



The Planning Inspectorate

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

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PLANNING DEPARTMENT	
DACORUM BOROUGH COUNCIL	
Your Ref:	434
Our Ref:	T/APP/A1910/A/94/242209/P5
Date:	14 DEC 1994
Received:	15 DEC 1994
Comments	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY HEMEL HEMPSTEAD PROPERTY CO. LTD.
APPLICATION NO: 4/0446/94

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission in respect of an application for the erection of a proposed two-storey dwelling on land at Ridgeway Close, London Road, Kings Langley. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly to the Council which included those by the Kings Langley Parish Council and the Highways Authority that have been forwarded to me. I inspected the site on Monday 5 December 1994.
2. The appeal site is a triangular shaped area of woodland located in the Metropolitan Green Belt at the south-eastern end of Ridgeway Close, a cul-de-sac serving some eight pairs of semi-detached houses and a detached bungalow. The site is bounded by the main Euston to Birmingham railway line on its south-western side and by the A4251 London Road on its north-eastern side. The site is a generally flat area located at a lower level than the railway line, but at a higher level than London Road. London Road bends near the apex of the site to pass under a railway bridge. On the other side of the A4251 opposite the houses in Ridgeway Close is a large modern multi-storey building which forms part of a Business Park, known as Doolittle Meadows. To the south-west of this building there is a car park, an open field and the Red Lion public house.
3. From my inspection of the appeal site and its surroundings and from the written representations made, I am of the opinion that the main issues in this appeal are whether the proposal would, firstly, be appropriate to the Metropolitan Green Belt, secondly, harm the character and appearance of the area having regard to the effects of the proposal on the trees growing on the site which are subject to a Tree Preservation Order, thirdly, increase the risks to road safety to other road users at the junction of Ridgeway Close with London Road to an unacceptable degree and, if so, finally, whether there are any very special circumstances which outweigh the harm in all these respects.



RECYCLED PAPER

4. The illustrative layout accompanying the application indicates the position of a dwelling and detached double garage as well as the hard areas serving them. It also shows a new turning facility at the end of Ridgeway Close, a wall for noise protection from the railway and a new public footpath.

5. The Hertfordshire County Structure Plan Alterations 1990 was approved 23 June 1992. Policy 1 establishes the principle of a Green Belt in Hertfordshire and gives a broad indication of its boundaries. A key element in the strategy of Hertfordshire is the protection and enhancement of the existing settlements and the character of urban and rural areas. (Policy 47). Development in specified settlements, such as Kings Langley, will be limited to that which is compatible with the maintenance and enhancement of the Green Belt boundaries. (Policy 50).

6. The Dacorum District Plan was adopted on 25 January 1984. Policy 1 makes clear that planning permission will not be granted, except in very special circumstances, for development in the Green Belt unless the proposal is for three uses set out in the policy. Policy 3 makes clear that development within Kings Langley will be contained within the confines of existing development as defined on the Proposals Map. Policy 18 sets out the matters to which new development should pay particular regard. Policy 19 seeks to ensure that new development should provide car parking based on adopted guidelines. Policy 31 encourages the preservation of trees and woodlands for their landscape and amenity value. Policy 66 sets out the matters to which proposals for residential development should pay particular regard.

7. The Borough Local Plan has been modified to take account of the Inspector's Report into objections to the Plan. In order to bring the timescale of the Plan in line with that of the County Structure Plan it has been modified again and has recently been the subject of a second Inquiry. Policy 2 indicates that development in Kings Langley will be permitted if it is compatible with the existing character of the settlement. Policy 3 expresses a presumption against building development within the Green Belt and sets out the uses which are generally acceptable. Policy 7 sets out appropriate uses in relation to the defined land use division in towns and large villages, including Kings Langley. Policy 8 sets out matters on which applicants will be required to provide sufficient information in order to ensure new development is to a high standard. Policy 9 seeks to ensure that new development meets the environmental guidelines contained in the Plan. Policy 49, development and traffic, contains the matters which are considered when making an assessment of the proposed development in highway and traffic terms. Policy 54 seeks to ensure new development provides parking in line with the standards contained in the Plan. Policy 93 encourages the preservation of trees and woodlands throughout the Borough.

8. The Council refer to the general policy and principles contained in Planning Policy Guidance Note 1 with regard to the approach that decision makers should take to the consideration of planning applications as set out in Section 70(2) and 54A of the Town and Country Planning Act 1990. Both sides refer to advice contained in Planning Policy Guidance Note 2. You also refer to advice contained in PPG 3 and 13 and the draft PPG 2.

9. The planning history of the site shows that since 1956 some seven applications for the residential development of the site have been refused

planning permission. Appeals against four of these decisions have been dismissed, the last on 16 October 1985. In 1957 and 1963 planning permission was granted for the erection of lock-up garages on the site. These permissions were not implemented.

10. Dealing with the first main issue, the appeal site is located within the Green Belt where paragraph 12 of Planning Policy Guidance Note 2 makes clear that there is a general presumption against inappropriate development. Having considered the proposal in relation to the uses set out in the Structure and Local Plan policies and the advice contained in paragraphs 13 to 18 of Planning Policy Guidance Note 2 I find that, except in very special circumstances, the erection of a dwelling is not appropriate to the Green Belt.

11. Turning now to the second issue, the character of the area derives mainly from the houses laid out along Ridgeway Close and the commercial building opposite. The appeal site with the trees growing thereon provide welcome relief from the harshness of the urban development. The eight trees and five small groups of trees which are the subject of a Tree Preservation Order are located generally round the boundaries of the site. It would be possible to erect a dwelling and double garage on the site in positions which would not result in the immediate loss of any of these trees. However, the trees would be located so close to the proposed dwelling and amenity area that they would cause an unreasonable inconvenience to future occupiers for a number of reasons, including loss of sunlight and daylight. This would lead to requests to fell or prune them. Moreover, the proposed turning facility and public footpath would be located close to the trees on the north-eastern side of the site with the risk of damage to the health of the trees in the long-term. The proposed development would diminish the natural woodland appearance of the site substantially to provide a residential environment. The new dwelling would be located so far from the existing houses in Ridgeway Close that it would not relate to them visually. The new turning head would exacerbate the urban appearance of the proposed development. The proposed dwelling would be seen through the trees and any new additional landscaping from many points in the surrounding area including Ridgeway Close and London Road. The new buildings and wall for noise protection from the railway would be glimpsed by passengers travelling on trains which pass near the site. In my view it would not assist in the process of urban regeneration in the way you suggest. I conclude that the proposal would cause undue harm the character and appearance of the area. In coming to this conclusion I have taken account of the fact that it would result in the removal or severe pruning of the trees which are the subject to a Tree Preservation Order in the medium to short term.

12. I deal now with the third issue. Ridgeway Close runs parallel and close to the A4251 London Road. The junction of the two roads is located at the north-western end of the cul-de-sac, close to another junction on the same side of London Road and two 'bus stops in London Road. The kerb radii and sightlines of the junction are so substandard that drivers have some difficulty entering and leaving the junction, especially as the bellmouth of the junction rises steeply from London Road. For example, drivers turning left into Ridgeway Close from London Road have to perform a U-turn. Most drivers have to cross the centre line of London Road to enter and drivers of large vehicles would be unable do so in one movement. The new A41 bypass has reduced the amount of traffic on London Road, but it is

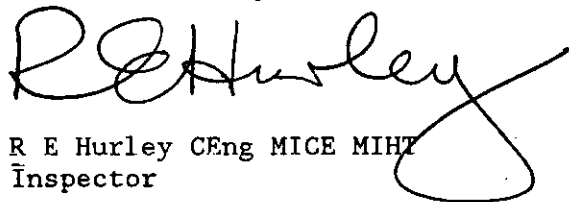
still a busy road. The amount of additional traffic generated by one dwelling would be relatively small in relation to that associated with the existing seventeen houses. I have come to the view that the proposal would not increase the risks to road safety to other road users at the junction of Ridgeway Close with London Road to a level which justifies refusal for this reason alone, nevertheless, they support my general conclusion that planning permission should not be granted in this case.

13. With regard to the final issue, the proposal would provide a new turning head at the end of Ridgeway Close which would replace/supplement the existing substandard turning facility. Drivers would be able to turn and leave Ridgeway Close in forward gear much more easily than at present. There would also be a new public footpath along the north-eastern side of the site which would formalise an informal track which has been created by people walking through the site. I do not share your view that the proposal would improve the appearance of the site. At my site inspection I saw that it was overgrown, but I did not find it to have a neglected appearance or that substantial amounts of materials had been dumped on the site. Although the proposal would have these advantages I find that they are all outweighed by the fact that the proposal would be a small, but unacceptable extension of the built-up area into an attractive woodland in a vulnerable position on the outer edge of the Green Belt. I conclude that there are not the very special circumstances in this case to override the presumption against inappropriate development in the Green Belt.

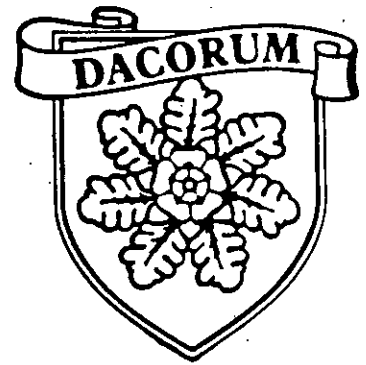
14. I have taken account of all the other matters in the representations, including the support expressed for the proposal by local residents and that the Highways Authority did not object to it, but I am of the opinion that they do not outweigh the considerations that have led me to my decision. It must be borne in mind that the impact of an inappropriate development is likely to remain for many years whereas the occupiers and their particular preferences are likely to change from time to time.

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

Yours faithfully



R E Hurley CEng MICE MIHT
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0446/94

Hemel Hempstead Property Co. Ltd
c/o Derek Kent & Associates
Great Wheelers Barn
The Green
Sarratt
Herts WD3 6BJ

DEVELOPMENT ADDRESS AND DESCRIPTION
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Land at Ridgeway Close, Kings Langley, Herts

DETACHED DWELLING

Your application for *outline planning permission* dated 28.03.1994 and received on 30.03.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 31.05.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0446/94

Date of Decision: 31.05.1994



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan and on the Dacorum Borough Local Plan Deposit Draft wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. There are a number of significant trees on the site which are covered by a Tree Preservation Order. The proposed development would necessitate removal or severe pruning of a number of these trees which would considerably reduce their amenity value to the detriment of the visual amenity of the area.
3. The development would result in a significant increase in the use of the substandard junction at Ridgeway Close and London Road to the detriment of highway safety.