



The Planning Inspectorate

PLANNING DEPARTMENT

DACORUM BOROUGH COUNCIL

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15 JAN 1999

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Comments

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Andrew King & Associates
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Your ref:

Our Ref:
T/APP/A1910/A/98/298928/P8

Date: 13 JAN 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS A RICHARDSON
APPLICATION NO: 4/00582/98/OUT

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 outline planning permission for a detached house on surplus garden land to the rear of 13 Oakwood, Berkhamsted. I conducted a hearing into the appeal on 10 December 1998.

2. The appeal site consists of some 0.14ha of the back garden of the existing house at 13 Oakwood, and has a boundary extending for about 15m along the northern side of Dennys Lane. It lies within an urban area of Berkhamsted where the Council consider residential development is acceptable in principle. It is also common ground that the property is just outside the Metropolitan Green Belt, whose boundary runs along the south western side of the appeal site.

3. The application drawings show a possible site layout and a front elevation of the proposed dwelling, and Appendix 3 of your statement indicates a revised location of the house and access drive. However, you confirmed at the hearing that these drawings are for illustrative purposes only, and that planning permission is only sought at this stage for the principle of the proposed house, with all other matters reserved for later decision. Nevertheless, it was also agreed at the hearing that any access to the proposed house would be from Dennys Lane.

4. One of the Council's reasons for refusing planning permission was that visibility splays extending for 215m along Dennys Lane would be needed to comply with advice in PPG13 and Design Bulletin 32, but cannot be achieved. However, at the hearing it was accepted that, as a Council survey had indicated that the highest traffic speed in the lane in wet weather (excluding the fastest 15% of vehicles) was about 60kph, visibility splays of 90m would be consistent with national advice. The Council also agreed that it would be physically possible to provide such splays. In these circumstances, and



given the relatively low traffic levels in Dennys Lane, I accept that the proposed development would not give rise to problems of highway safety in Dennys lane.

5. The Council's other 3 reasons for refusal concerned the density of the appeal proposal compared with that of the neighbouring housing development to the north, and the impact of the proposal on the character and appearance of Dennys Lane and on trees protected by a Tree Preservation Order (TPO). In the light of this background, from my inspection of the site and its surroundings, and from my consideration of the matters put before me at the hearing and in writing, I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the locality.

6. The development plan for this area is the Hertfordshire Structure Plan Review 1991-2011 (HSPR) adopted in April 1998, and the Dacorum Borough Local Plan (DBLP) adopted in April 1995. The Council also refer to the draft of the First Review of the DBLP (FRDBLP) placed on deposit in November 1998. In view of the relatively early stage which has been reached in the preparation of the FRDBLP I attribute it only limited weight in this appeal.

7. My attention has been drawn to a number of existing and draft development plan policies. In my view those of most relevance to the main issue are Policy 41 of the HSPR, and Policies 8, 94 and 101, and Part 5 (Environmental Guidelines), of the DBLP. Policy 41 of the HSPR seeks to resist the loss of existing tree and hedge cover; Policies 8 and 94 of the DBLP have similar objectives, while the Environmental Guidelines recommend that natural boundaries comprising hedgerows and trees should be retained wherever appropriate.

8. Policy 8 also includes provisions to prevent harm to the surrounding neighbourhood through visual intrusion, and to ensure that development is appropriate in the context of longer views. Policy 101 aims to resist increases in densities in residential areas if that would adversely affect the existing character of the surrounding area by reason of visual intrusion or loss of trees. I note, too, that paragraph 3.15 of PPG2(Revised) advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt.

9. Dennys Lane is a narrow, unlit road with no footpaths, which passes along the rear boundaries of several Oakwood properties. A number of those houses are visible from the northern end of the lane near its junction with Shootersway. However, there are steep embankments up to 1.5m high on both sides of the lane in the section adjoining the boundaries of Nos.12 and 13, and a substantial number of mature trees and shrubs in the rear gardens of those 2 properties. I observed that these features obscure views of the Oakwood development from this section of Dennys Lane. Moreover, the southern side of the road adjoins open Green Belt land, and is bounded by a well established field hedge and mature trees.

10. Accordingly, I share the Council's view that the lane is essentially rural in appearance; in my view, this is especially true of the section leading up from the new bypass past the rear boundaries of Nos 12 and 13. In my opinion the attractive rural character of the lane should be safeguarded, particularly given the visibility of the section near to the appeal site from the Green Belt.

11. A TPO was made in 1969 in order to protect all trees in an area south of Shootersway which has since been developed as the Oakwood estate. 2 of the trees covered by that Order - an oak and a hornbeam - remain in the existing rear garden of No.13. Although the oak would be retained in the reduced garden of No.13, a significant part of its canopy would overhang the garden of the new house; it is also common ground that the Hornbeam would have to be removed in order to allow for an access from Dennys Lane. There are numerous other trees on the appeal site which appear to have been planted when the Oakwood estate was developed, as well as a line of substantial western red cedars along most of the south western boundary.

12. You argue that the protected hornbeam is small and of low vigour, and that its loss (taken together with the removal of small groups of spruce, pine and larch introduced since 1969) would have no significant visual impact. However, the hornbeam is a substantial specimen some 12m high, and appears to be in reasonable health. I also observed that, because of its proximity to the south eastern and south western boundaries of the appeal site, the tree is clearly visible from Dennys Lane and makes a significant contribution to the rural appearance of this section of the road. I therefore share the Council's view that the loss of this protected tree would be detrimental to the general character and appearance of the lane.

13. Although you argued that it would not be necessary to build retaining walls at the access to Dennys Lane, you accept that, as a minimum, excavation and regrading of the existing bank would be needed, to allow for the introduction of a driveway and the associated visibility splays. You suggest that these changes would have only a minimal impact on the character of the area. However, it seems to me that the introduction of a tarmac drive, coupled with the consequent loss of trees and shrubs and a section of the steep bank, would materially change the appearance of this section of then lane, particularly as there are no other similar accesses between Shootersway and the bypass. Accordingly, I share the Council's view that the proposed development would be visually intrusive and detrimental to the rural character of Dennys Lane.

14. The Council acknowledged that the density of the appeal proposal would be broadly consistent with that of the original Oakwood development (some 7.4 dwellings per ha), and with the advice in Council guidance published in March 1998 that residential development in the Shootersway area should not normally exceed 8 dwellings per ha. However, you accept that the roof of the proposed house would be visible from Dennys Lane. In

my opinion this feature would also be at odds with the rural appearance of this section of Dennys Lane, and would consequently add to the harm which I have identified in the preceding paragraphs. Moreover, I share the Council's concern that the granting of planning permission for the appeal proposal would make it more difficult for them to resist similar harmful developments elsewhere adjoining Dennys Lane.

15. In the light of these considerations I conclude that the proposed development would harm the character and appearance of the locality, contrary to development plan policy objectives.

16. You draw attention to the development at The Spinney, (at the north west end of the Oakwood estate), which is at the edge of the urban area, and which you say has a similar density to the appeal proposal. I have not been provided with the planning history of The Spinney; however, as the latter development is not viewed in relation to the appeal site, I do not consider that it has established a precedent. In any event, I am required to treat each application on its merits in the light of prevailing development plan policies, as I have done in this appeal.

17. I have taken account of all the other matters raised, including your comments about the possibility of retaining 2 golden larch at the south western end of the site and the Council's views about the impact of the proposal on the protected oak, but none is sufficient to overcome the considerations which have led to my conclusion on the main issue.

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

Yours faithfully



COLIN GRIMSEY JP BSc(Hons)
Inspector—

APPEARANCES

FOR THE APPELLANT

Mr A E King BA(Hons) BPL - Agent for the appellant
MRTPI

Mr A Richardson - Appellant

FOR THE LOCAL PLANNING AUTHORITY

Ms J Custance BA(Hons) MRTPI - Planning Department
Dacorum Borough Council

Ms R Chapman BSc MSc - Head of Landscape Services
Dacorum Borough Council

Mr G Speller BEng(Hons) - Senior Engineer
Dacorum Borough Council

Mr R Kingston NDA - Planning Department
Dacorum Borough Council

INTERESTED PERSONS

Mr P T Hewitt - Local Resident
Mr I Luke - Local Resident
Mr J R Venning - Local Resident

DOCUMENTS

Document 1 - List of persons present at the hearing

Document 2 - Notification of hearing and circulation list

Document 3 - representations made to the Council at application stage

Document 4 - Tree Preservation Order 1969 (No.2)

Document 5 - Council documents relating to development on land at 23 A and 24, Oakwood.



PLANNING

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Applicant:
MR & MRS A RICHARDSON
13 OAKWOOD
BERKHAMSTED
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00582/98/OUT

REAR OF 13, OAKWOOD, BERKHAMSTED, HERTS
DETACHED HOUSE

Your application for outline planning permission dated 26 March 1998 and received on 31 March 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 18 May 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00582/98/OUT

Date of Decision: 18 May 1998

- 1. The proposal would intensify the density of development adjacent to the boundary of the Metropolitan Green Belt and would result in an isolated fragmented form of development at variance with the established character of adjacent development. For the above reasons the proposal would be contrary to the aims of Policies 8 and 101 of the Dacorum Borough Local Plan.**
- 2. The proposed development which would involve significant excavation and loss of trees would appear visually intrusive and would be detrimental to the rural character and appearance of Dennys Lane.**
- 3. The proposed access is unsatisfactory. The recommended vehicular visibility splays of 2.4 x 215m cannot be achieved. The proposal is therefore likely to result in conditions prejudicial to highways safety.**
- 4. The proposal is likely to result in loss of preserved trees which would be detrimental to the general character and amenity of the area.**