



Appeal Decision

Hearing conducted on 21 September 1999

28 SEP 1999

by R S Foster

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

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
0117 987 8927

27 SEP 1999

Appeal: T/APP/A1910/A/99/1023413/P4

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 by Ash Developments Ltd against the decision of Dacorum Borough Council to refuse planning permission for the erection of a house on land forming part of the former combined sites of The Thatch and St Anne's Cottage, Dunny Lane, Chipperfield.
- The application (ref: 4/00419/99/FUL) was dated 9 March 1999 and refused on 20 April 1999.

Decision: Appeal allowed subject to conditions as set out in the schedule

The main issues

- From all that I have read, seen and heard it is clear that there are two main issues in this appeal. These are (1) the effect of the proposal on the openness of the green belt, and (2) whether or not the scheme would preserve or enhance the character or appearance of the Chipperfield Conservation Area.

Openness of the green belt

- The Council has already granted planning permission for a house to replace the dwelling formerly known as The Thatch. Under that permission the new building would be sited near the Dunny Lane frontage next to the recently built house that has replaced the former St Anne's Cottage. However, the appellant would prefer to build the replacement for The Thatch further up the slope about 68m or so back from the road frontage.
- In the Council's view this revised siting, deeper into the plot and at a higher level, would make the two new houses more conspicuous in views from countryside footpaths to the north and north-east. From these points both of the replacement dwellings would be seen individually at different points on the slope, whereas in the approved scheme the new St Anne's Cottage would be masked by the replacement for The Thatch.
- From my inspection I agree that the proposed layout would result in parts of both houses being seen from the footpaths to a greater or lesser extent depending on (a) the season and (b) the effectiveness and stage of development of the proposed reinforced sections of the boundary hedge. However, in my view the site would have a considerably softer and less crowded appearance when seen from Dunny Lane because two close-set houses would be replaced by one house and an access drive which could be heavily dominated by new planting.
- The revised siting therefore has both advantages and disadvantages for the openness of the green belt. Overall, I conclude that the proposal has a neutral effect on this matter, judged

APPEAL DECISION

against the criteria of policy 24 of the emerging review of the local plan, because its impact on the openness and character of the green belt is no worse than that of the approved dwelling.

Effect on the Conservation Area

6. There is no Conservation Area appraisal for Chipperfield. I saw that its overall character derives from the interest of the historical pattern of development that has grown up around and within the common and surrounding farmland. However, within the wide boundaries of the area there are a number of distinct enclaves of residential development which are very different from one another.
7. From the higher land alongside the footpath to the north of Dunny Lane the land on the south side of the lane between the appeal site and Windmill Hill could be seen as an area of very informally laid out, low density residential development set in large plots dominated by trees. While some houses are close to the lane others are set back up the hill nearer to The Common.
8. In my view the approved closely-sited pair of detached houses would have an urban appearance that would be inconsistent with the established character of this particular enclave of the Conservation Area. By contrast, the proposed site of the replacement dwelling would be more in keeping with its informal Arcadian layout and appearance. I therefore consider that the proposal would better preserve the character and appearance of the Conservation Area.

Conclusion

9. I shall allow this appeal but impose a number of conditions as requested by the Council, including a requirement for the approval of materials and landscaping works and for the provision of car parking. I shall also withdraw permitted development rights for the new dwelling, in line with the restrictions placed on the approved dwelling. This reflects the need to ensure that inappropriate additional development does not occur in the green belt over and above that already allowed for in the original permission for the replacement dwelling. Finally, I consider it necessary to require approval for the floor levels of the proposed house so as to provide the scope for careful control of its impact within the slope.

SCHEDULE

10. In accordance with the powers transferred to me I hereby allow the appeal and grant planning permission for the erection of a dwelling on land forming part of the former combined sites of The Thatch and St Anne's Cottage, Dunny Lane, Chipperfield in accordance with the terms of the application (4/00419/99/FUL) dated 9 March 1999 and the plans submitted therewith, subject to the following conditions:-
 - (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - (ii) No development shall take place until samples of the materials to be used in the construction of the external surfaces and hardstanding associated with the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- (iii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within the following classes of the Order shall be implemented without the prior written approval of the local planning authority.
Schedule 2, Part 1, Classes A-G inclusive, and Part 2, Classes A & C.
- (iv) The dwelling hereby approved shall not be occupied until areas for vehicle parking/circulation have been provided as shown on the approved plans. These areas shall be kept permanently available for such use.
- (v) No development shall take place until a scheme of landscaping has been submitted to and approved by the local planning authority, such scheme to include identification of all existing trees and hedgerows on the land and details of any to be retained, reinforced, or replaced, together with measures for their protection in the course of the development.
- (vi) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- (vii) The ground levels around the dwelling hereby approved, together with the proposed floor levels, shall be in accordance with details that shall previously have been submitted to and approved by the local planning authority.

L. S. O'Brien

APPEAL DECISION

APPEARANCES AT THE HEARING

For the appellants

Neil Boddington

Howard Fawcett

Alan Hutchinson

Planning Consultant

Architect

Ash Developments

For the local planning authority

Paul Newton

Interested persons

Steven Liska

Jack Liska

Howard Webby

Rosemary, Dunny Lane

Rosemary, Dunny Lane

Lavender Cottage, Dunny Lane

DOCUMENTS HANDED IN AT THE HEARING

1. Attendance list
2. Council's letter of notification

PLAN HANDED IN AT THE HEARING

- (a) Approved landscaping plan



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

HOWARD FAWCETT AND PARTNERS
CHANDOS HOUSE
BACK STREET
WENDOVER
BUCKS
HP22 6EB

ASH DEVELOPMENTS LTD
1 SHEPHERDS LANE
HAZLEMERE
HIGH WYCOMBE
BUCKS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00419/99/FUL

EX THE THATCH & ADJ. ST. ANNES COTTAGE, DUNNY LANE, CHIPPERFIELD,
KINGS LANGLEY, HERTFORDSHIRE
ONE DWELLING

Your application for full planning permission dated 09 March 1999 and received on 10 March 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 20 April 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00419/99/FUL

Date of Decision: 20 April 1999

1. The construction of a dwelling in the position shown on the submitted drawings would have an unacceptable impact on the openness of the Green Belt and would be visually intrusive on the skyline. In addition, the proposal would neither preserve nor enhance the character or appearance of the Chipperfield Conservation Area.

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**

Dacorum Borough Council

Planning Department

Civic Centre Marlowes

Hemel Hempstead

Herts HP1 1HH



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 192

(as amended by section 10 of the
Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT for proposed use or development

The Dacorum Borough Council hereby certifies that on 12 November 1999 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this Certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development falls within the limits of development permitted by Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.



Signed:

Director of Planning

On behalf of Dacorum Borough Council

Date: 26 November 1999

Reference: 4/01977/99/LDP

FIRST SCHEDULE

SINGLE STOREY SIDE EXTENSION

SECOND SCHEDULE

WYNDCLIFF, LOVE LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 9HN

Notes

1. This Certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from those described or which relate to any other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.