



PLANNING

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MR & MRS G PUDDEPHATT
68 TRING ROAD
WILSTONE, TRING
HERTS
HP23 4PD

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00560/99/FUL

68 TRING ROAD, WILSTONE, TRING, HERTS, HP234PD
1NO DETACHED DWELLING AND GARAGE

Your application for full planning permission dated 18 March 1999 and received on 26 March 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 25 June 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00560/99/FUL

Date of Decision: 25 June 1999

1. The site is within a selected small village in the Rural Area in the adopted Dacorum Borough Local Plan and in the Dacorum Borough Local Plan 1991-2001 Deposit Draft. Policy 6 of the Local Plan (and Deposit Draft) provides that permission will only be given for small scale development for housing provided it does not damage the existing rural character of Wilstone or the character of the adjoining countryside. This site also lies within the Wilstone Conservation Area, and Policy 110 of the Local Plan (and Policy 116 of the Deposit Draft) provides that permission will only be given for new development provided it is carried out in a manner which preserves and enhances the established character of the area. The proposed development would have a harmful and unacceptable impact on the street scene in terms of its visual intrusion within the village. Accordingly, the proposal is contrary to both Policy 6 and Policy 110 of the adopted Local Plan and Policy 6 and Policy 116 of the Deposit Draft.
2. The proposed development will have an unacceptable and detrimental impact on the amenities of surrounding properties in terms of visual impact, loss of privacy and loss of light.
3. The removal of part of the hedge to provide the Highway Authority's minimum sight line requirement for the provision of an additional vehicular access is likely to lead to increased speeds at the right-angled bend in Tring Road which will be hazardous to the safety of all road users.



The Planning Inspectorate

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Your Reference:

Our Reference:
T/APP/A1910/A/99/1025169/P8

Date: 04 NOV 1999

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS G PUDDEPHATT
APPLICATION NUMBER: 4/00560/99/FUL

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your Clients' appeal against the decision of Dacorum Borough Council to refuse planning permission for the erection of a detached house and garage on land adjoining 68 Tring Road, Wilstone, Herts. I conducted a hearing on 7 October 1999. At the hearing, an application was made on behalf of the appellants for an award of costs against Dacorum Borough Council. This is the subject of a separate letter.

THE PROPOSED DEVELOPMENT, THE SITE AND ITS SURROUNDINGS

2. The full application made to the Local Authority sought the erection of a detached house and garage. A new vehicular access would be formed to Tring Road adjacent to the existing access serving No 68. The plans as originally submitted were amended following discussion with the former Head of Conservation and the Council's Highway Engineer.

3. The site comprises part of the existing residential curtilage of No 68 Tring Road. It would be separated from the garden to be retained with that property by means of an existing brick wall. The proposed plot is located at a point where the highway changes direction through an angle of almost 90°. There is an existing, mature hedge around the curve of the bend directly abutting the carriageway. The frontage section of hedge facing northwest would be removed to provide the sightlines for the new access. Its removal would also improve visibility for vehicles emerging from the driveway of No 68.

4. The rear part of the hedge (mostly privet) would remain untouched. A semi-mature sycamore tree within the site and immediately adjacent to the wall of the carport to No 68 is proposed to be removed. Additional landscaping would be formed across the frontage of the site clear of the visibility splays and with the forwardmost part of the new driveway constructed of granite setts to adoption standards. It is proposed that a grassed strip across the frontage be offered for adoption also to create a refuge for pedestrians.

5. The site is part of the village of Wilstone which is within a rural area some 2km northwest of Tring. No 68 Tring Road is a detached late Victorian house, having roughcast rendered elevations under a concrete tile roof. Opposite, and to the southwest, is a row of Victorian cottages, whilst to the northwest is a modern village hall and playing fields.

POLICY CONSIDERATIONS

6. My attention has been directed to guidance in PPG 1 (General Policy and Principles), PPG 3 (Housing), PPG 12 (Development Plans and Regional Planning Guidance) and PPG 15 (Planning and the Historic Environment).

7. The Development Plan comprises the Hertfordshire Structure Plan Review 1991-2011 and the adopted Boroughwide Local Plan. I have been provided with details of a number of the policies of the Development Plan. I have also been referred to the equivalent policies of the new Dacorum Borough Local Plan 1991-2011 which was placed on Deposit in November 1998. It has not yet been the subject of a Local Plan Inquiry and I intend to accord its policies only limited weight in my determination of this appeal. At the hearing you handed me an extract from the Dacorum District Plan (1981), Policy 14 of which was extant at the time of an appeal decision to which reference has been made dated 5 June 1985 (Ref: T/APP/1910/A/84/021750/P5).

8. You have specifically referred me to Policies 6 and 110 of the adopted Local Plan which, I agree, are of particular relevance to my determination of this appeal. Policy 6 states that "small-scale development for housing, employment and other purposes will be permitted in Aldbury, Long Marston and Wilstone provided it does not damage the existing rural character of these small villages or the character of the adjoining countryside." The supporting text to this policy suggests that these villages are attractive yet suitable locations in which to accommodate sensitively designed development in the long-term interests of the rural community and thus the countryside.

9. The appeal site is within the Wilstone Conservation Area. Within such designated areas Policy 110 requires, inter-alia, that ".... new developments or alterations or extensions will be permitted provided they are carried out in a manner which preserves and enhances the established character of the area." Each scheme will be expected to meet a number of criteria set out in the policy, including respect for established building lines, layouts and patterns. In particular, infilling proposals will be carefully controlled (Criterion (a)). Criterion (c) requires that proposals be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

THE PRINCIPAL ISSUES

10. From my inspection of the appeal site and surrounding area and consideration of the representations made at the hearing and in writing, including those submitted after the hearing was concluded, I consider the principal issues to be: firstly, the impact of the proposed development upon the street scene and its implications for the character and appearance of the Wilstone Conservation Area; secondly, the effect of the proposed dwelling upon the amenities of nearby residents and, thirdly, the likely effect of the new access and improved sightlines upon highway safety.

THE WILSTONE CONSERVATION AREA

11. The Conservation Area includes much of the original main thoroughfare of the village (New Road) together with Chapel End Lane and farmyard and an

area to the southeast of Sandbrook Lane. New Road comprises mainly frontage development but also includes a small open space close to the War Memorial upon which is the Old Forge. There are a number of listed buildings within the Conservation Area and a series of open spaces, notably those adjacent to the Church and southwest of Paddock Cottage fronting New Road.

12. The boundary of the Conservation Area extends around the corner of Tring Road to include No's 68 and 70 and the area in front of the village hall opposite the appeal site. The Victorian cottages on the other side of the road are not listed but are notated on the Conservation Area Plan as "Other Important Buildings." There is no detailed description of the Wilstone Conservation Area, which lies in a rural area in the Vale of Aylesbury approximately 2km northwest of Tring.

THE IMPACT OF THE PROPOSED DWELLING UPON THE STREET SCENE AND THE WILSTONE CONSERVATION AREA

13. The application made to the Local Authority included a view of the proposed cottage in the street scene from a point on the opposite side of Tring Road to the northwest adjacent to the recreation ground. As part of your submissions you have provided three further perspective views with validating photographs from points along Tring Road towards the village centre. You point out that the section of hedge to be removed will not affect views of the street scene from this direction.

14. You suggest that the erection of a building of appropriate design will provide an enhanced measure of enclosure which is currently lacking at this pivotal point in the village. The design of the building is in accordance with advice received from the Council's former Head of Conservation. It would respect the building line set by No's 64 and 66 Tring Road and its ridge height would not be in excess of that established by those properties.

15. The appeal site is located at a pivotal point in the village where Tring Road turns through almost 90°. The openness of the site is, to my mind, an important element in the street scene and, therefore, this part of the Conservation Area. Guidance at Paragraphs 4.17 and 4.18 of PPG 15 accepts that many Conservation Areas include gap sites that make no positive contribution to or, indeed, detract from the character or appearance of the area. Their replacement should be a stimulus to imaginative, high quality design.

16. The amended drawings which form part of the application indicate a building whose design would be appropriate in terms of appearance and materials to No 68 next door and the Victorian cottages opposite. However, whilst I consider the design of the building to be in keeping with this part of the Conservation Area, the principle of building upon this important site requires more detailed scrutiny.

17. The Ordnance Survey extract and block plans which accompanied the application highlight the fact that the building lines established by No's 64 and 66 next door and those of the Victorian cottages opposite are not parallel. Whilst the proposed new dwelling would be located behind the projected building line of No's 64 and 66 it would be closer than those dwellings to the cottages opposite.

18. The appeal site creates a somewhat open vista when viewed from the village centre and, in particular, when approaching the bend in Tring Road. To my mind, this is a very important feature of the Conservation Area which would be substantially jeopardised by the erection of a house as proposed,

which would have the effect of partially closing this important vista. For these reasons, the proposed development would, in my judgement, be harmful to the appearance of the street scene and the Conservation Area. The removal of the frontage hedge and the erection of a house and garage, however well designed and using appropriate materials, would also be visually intrusive as viewed from the opposite side of Tring Road from the public footpath, the recreation ground and the village hall, further detracting from the visual appearance of this part of the Conservation Area.

19. I have noted your reference to the comments made by the Inspector who determined an appeal in June 1985. His somewhat neutral conclusions as to the likely impact of that scheme for two dwellings upon the Wilstone Conservation Area no doubt took into account Policy 14 of the 1981 Dacorum District Plan. However, that decision was made prior to the enactment of Section 54A of the 1990 Planning Act which places greater emphasis upon the policies of the Development Plan in the decision making process. Of greater significance, however, is the statutory duty imposed upon me by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of such designated areas. For the reasons I have detailed above, I consider that the scheme before me would be harmful to that character and appearance by jeopardising an important open space which forms a key element in this part of the Conservation Area.

THE EFFECT OF THE PROPOSED DWELLING UPON THE AMENITIES OF NEARBY RESIDENTS

20. At the hearing concerns were expressed by Mr Cogger of No 66 Tring Road and Mr Krassowski who lives in one of the Victorian cottages opposite as to the effect upon their living conditions given the siting of the proposed dwelling.

21. The detailed proposals before me have been designed to reflect the constraints imposed by the limited size of the appeal site and the relationship of the proposed dwelling to adjoining houses. There is a standard side to side relationship with No 68 Tring Road. The flank elevation facing that property contains only a bathroom window at first floor level which could be fixed shut and obscure glazed. There are no first floor windows to the rear elevation. Conditions suggested by the Council would remove Permitted Development rights to prevent openings in this elevation in the future without the need for planning permission first being obtained.

22. The southwest elevation facing the Victorian cottages on the opposite side of the road contains a principal window to Bedroom 2. This, however, would be sited some 18m from the front elevation of the nearest cottages, such that I consider it likely that there would be a satisfactory relationship between facing elevations. It would also be possible to include a condition to ensure that the secondary window of Bedroom 1, which also faces the cottages, be fixed shut and obscure glazed given the reduced distance between this window and those of the cottages. Subject to these requirements and to the imposition of the conditions which were canvassed at the hearing, I consider that the proposed house would be unlikely to have any unacceptable adverse implications for the privacy of nearby residents.

23. The detailed design of the house would ensure that the ridge height would be kept to a minimum. Whilst there would be some loss of outlook from the flank windows of No 66 and from certain of the front windows to the Victorian cottages which would directly face the dwelling, I do not consider that this would be sufficient justification to withhold permission. Moreover, the distance between the rear elevation of the proposed house and the patio

area of No 66 next door would be sufficient to ensure that there would be no loss of daylight and only very limited loss of sunlight. This is likely to occur in the late afternoon or early evening close to sunset. Here again, whilst I can appreciate the concerns of Mr Cogger who lives next door, any loss of amenity would, to my mind, be within acceptable limits.

ACCESS AND HIGHWAY SAFETY

24. Prior to the submission of the application, agreement was reached with the Council's Highway Engineer regarding the location of the proposed access to the plot and the provision of on-site parking and turning. The Council are prepared to accept relaxed standards for visibility splays within Conservation Areas provided highway safety is not prejudiced.

25. Tring Road is subject to a 30mph speed limit in the vicinity of the appeal site. The 90° bend in the road also has the effect of reducing traffic speeds even further. Given the comments made at the hearing and the advice from the Council's Highway Engineer, it seems to me that it would be possible to form a new access to Tring Road in the position shown without prejudice to highway safety or the free flow of traffic. In reaching this conclusion I have taken account of the physical constraints provided by the road itself, which will tend to reduce the speed of traffic, and to the improvements to visibility provided to the existing access to No 68. It is possible that traffic negotiating the blind bend in Tring Road would not be slowed as much as at present were the frontage hedge to be removed. These are concerns expressed by the Parish Council and by Mr Cogger. This could have implications for persons using the access to No 66 where vehicles have to reverse into or from Tring Road. However, the evidence as to the effects upon traffic speeds of removing part of the hedge and the benefits of providing a refuge outside the appeal site and improved sightlines to No 68 are difficult to evaluate. I have concluded on balance, however, that there would be no highway justification for dismissing this appeal.

CONCLUSIONS

26. The application made to the Local Authority followed negotiations with the Council's Highway Engineer and former Head of Conservation. In my judgement, the detailed design of the proposed house and garage is in keeping with its surroundings. Moreover, the suggested access arrangements are, on balance, acceptable given the location of the site within a Conservation Area and the particular physical characteristics of the surroundings which act to calm traffic speeds close to the point of access.

27. I have also concluded that the detailed siting of the house would be acceptable in terms of its relationship with adjoining properties. This is a conclusion reached by one of my former colleagues when determining an appeal in 1974 which you have highlighted in correspondence since the hearing on 7 October 1999.

28. Notwithstanding these conclusions on the second and third issues, I am of the opinion that the erection of a dwelling on the appeal site, however well designed, would be harmful to the character and appearance of this part of the Wilstone Conservation Area. It would have a detrimental impact upon the existing openness of the site, which is an important element in the street scene at this pivotal point within the Conservation Area. My conclusions upon the principal issue would render the scheme contrary to Policies 6 and 110 of the Local Plan which seek, inter-alia, to protect the rural character of these small villages and to be of a scale and proportion which is sympathetic to the overall character of the surrounding area.

29. I have had regard to the other matters raised at the hearing and in written representations, but none is of sufficient strength to outweigh the considerations which have led to my decision.

FORMAL DECISION

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

Yours faithfully

A handwritten signature in dark ink, appearing to read 'R J Maile', followed by a horizontal line.

R J Maile BSc FRICS
Inspector

APPEARANCES

FOR THE APPELLANTS

Andrew King BA(Hons) BPL
MRTPI

Appellants' Agent.

G Puddephatt

Appellant.

FOR THE LOCAL PLANNING AUTHORITY

Mrs J Ambrose BA(Hons) BTP
MRTPI

Senior Planning Officer.

Alan Oggelsby (HNC - Civil
Engineering)

Area Engineer, Highways, Hertfordshire
County Council.

INTERESTED PERSONS

P Cogger

66 Tring Road, Wilstone.

M Krassowski ARICS

49 Tring Road, Wilstone.

DOCUMENTS

Document 1	List of persons attending the hearing.
Document 2	Council's letter of notification of the hearing.
Document 3	Extract from 1981 Dacorum District Plan.
Document 4	Application for costs made on behalf of the Appellants.

PLANS

Plan 1	Application Plan (Extract from Ordnance Survey) to a scale of 1:1250.
Plan 2	Application Plan (Drawing No GP100C) dated May 1999, being a view of the cottage in the street scene.
Plan 3	Application Plan (Drawing No GP101B) dated May 1999 (plans and elevations).
Plan 4	Illustrative block plan relating to the 1985 appeal proposals.