



The Planning Inspectorate

A/610X/CO/P

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

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Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEAL BY MR P DUNPHY
LAND AND BUILDINGS AT NO. 77 WATFORD ROAD, KINGS LANGLEY

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against an enforcement notice issued by the Dacorum Borough Council concerning the above land and buildings. I have considered the written representations made by you and the Council. I inspected the site on 7 September 1992.

THE NOTICE

2. a. The notice is dated 28 February 1992.
- b. The breach of planning control as alleged in the notice is the erection of a garage in the approximate position marked green on the plan attached to the notice, being sited approximately 3 m to the west of the position for which planning permission was granted under reference 4/1217/88.
- c. The requirements of the notice are:
 1. demolish the westernmost 3 m of the garage, remove the foundations, floor and all materials; and
 2. construct a new gable wall at the westernmost end of the remaining structure to be constructed of materials to match the remaining structure.
- d. The period for compliance with these requirements is 3 months.

GROUND'S OF APPEAL

3. Your client's appeal is proceeding on grounds (a) and (g) of Section 174(2) of the 1990 Act, as amended by the 1991 Act, that is to say:

a. that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted;

g. that the period specified in the notice in accordance with Section 173(7) of the 1990 Act falls short of what should reasonably be allowed.

THE GROUND (a) APPEAL AND THE DEEMED APPLICATION FOR CONSENT

4. From my consideration of all the representations made and from my inspection of the site, it appears to me that the main issue under this part of the appeal is whether this new garage erected in its present position causes unacceptable harm to the character and appearance of the area on the southern approach to the village.

5. No. 77 lies immediately to the north of a roundabout where a link road joins Watford Road, being part of the Trunk Road A41, just to the south of the village. It is a detached house at the end of a ribbon of detached and semi-detached dwellings along the eastern side of the road which extends to the main part of the village. Under the adopted Local Plan this ribbon and the rather more sporadic development on the opposite side of the road lie outside the established limits of the main built-up framework of the village and form part of the Metropolitan Green Belt contained in the approved Structure Plan. Whilst No. 77 faces onto Watford Road, vehicular access to it is obtained by means of a narrow cul-de-sac from the rear, which runs parallel to the link road and which serves a number of detached dwellings.

6. In 1988 planning permission was granted to your client by the Council for the erection of a new double garage, to be built in the south-western corner of the curtilage, with a new crossover from the head of the cul-de-sac. It was expressly provided that the materials to be used should match those of the existing house in both colour and texture. The position now is that the garage has been erected in matching materials and in accordance with the approved plans, apart from the fact that it is not sited in the position shown on those plans. The Council say that it is 3 m nearer than it should be to the back of the pavement along Watford Road, whereas your client's surveyors claim that, after allowing for discrepancies in the measurements on the original plans, the difference is only 1.8 m, coupled with a more minor adjustment to the north. It is clear to me that the proposed building shown on the original site plan was incorrectly scaled and that this probably led to some confusion. The question now for determination under this part of the appeal is whether the garage in its present position is significantly more damaging to the street scene than would have been the case if it had been erected in a position corresponding as near as may be to that shown on the approved plans.

7. One result of building the garage closer to the front boundary of the site was that part of the hedge was removed, but your client has carried out appropriate replanting of the intervening gap, which is about 3 m deep. This extension of the evergreen hedge should in my opinion relatively quickly act as an effective screen for the building, particularly since the land falls slightly away from the road and the new building has been built into the slope, so reducing its height and thereby its prominence. Furthermore, the changed position of the garage has enabled the proposed

crossover onto the cul-de-sac to be narrowed, thereby retaining more of the southern boundary hedging which screens much of the 2-storey house. Whilst I can well understand the concern of the Council to protect the appearance of this sensitive southern approach to the village, it appears to me that this re-positioning of the building, which appears to have been otherwise built in accordance with the approved plans, makes very little additional impact upon the street scene. Your client has clearly shown his desire to protect the appearance of the area by the evergreen replanting he has carried out, and the altered siting of the building has meant that the house itself will continue to be well screened when viewed from the south, which would not otherwise have been the case. Taking into account all these matters, I have come to the conclusion that the new garage in its existing position is acceptable, and I therefore propose to quash the enforcement notice and to grant permission for the retention of the garage on the deemed application for consent.

8. I have taken into account all the other representations made, but in my opinion none is of sufficient weight to affect any of my conclusions on this appeal.

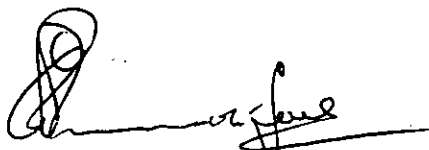
FORMAL DECISION

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal, direct that the enforcement notice be quashed and grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act for the retention of the detached double garage erected at No. 77 Watford Road, Kings Langley.

RIGHT OF APPEAL AGAINST DECISION

10. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



G E EDMONDSON-JONES LLB LMRTPI SOLICITOR
Inspector

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