

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0690/91

J Field & Sir A Pullinger
c/o Aitchisons
63 Marlowes
Hemel Hempstead

Aitchisons
63 Marlowes
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

r/o 7 & 9 Meadway, (fronting Ivy House Lane), Berkhamsted

THREE DETACHED HOUSES AND GARAGES (OUTLINE)

Your application for *outline planning permission* dated 22.05.1991 and received on 23.05.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

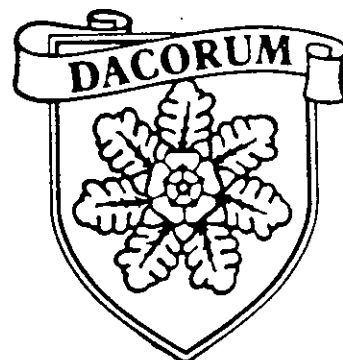
Director of Planning

Date of Decision: 15.07.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0690/91

Date of Decision: 15.07.1991



1. The site lies on the edge of the built-up area of Berkhamsted adjacent to open farm land and the Chilterns Area of Outstanding Natural Beauty; adjoining land is within the Green Belt in the Dacorum District Plan. The proposed development would result in an unacceptable urbanisation of the site with consequential harmful effects on the rural character of the area because of the presence in an exposed position, on the edge of the town, of substantial new buildings. Furthermore, the site is shown to be included within the Green Belt in the Dacorum Borough Local Plan Deposit Draft, which was published for public consultation in April 1990 (and placed on deposit on 15 July 1991), the purpose of which is to strengthen the protection provided by the Green Belt designation. The proposed development would clearly be contrary to the Council's expressed aim of keeping this site open and free from development in the longer term, and it would also be harmful to the maintenance of the character of the existing adjoining Green Belt.
2. The existing width of Ivy House Lane is inadequate to accommodate additional dwellings and improvement works to meet highway requirements would be unacceptably intrusive and injurious to the rural character of the area.



Planning Inspectorate
Department of the Environment

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C/297/WP/P

1) ~~DP~~ ~~AM~~
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Aitchisons
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.	TCRM	DP	DC	BC	Admin.	File
Received				10 MAR 1992		
Comments						

Your reference

BW

Our reference

T/APP/A1910/A/91/190726/P2

Date

09 MAR 1992

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SIR ALAN PULLINGER AND THE ESTATE OF MR J FIELD
APPLICATION NO: 4/0690/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the construction of 3 detached houses and garages on land to the rear of 7 and 9 Meadway, Berkhamsted, fronting onto Ivy House Lane. I held a hearing into the appeal on 28 January 1992.
2. Before determining the appeal, I have considered whether, in view of the site's inclusion within a proposed extension to the Metropolitan Green Belt, it would be appropriate to apply Green Belt policy to it. As you know, the site is on the boundary but outside the Green Belt defined in the adopted Dacorum District Plan - it is shown to be within the urban area of Berkhamsted. Planning Policy Guidance Note 2 advises that once detailed Green Belt boundaries have been defined in an adopted Local Plan, they should be altered only exceptionally. Nevertheless, the Borough Local Plan Deposit Draft proposes to amend the Green Belt boundary so as to include within it the appeal site. With the exception of the appeal site and the curtilage of 2 dwellings near The Pheasantries, no other changes are proposed hereabouts to the adopted Green Belt boundary. You have pointed out to me that the proposed change was not included in the Consultation Draft of the Local Plan and that your clients were unaware of the modification made at Deposit Draft Stage but have now submitted objections. The Local Plan has therefore reached only stage 2 in the development plan process and it carries less weight than the adopted Plan. In view of the foregoing it is my judgement, on balance, that it is inappropriate to apply Green Belt policy to the site at this stage.
3. The appeal site forms parts of the extensive rear gardens of 7 and 9 Meadway in an area of inter-war low density housing on the eastern edge of Berkhamsted adjoining attractive undulating open countryside. The housing area generally is mature and its framework of trees and boundary hedges has ensured its pleasant integration into the landscape. With the exception of 4 new houses adjacent to the appeal site, and an adjacent modern estate at Hunter's Park, little is seen of houses from the countryside outside Meadway. In common with the 4 adjacent new houses, the site has a frontage to Ivy House Lane,

which is a narrow country lane leading to Berkhamsted from a small area of development to the north. It carried very little traffic at the time of my site inspections.

4. Arising from the representations made at the hearing and in writing, and from my inspection of the appeal site and the surrounding area, it is my opinion that the main issues affecting my determination of your clients' appeal are the effect of the proposal on the appearance and character of the open countryside to the north and east of the site, and its effect on highway safety along Ivy House Lane.

5. You will remember that I summarized the local planning policies relevant to this appeal. The Structure Plan and the Dacorum District Plan (1984) form the statutory planning framework, while the Borough Local Plan Deposit Draft was put on deposit in July 1991 with a Council resolution that it forms the most up-to-date policy statement for development control purposes. The broad position is that housing development will be concentrated within the major urban areas of the District, which include Berkhamsted that the adopted District Plan defined the Metropolitan Green Belt boundary up to, but excluding, the appeal site; that the boundary of the Chilterns Area of Outstanding Natural Beauty reaches up to, but excludes, the appeal site; and the Deposit Draft of the Local Plan proposes that the appeal site be included in the Metropolitan Green Belt.

6. Within that general background, and insofar as they are relevant to this appeal, the policies of the adopted District Plan and the Borough Local Plan Deposit Draft are broadly similar. Their gist is to protect the Green Belt from unnecessary development, to preserve the beauty of the AONB, to achieve a high standard of development in all proposals within their context, to retain and supplement important trees and shrubs, and to ensure that proposals will not cause nor increase danger to pedestrians and road users.

7. On the first issue, it is clear to me from my inspection of the site and the surrounding area that the appeal site is more related visually to the residential area in which it lies than the adjacent open countryside to the north and east. The visually strong belt of trees along the northern boundary of the Meadway estate forms a clear demarcation between housing and open countryside. The eastern boundary of the site along Ivy House Lane is somewhat less strong - the open nature of the 4 new houses along Ivy House Lane gives those houses a greater visual impact from Ivy House Lane and the open land to the east than is the case in the remainder of the estate. It is clear to me that if both boundaries were to remain substantially as they are, and supplemented as proposed, the 3 proposed houses would have very little immediate or long-term visual impact on the character or appearance of the adopted or proposed Green Belt or the AONB, for the other, older, housing is satisfactorily shielded from view from the adjoining countryside by the tree cover, even in winter.

8. However, in order to provide adequate visibility for the vehicular access to Ivy House Lane, most of the mature hedge along the front of the site would need to be felled. The application plan indicates that it would be replaced, and new trees planted, along the requisite visibility splays but the Council considers that the angled alignment of the new hedge would be unsympathetic to the character of the area. You will recall that the hedges along Ivy House Lane have been removed for the most part but that both parties agreed that if I

were to allow the appeal, the replacement hedge may be more in character if it were to be sited parallel to Ivy House Lane. Irrespective of the position of the replacement hedge, the removal of the existing one would 'open-up' to view the proposed development along the Ivy House Lane frontage from the east and from Ivy House Lane itself near to, and adjacent to, the site in much the same manner as the adjacent 4 new houses are open to view.

9. I saw on my site inspection that there are very few public vantage points from which the site can be seen because of the undulating countryside. Nevertheless it would be unfortunate if the development were to have an effect similar to that of the 4 new houses for they are stark and not softened by trees or hedges. However, that need not be the effect of your client's proposal given effective replacement of the Ivy House Lane frontage hedge and trees. Though it is part of the Council's case that landscaping should not be used to screen unsatisfactory proposals, that has to be seen in the light of other material considerations.

10. In my opinion, development here would be a rounding off of existing development when considered in the context of the 4 new houses and the older, inter-war, estate. Since the proposed development would be screened or visually absorbed from the north, and given time for new planting to mature and replace the screening and softening effect of the hedge along Ivy House Lane, I have reached the conclusion that the character of the adjacent AONB would be preserved and that the functions of the Green Belt to check urban sprawl and safeguard the surrounding countryside here would not be harmed. I do not consider it to be premature to reach that conclusion notwithstanding the programmed Local Plan Inquiry, for the proposed Green Belt modifications here are more matters of detail than basic principle. Nevertheless, though it is for the reserved matters stage, I feel I should record my opinion that if 3 houses are to be absorbed satisfactorily there should be more space between the dwellings than that shown on the illustrative layout; and certainly more than that between the 4 new dwellings, in order to provide room for meaningful landscape treatment. It would be unfortunate if the extent of the access drives together with the houses were allowed to dominate the appearance of the site.

11. With regard to the second issue, it was determined on site that the Council's requirements for visibility at the proposed access point can be met given the removal of most of the hedge. Though Ivy House Lane is not sufficiently wide here to allow 2 vehicles to pass without recourse to informal passing spaces, I was convinced from what I heard and saw that it is little used other than in the peak commuting times - figures for which appear to be about 60 vehicles per hour. Though houses in this location are likely to generate more vehicular movement than the average house the movements from only 3 additional houses are insufficient to lead me to the conclusion that unsafe conditions would be created along Ivy House Lane, given adequate visibility.

12. Several of the conditions suggested by the Council are basically the standard ones. In addition to those, I shall include the gist of those suggested regarding landscaping, visibility, and on-site turning facilities - the latter being required to make provision for refuse and other large vehicles to turn around. The remainder of those

conditions suggested are reserved matters or are dealt with more appropriately under other legislation.

13. I have considered all other matters raised in the representations. I do not find the appeal at Grovefield and Brambles End to be directly comparable with this appeal since the exposed southern boundary of the former is less well screened than the exposed northern boundary of the latter, while the issues in the appeal at The Whims, Gravel Path, are quite different from and unrelated to this appeal. None of those matters outweigh the considerations which have led me to my decision.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the construction of 3 detached houses and garages on land to the rear of 7 and 9 Meadway, Berkhamsted, fronting onto Ivy House Lane in accordance with the terms of the application (No 4/0690/91) dated 22 May 1991 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 turning facilities, (hereinafter called '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 before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
3. no development shall take place until there has been submitted to the local planning authority a scheme of landscaping, which shall include indications of existing ground levels, all existing trees and hedges on the land, and details of any to be retained, together with measures for their protection in the course of development;
4. all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings 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;
5. sight lines of 2.4 x 35 m shall be provided in each direction along Ivy House Lane from the proposed access. No structure or erection above 1 m in height shall be placed within them.

15. 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant

Eric Pearson

ERIC PEARSON DipTP FRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr B White FRICS MRPTI

- Aitchisons, Surveyors,
Valuers and Property
Consultants.

Sir Alan Pullinger

- Appellant.

FOR THE PLANNING AUTHORITY

Miss H Gibbons BA MRTPI

- Planning Officer.

Mr C Piper BA

- Senior Engineer.

INTERESTED PERSONS

Mr I V Baker

- Resident.

Dr K Harbord

- Resident.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Council's letter of notification.

Document 3 - Council's statement and appendices (Planning).

Document 4 - Council's statement and appendices (Highways).

Document 5 - Appellant's statement and appendices.

Document 6 - Letters from third parties.

PLANS

Plan A - Application Plans (2).