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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

25997

D/842/KSM/P

CHIEF EXECUTIVE
OFFICER

25 JUL 1988

Refer to

25/7

Cleared

ACK

Our reference

T/APP/A1910/A/87/082934/P2

Received

25 JUL 1988

Date

Comments

22 JUL 88

Andrew King BA(Hons) BPL MRTPI

Chartered Town Planner and
Architectural Consultant

Dovecot Barn

Alder Park Meadows

Long Marston TRING Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 25 AND SCHEDULE 9
APPEAL BY ALATH CONSTRUCTION LIMITED
APPLICATION NO:- 4/0643/87

1. The Secretary of State for the Environment has appointed me to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council, to refuse planning permission for the erection of 3 dwellings (outline) at 'Wayfarers', Shootersway Lane, Berkhamsted, Herts. I held an informal hearing into the appeal on 2 June 1988.
2. At the hearing, you accepted that there was a discrepancy in the plans. The gable roofs at the front of the 2 westernmost dwellings shown on the street scene drawings do not correspond with 2 hipped roofs indicated on the site layout plans. The latter are correct, and so I have proceeded on that basis.
3. From my inspection of the site and the surroundings, from my consideration of the written representations and from all that was discussed at the hearing I am of the view that 2 main issues arise in this case. There are, first, whether the development would, as a result of the proposed number, spacing, position and design of the dwellings, seriously erode the character and appearance of the locality, and, secondly, whether it would seriously harm the amenities of residents of nearby dwellings.
4. My overall impression of the locality was of a high quality, low density residential area. There is an abundance of trees and other greenery, including high, attractive hedges, and grassed verges and I note that it has been described as rural-like in character. I accept that it has rural attributes but I also regard its sylvan nature, with dwellings often well set back from the lane, behind trees, shrubs and high, thick hedges, as an important factor in the quality of the area. Some redevelopment has taken place near the appeal site, and, having noted where this occurs, and where it can be further expected as a result of planning permissions, I accept that the character of the area is undergoing some change. Each proposal must, however, be considered on its own merits, and so this change does not, of itself, justify the demolition of Wayfarers, and the redevelopment of the site with 2 or 3 dwellings.
4. The Council and others are concerned about the character and appearance of the lane, which is described as having loosely arranged dwellings along it, in usually generous and sometimes substantial sites. They distinguish the area which is generally between Lane End and up to Wayfarers Park, where these characteristics are

particularly evident, from other parts of the locality, where redevelopment, and hence higher densities, is more apparent. I accept that this is so, and as I regard the appearance of this lane as an interest of acknowledged importance, I agree that any redevelopment must not seriously erode its essential character.

5. The erection of 3 dwellings here, it is maintained, would appear closely spaced, as each one would have a much narrower plot than generally occurs along this part of the lane. Planning permission was granted on 29 March 1988 for the erection of 2 dwellings on the appeal site, and this is a material consideration which I have taken into account. In terms of size and plot width, they would more closely correspond with neighbouring development on this side of the lane. Nevertheless, having compared the distance between the 2 approved dwellings with those gaps between the 3 now proposed, which would be greater, I do not agree that the appeal proposal would seriously detract from this feeling of spaciousness which prevails. Indeed I regard the amount of built frontage to the site, about 82% with the 2 approved dwellings compared with the 67% with the 3 appeal dwellings as a telling point in favour of the latter. Furthermore, the setting back of the westernmost dwelling an additional 2 m or so, and the centre one about 1 m, to safeguard the protected lime tree and the retention of the hedge and trees as part of a landscaping scheme, would in my opinion, ensure that no serious harm would be visited on these high quality surroundings. I therefore conclude that the proposal does not conflict with the adopted District Plan, Policies 18, 64 and 66.

6. The neighbour to the west, at Cherry Trees, is anxious about possible problems of overlooking. I see that the nearest part of the westernmost dwelling would be about 2 m from the common boundary or 4.2 m from the main part of this new house. This, coupled with the extensive screening along the boundary, the main aspects of the proposals and the distance to this neighbouring dwelling, should be sufficient to retain a reasonable degree of privacy, both within the house and by the swimming pool. I do not, therefore, accept that the scheme should fail on this score.

7. It is the Council's view that all dwellings at the site should front the Lane, rather than Wayfarers Park road. I agree, but from what I saw of other dwellings nearby and from the control which the Council would retain on elevations I do not see this as a problem which cannot be overcome.

8. The Council put forward the conditions imposed on the previous permission for this site, as a basis for this case. These generally seek to protect the high sylvan quality of the neighbourhood, and to ensure highway safety, and so, in essence, I have imposed them. In view, however, of the legislation which protects trees subject to Preservation Orders, I do not consider their Condition 3 necessary. As I regard the sylvan character of the Lane as worthy of protection, I have imposed an additional condition, precluding permitted development rights, for various means of enclosure, such as brick walls.

9. I have taken into account all the other matters raised. These include any additional traffic generated, the position of the proposed garage and what might be proposed for other sites nearby, but they do not outweigh those planning considerations which have led to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 3 dwellings (outline) at Wayfarers, Shootersway Lane, Berkhamsted, in accordance with the terms of the application (No 4.0643/87) dated 30 April 1987 and the plans submitted therewith, subject to the following conditions:

- (1) a. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority.

b. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
- (2) Notwithstanding the details on the submitted plan, the siting of the westernmost dwelling, and that of the dwelling on the centre plot, shall be as agreed with the local planning authority, about 2 m and 1 m respectively further back from the Shootersway Lane frontage.
- (3) Before development starts, details of the proposed external materials of construction, including samples if required, shall be submitted to and approved by the local planning authority.
4. Before the occupation of the dwellings, sight lines of 2.4 x 35 m shall be provided in each direction, within which, apart from any tree or shrub required by the landscaping conditions, there shall be no obstruction to visibility between 600 mm and 2.0 m above carriageway level.
- (5) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.
7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1977 (or any order revoking or re-enacting that Order), Classes I.1, I.4, II.1 and II.2, planning permission shall be required for alteration to the external appearance of front elevations, enlargement of the vehicle hardstandings, additional vehicular access and the erection or construction of gates, fences, walls or other means of enclosure in front of the dwellings, not exceeding 1 m in height where abutting the highway, or 2 m in height elsewhere.
11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant

Richard E. Hollox

RICHARD E HOLLOX BA(Hons) BSc(Econ)(Hons) MPhil ARICS FRTP
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A King

FOR THE PLANNING AUTHORITY

Mr N Gibbs

DOCUMENTS

- Document 1 - Lists of persons present at the informal hearing.
- Document 2 - Copy of notice of informal hearing. 9 May 1988.
- Document 3 - Notice of refusal 4/0643/87. 30 June 1987.
- Document 4 - Statement on behalf of appellants; with appendices.
- Document 5 - Statement on behalf of Council, with appendices.
- Document 6 - 3 letters of objection.
- Document 7 - Appeal decision letter T/APP/A1910/A/87/079199/95. 22 March 1988.
- Document 8 - Appeal decision letter T/APP/A1910/A/87/071697/P4. 7 December 1987.

PLANS

- Plan A - Submitted plan NG 100. Location site layout and street scene. 1:200.
- Plan B - Plans relating to 4/1512/87.
- Plan C - Plans relating to 4/1513/87.
- Plan D - Plans relating to 4/0094/88 (approved plans for appeal site).
- Plan E - Location plan, indicating redevelopment and area of lower density.