one detached dwelling and garage on land adjoining 1 Bridgewater Road, Berkhamsted, Hertfordshire. I have considered the written representations made by you, the Council and also those made by the Town Council. I inspected the site on 10 September 1992.
2. It is evident to me from my inspection of the appeal site and its surroundings, and from the representations made, that the main issue in this case is whether or not the site can suitably accommodate the proposed development having regard to its size, shape and general topography, the effect on adjoining property, and upon the health of protected trees within the site.
3. Your client's present detached house fronts the southern side of Bridgewater Road about 110 m from the Brownlow Road junction and has a plot frontage of around 60 m with a depth of some 35 m at its western end but tapering noticeably towards the east where it abuts a public footpath. There is a fairly steep former railway embankment running along the whole of the southern portion of the plot about 3 to 3.5 m high and along the top of which are a number of mature trees of differing species, some of which are the subject of a Preservation Order. The proposal is to sever the present plot and build a 3 bedroom modest size house and a single detached garage on the eastern tapering portion. The new plot would have a frontage of some 42 m and a depth of around 30 m at its widest western end.
4. Policies in the adopted 1984 District Plan, as reviewed in the more recent Borough Local Plan which has undergone its

formal public consultation stage and local inquiry, in essence seek to ensure that development proposals make the best use of available urban land, harmonise with the general character of their surroundings, and normally comply with certain environmental guidelines such as garden and amenity spaces and the safeguarding of trees. The Council does not object in principle to residential development on the site which is in the urban area of Berkhamsted. In this instance however the Council considers that the proposal is unacceptable as, in essence, it would result in cramped development with insufficient amenity space and have a detrimental effect on the adjoining property and on trees along the embankment. You maintain on behalf of your client that the chalet style dwelling with its low eaves line and a garage could sit comfortably within the site, with adequate garden space and without harm to neighbours or to trees. Your client is prepared to resite the garage further from the nearest ash tree if there is felt to be a problem with its roots, as is indicated on amended drawing B. As you know, the Town Council also raise objection to the proposal.

5. The general objectives of the Council's relevant policies for the control of new development are well-founded and deserve considerable support, as do their general environmental guidelines, although I consider that each case also needs to be looked at on its own particular merits. I saw that a substantial part of the appeal site, and of its neighbour, is taken up by the former railway embankment and, although not unattractive, has resulted in a reduction of the amount of the level part of the site. Nevertheless I do not consider that the grassed embankment, and the area at its top occupied by the line of mature trees, ought to be regarded as largely unsuitable for inclusion in the calculation of the area generally available for garden and amenity functional purposes for future occupiers of the proposed house. I recognise that there may be some pressure for occupiers to cut into the toe of the embankment to terrace it for additional level space, but I consider the amount is likely to be small and could be carefully undertaken without harm to the trees.

6. The Council accepts that the proposed house itself would not significantly harm the mature trees. I am aware, of course, that with large trees in the vicinity of new dwellings there can still be a risk that occupiers may later consider them dominating, causing loss of light and giving rise to problems of falling leaves for example. However, I consider that the trees on the appeal site are of sufficient distance from the house as not to give rise to any serious problem and that in any event adequate means of control exists through the Preservation Order. I agree that the proposed position for the garage is probably too near to the ash tree and that with advantage it should be resited on the other side of the existing access as shown on your amended drawing.

7. All in all, I consider that the modest size dwelling proposed and a revised position for the garage can be satisfactorily accommodated on the site, with a reasonable amount of usable garden amenity area available for its

occupants, and without damage to the health and amenity value of the protected trees. Nor do I consider that the part of the existing plot that is to remain with your client's present house would be so reduced as to lead to a material diminution in garden amenities for occupants of that property.

8. The Council have suggested the imposition of certain conditions if the appeal were to succeed, and you do not object. I also consider them necessary and reasonable and shall impose some as appropriate.

9. I have considered all other matters raised but do not find any of such significance as to override the factors which have led to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for one detached dwelling and garage on land adjoining 1 Bridgewater Road, Berkhamsted, Hertfordshire in accordance with the terms of the application (No 4/0337/92) dated 19 March 1992 and the plans submitted therewith, as amended by drawing B accompanying letter of 13 May 1992, subject to the following conditions:-

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. details of the materials to be used in the external construction of the development hereby permitted shall be submitted to, and approved by the local planning authority, before the commencement of the development;

3. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any amendments thereto, there shall be no extension or addition to the buildings hereby permitted without the written permission of the local planning authority;

4. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no garages shall be erected other than that expressly authorised by this permission;

5. the development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on amended drawing B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved;

6. adequate arrangements shall be made to the approval of the local planning authority for the protection of all trees on the site which are to be retained to prevent damage during constructional works. Any trees accidentally damaged shall be replaced by approved species in the first planting season thereafter.

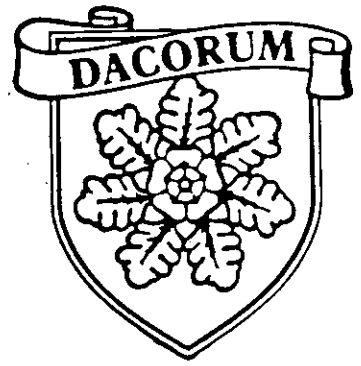
11. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir  
Your obedient Servant

K. Skitch

K SKITCH FRICS  
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0337/92

Mr T. Pike  
1 Bridgewater Road  
Berkhamsted  
HERTS

Raymond P. Crosby  
109 St. Agnells Lane  
Hemel Hempstead  
Herts  
HP2 7BG

DEVELOPMENT ADDRESS AND DESCRIPTION  
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Land Adj 1 Bridgewater Rd, Berkhamsted.

ONE DWELLING AND DETACHED GARAGE

Your application for *full planning permission* dated 19.03.1992 and received on 20.03.1992 has been **REFUSED**, for the reasons set out on the attached sheet.

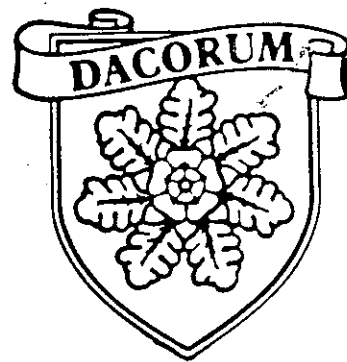
Director of Planning

Date of Decision: 14.05.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0337/92

Date of Decision: 14.05.1992



The proposal results in a cramped form of development, resulting in overdevelopment of the site with insufficient amenity space for the existing and proposed dwellings. The proposal would also have a detrimental effect of the trees on the embankment which are covered by a Tree Preservation Order because of their high amenity value.