



# The Planning Inspectorate

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

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Regent Properties (Finchley) Limited  
Your ref:

Little Kingshill Lodge  
Kings Hill Way  
BERKHAMSTED  
Hertfordshire  
HP4 3TP

PLANNING DEPARTMENT			
OUR REF: A/94/241368/P8			
Date:		12 JAN 1995	
Ref.	TC	PM	DN

13 JAN 1995	
Comments	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO 4/0520/94

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for a detached dwelling on land adjacent to Park House, Park Street, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Park House Residents' Association and other parties. I have also considered those representations made directly by other parties to the Council, including the Parish Council, which have been forwarded to me. I inspected the site on 25 November 1994.

2. The appeal site is approximately 0.0275 ha in area and is located to the east of Park Street, a narrow cul-de-sac providing access from Berkhamsted High Street to residential properties, including Park House flats to the north of the appeal site, to two businesses and to the Sacred Heart Catholic Church. The site has a long planning history going back to 1969 when approval was given for the Park House development. The appeal site formed part of the amenity space for that project and, indeed, was included within an approved landscaping scheme. The appeal site is now fenced off from the remainder of the open space though the visitors' parking area, immediately in front of the site, is still in use.

3. From what I have seen and read of this case I consider that the main issues to decide are, first, whether the proposed development would appear cramped and whether it would seriously harm the privacy and amenities of the occupants of

Park House and No 16 Park Street and, second, whether it would materially increase parking problems and congestion in Park Street to an unacceptable degree.

4. The project is acceptable in local plan policy terms but needs to be considered in the context of advice contained in PPG3 and in Policies 8 and 9 of the Local Plan requiring a high standard of layout, site coverage, design, scale and other detailed considerations as well as harmonising with the townscape, density and general character of the area and safeguarding the living conditions of neighbours. The Council consider that the proposed development fails to meet these general criteria by reason of its cramped nature and effect on Park House and 16 Park Street. They also consider that the amenities of future occupiers of the new dwelling would be harmed by excessive noise and disturbance from cars manoeuvring and parking in the visitors' car parking area immediately in front of the property.

5. I am of the opinion that the proposed dwelling would be too close to the flats at Park House. The dwelling shown on the illustrative drawings would be as close as 11m or so from the rear elevation of the flats, with the site boundary a metre or so closer. I do not accept the argument that the dwelling would soften the impact of the existing gable wall of No 16 Park Street and, despite the fact that the windows in the rear elevation largely serve bedrooms and stairways, I remain concerned that the outlook from these flats and from the open amenity areas would be seriously affected.

6. Although the failure to implement the extant landscaping scheme is not a matter before me, the creation of a grassed area within the appeal site boundary, the removal of the fence and the implementation of the remainder of the landscaping scheme, including the planting of floribund roses along the boundary of your site with No 16, would provide the amount and quality of space around the flats which residents of a development of that size could reasonably expect to enjoy. In reaching this conclusion, I have taken into account the views expressed by residents of the flats concerned. I also consider that relationship between the proposed dwelling and attached garage and No 16 Park Street would be unsatisfactory with the prospect of overshadowing and loss of outlook from No 16 and noise and disturbance from cars manoeuvring into and out of the driveway. The living conditions of future occupiers of the new dwelling would also be adversely affected by noise and disturbance from the frequent use of the parking area in front of the appeal site. In conclusion, I find that the proposed development fails to meet the relevant policy requirements of the Adopted District Plan and the Emerging Borough Local Plan.

7. On the second issue, Policy 8 of the District Plan also requires that new developments must provide a satisfactory means of access that will not cause or increase danger to pedestrians and road users. It is clear to me that Park Street is already extremely congested and that the position is exacerbated when services are held at the Church. Reasonable vision splays and sight lines, as defined in "Residential Roads in Hertfordshire", could not be achieved and it was evident from my site inspection that the drive would be narrow and located too close to No 16 Park Street to enable satisfactory access/egress to be achieved without causing some danger to pedestrians and motorists. In addition, the creation of a new access, with or without dropped kerbs, would interrupt the continuity of the pedestrian route to Park House though this, by itself, would not have been sufficient of a reason for me to turn down your appeal. I also agree that sufficient space could be provided within the appeal site for parking and turning vehicles but, on balance, I have concluded on the second issue that the introduction of a new dwelling would exacerbate parking and traffic problems, in an already congested street, to an intolerable degree.

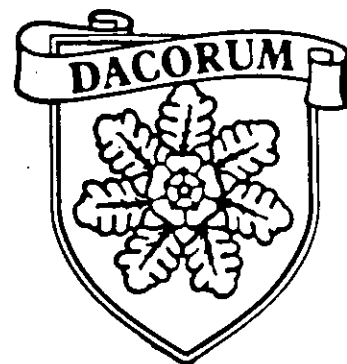
8. I do not accept that the permission granted for three town houses to the south of the appeal site is sufficient of a reason to justify development on the appeal site nor do I consider that the opinions of Officers of the Council should be given undue importance in this case. It is the decision of the Council, as Local Planning Authority, which is important and, on balance, I find the Council's reasoning to be broadly correct in this particular case. I have considered all other matters raised, including the disagreement between your company and the residents of Park House over the ownership of the strip of land in front of the appeal site (though this is not planning matter) and the reference to the Berkhamsted Bypass, but have found nothing to override the conclusions reached on the two main issues which have, in turn, led me to my decision.

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

Yours faithfully



J Gale BA(Hons) Dip TP MRTPI  
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0520/94

Regent Properties Finchley Ltd  
Little Kingshill Lodge  
Berkhamsted  
HP4 3TP

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Adj to Park House, Park Street, Berkhamsted

DETACHED DWELLING (OUTLINE)

Your application for *outline planning permission* dated 19.04.1994 and received on 19.04.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 23.05.1994

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/0520/94

Date of Decision: 23.05.1994

The proposed development would have a detrimental effect on the amenities and privacy enjoyed by the occupants of Park House, and would result in the loss of casual car parking space for visitors, which is likely to lead to increased parking problems in a street already subject to traffic congestion.