



The Planning Inspectorate

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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

374

Berkeley Homes North
112 St Leonards Road
WINDSOR
Berkshire
SL4 3DG

PLANNING DEPARTMENT					DACORUM BOROUGH COUNCIL		
Ref.	Doc.	T.C.P.M.	D.P.	D.C.	E.C.	Adm.	File
Received					8 JUL 1993		
Comments							

Your Reference:
Our Reference:
T/APP/A1910/A/93/218189/P5
Date: -6 JUL 1993

Dear Messrs Berkeley Homes North London Ltd

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO :- 4/0628/92

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a detached house and detached bungalow, formation of access road and erection of double garage on land at Briarclough, Cross Oak Road, Berkhamstead. I have considered the written representations made by you, by the council and by interested persons including those made directly to the Council which have been forwarded to me; these included those made by the Berkhamstead Town Council. I inspected the site on Tuesday 16 March 1993.

2. 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 the effects of the proposal on firstly, the comprehensive development of a wider area, secondly, highway safety and, thirdly, the character of the area.

3. The appeal site is an L-shaped piece of land formed by combining the large curtilage of a detached house, Briarclough, with about half of the rear garden of the neighbouring property, Chilterns. The curtilage of a detached house, Gillams, adjoins Chilterns. Briarclough has a wide frontage and existing access to the south-eastern side of Cross Oak Road.

4. The Hertfordshire County Structure Plan Review incorporating Approved Alterations 1991 became operative on 14 July 1992. The council highlight Policies 47, 48, 49, 57, 71 and 72 of Section 7, Settlement Planning. These policies seek to protect and enhance the existing settlements and their essential character. Berkhamstead is listed as a town where development will generally be concentrated and the maximum possible contribution to the housing programme will be sought, subject to the provisions of Policies 71 and 72. In all developments a good standard of both housing and estate design will be required.

5. The council refer to Policies 18, 19, 31, 63, 64 and 66 of the Dacorum District Plan, operative from 26 January 1984, which deal with detailed matters for new housing estates. The District Plan has been superseded for development control purposes by the draft Borough Local Plan. The council also refer to Policies 1, 7, 8, 9, 93 and 94 of the draft Borough Local Plan which has been placed on deposit. These policies seek to encourage development in towns such as Berkhamstead which they divide into land use areas. A high



standard of development is expected in all proposals and the council have published environmental guidelines which they normally expect proposals to meet. The site is located within the defined town settlement boundary as identified in the draft Borough Local Plan.

6. I have given substantial weight to the policies contained in the Structure Plan and taken account of the policies in the draft Borough Local Plan in accordance with the advice contained in paragraph 32 of Planning Policy Guidance Note 1.

7. The planning history of the site and surrounding area shows that an application for a similar development was refused planning permission on 15 October 1991 for five reasons, two of which were the same as those given for the appeal proposal. The others related to substandard width and visibility of the access, excessive refuse-carry distance for the bungalow and loss of frontage planting which would be harmful to the character of the area. The proposal sought to overcome those objections. An appeal against the council's decision to refuse outline planning permission for the erection of two dwellings at the rear of 52 Cross Oak Road was dismissed on 13 May 1983. On 20 March 1985 outline planning permission for the erection of a private dwelling house at the rear of Gillams was granted on appeal, ref. A/84/23187. I note that the comprehensive development of the backland area was an issue in both appeals.

8. Dealing with the first main issue, the neighbouring properties have large rear garden areas which may offer some potential opportunities for development. Although a comprehensive approach to the development of the backland area is worthy of support the local planning authority have produced no evidence to show how this could be achieved, either now or in the foreseeable future. Therefore, I intend to consider this proposal on its merits. I find support for this approach in the decision letter for the Gillams appeal.

9. Turning now to the second issue, Cross Oak Road is a major traffic route which links the town centre with the residential areas of south-east Berkhamstead. The improved access would be wide enough to serve the traffic generated by the proposed bungalow, a new detached double garage associated with Briarclough and a new dwelling on land to the rear of Chilterns. However, as I saw at my site inspection, the sightlines at both the improved access and the new access would be poor because they are restricted by the existing hedge and shrubs growing near the front boundary of the site. In order to obtain the sightlines shown on the drawing at both accesses it would be necessary to remove the hedge and some shrubs which would be harmful to the character of the area. However, a new quick growing hedge could be planted behind the sightlines which would reduce the immediate impact of the proposal, and in a short period of time, ensure that the proposal would be in keeping with the street scene. This could be covered by a condition.

10. There is a narrow unmade strip of land between the kerb of Cross Oak Road and the front boundary of the site. The public footway terminates on the south-west side of the site. There is a real risk that pedestrians generated by the proposed development would have to walk in the carriageway along that side of Cross Oak Road with a measure of inconvenience and possible danger with every passing vehicle. In my view a footway should be provided across the full width of the site for people visiting the proposed house and bungalow on foot. Without this footpath, I have come to the conclusion that the proposal would lead to an unacceptable increase in the risks to road safety for other road users.

11. Subsequent to my site visit the council suggested that you enter into a

legal obligation, under Section 106 of the Town and Country Planning Act 1990, to provide a public footway along the site frontage in order to reduce vehicle/pedestrian conflict and improve pedestrian safety. In response you stated that this new footway, in conjunction with the improved sight lines at the accesses, would improve vehicle/pedestrian safety. You did not indicate that you would enter into such an agreement. I have considered whether I could impose a planning condition to ensure the construction of such a footway. However, it would require land outside the site which forms part of the public highway. You do not appear to have control of this land, therefore, a condition would be "ultra vires".

12. With regard to the third issue, the proposed house and its plot, between Fullers and Briarclough, would be similar in scale and appearance to many others in the area. The proposed bungalow would be located a substantial distance from Cross Oak Road where it would not be a prominent building. It would be screened from view from the highway by the existing buildings near that road and a number of attractive trees and shrubs growing on the site. These make an important contribution to the appearance of the area and would also soften harsh effects of the proposal. Provided that as many of these are retained as possible and that they are enhanced with suitable additional planting I consider that the proposed development would be sympathetic to the scale, form and appearance of the area.

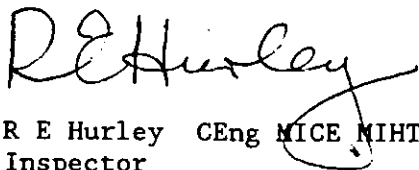
13. The distance that the proposed access serving the dwelling would be located from the existing accesses serving Fullers and Briarclough would be generally the same as many other accesses laid out along Cross Oak Road. In my view it would not add unnecessarily to the proliferation of accesses in the area. Although the existing access to Briarclough would be widened and a new access constructed, in my view, they would not be noticeably different from the existing ones. They would be in keeping with the street scene.

14. Although the proposal would not cause undue harm to the character and appearance of the area this is overridden by the risks to the safety of pedestrians generated by the proposed dwellings. I conclude that planning permission should not be granted in this case.

15. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

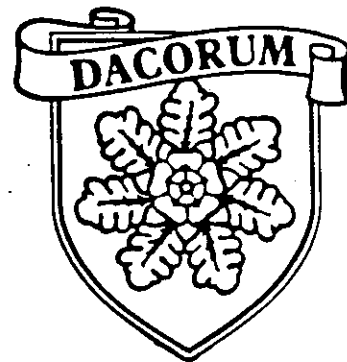
16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

Yours faithfully


R E Hurley CEng MICE MIHT
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0628/92

Berkeley Homes North London
112 St Leonards Road
Windsor
SL4 3DG

DEVELOPMENT ADDRESS AND DESCRIPTION
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Land at Briarclough, Cross Oak Road, Berkhamsted,

ERECTION OF DETACHED HOUSE AND BUNGALOW, FORMATION OF ACCESS ROAD AND ERECTION OF
DOUBLE GARAGE

Your application for *full planning permission* dated 07.05.1992 and received on
26.05.1992 has been *REFUSED*, for the reasons set out on the attached sheet(s).



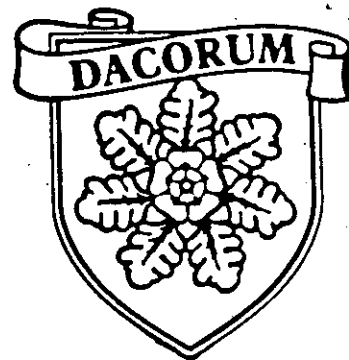
Director of Planning

Date of Decision: 14.12.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0628/92

Date of Decision: 14.12.1992



1. The proposed bungalow represents an undesirable form of backland development which is prejudicial to the comprehensive development of a wider area and which is liable to result in a proliferation of accesses along Cross Oak Road should other plots be developed in a similar manner.
2. The proposed two storey dwelling involves the provision of a new access onto Cross Oak Road adding unnecessarily to the proliferation of accesses in the area to the detriment of highway safety and to the character of the area.