



Planning Inspectorate Department of the Environment

Room 404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 1374

COPY

TEAM 2

AB ✓

JD ✓

NGV ✓

FM ✓

HGL ✓

Brian Haward Esq ARIBA FFAS
Chartered Architect
The Rope House
Station Road
SOUTHWOLD
Suffolk IP18 6AX

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Your reference YRD/BJH S.690					
Our reference 1/APP/A1910/A/89/143284/P7					
GP.O.	IC.P.M.	D.P.	D.C.	B.C.	Ack. Adm. File

12 APR 90

Received 17 APR 1990

Sir

Comments

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS R MARTIN
APPLICATION NO: 4/0697/89

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of Dacorum District Council to refuse planning permission for a new dwelling and garage on land at 4 Barncroft Road, Berkhamsted, Hertfordshire. I have considered the written representations made on behalf of your clients and the Council, by Berkhamsted Town Council and also those made by interested persons.
- From the representations made and from my inspection of the site I conclude that the main issue in this appeal is whether or not development as proposed would adversely affect the character and appearance of Barncroft Road.
- The proposal, made to preserve and extend your clients' family connection with Berkhamsted by providing land for a house for their daughter and her family, is to sub-divide the grounds of No 4 Barncroft Road so that some 860 sq m stays with the existing bungalow and the remaining 830 sq m is developed with a 2-storey dwelling.
- The policy background to the application is provided by the approved Review to the Structure Plan together with the adopted Dacorum District Plan. There are no policy objections to infilling or the sub-division of plots in Barncroft Road and the surrounding area but Policy 18 of the District Plan requires that all proposals for new development should pay particular regard to, among other matters, layout and site coverage and also have regard to the physical characteristics of the site, the location and design of adjacent development, traffic considerations and the creation of a satisfactory environment.
- Barncroft Road is a pleasant winding residential cul-de-sac some 320 m long with detached one and two-storey houses on generous sized plots. The appeal site fronts the inside of a sharp bend in the length of the highway. The houses are varied in type and design and somewhat informally laid out. An important element in the street scene is the ample space around and between the buildings emphasising the separation of the houses and giving space and character to the street as a whole.
- To reduce the space as your clients propose with a 2-storey dwelling some 8 m from your clients' existing house and some 1.5 m or so from the boundary with the southern neighbour (No 2) so that a gap of 4.5 m or so would remain between the proposed dwelling and the north flank wall of the garage attached to No 2, would clearly be damaging to the streetscape. To my mind the balance between the buildings would be destroyed and when viewed from the street a squeezed, cramped

effect would tend to be created to the great loss of the character of Barncroft Road and it would be wrong to allow it.

7. Turning to the other matters raised in the representations at my site inspection I noted the sub-division of No 2 Barncroft Road allowed on appeal but consider that although the site areas are similar to the appeal proposals the circumstances and conditions are not so similar that a valid parallel can be drawn with the proposal before me. I have also taken account of those cases where permissions have been refused on appeal, including redevelopment of 13 Barncroft Road, brought to my attention by the Council and have noted your clients observation that a number of these cases were outline applications as opposed to the full application made in this case.

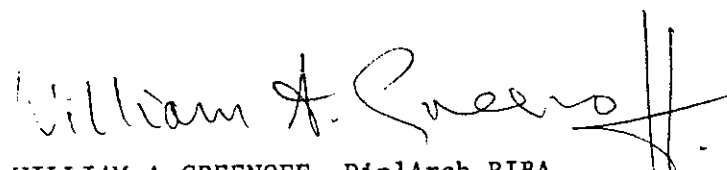
8. Your clients offer to enter into a planning agreement restricting first occupancy of the proposed dwelling to your clients' daughter. Whatever the merits of such an agreement I note that the Council do not consider that it would provide sufficient justification to allow the proposal. Your clients also offer that the form of the proposed dwelling should emulate the style and materials of No 4 Barncroft Road but since the application is, as before stated made in full, there seems to me no advantage in such a proposal.

9. Much of your clients' representations are concerned with the Council's refusal of an earlier outline application and with the events leading up to the issuing of the decision notice in this case. However, these are not matters affecting the planning merits of the case and they do not therefore form reasons for allowing the application if it is unsatisfactory in the terms set out in paragraphs 5 and 6 above. There is no objection by the Council to the access and parking provision proposed and indeed, your clients claim that the proposal would improve visibility across the bend in this part of the highway, may well be right. Nonetheless, I do not think that this factor turns the scale against the serious planning objections there are as set out in paragraphs 5 and 6 above to the proposal as a whole.

10. I have taken account of all the other matters raised but they are not sufficient to outweigh the considerations that have led me to my conclusions.

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

I am Sir
Your obedient Servant



WILLIAM A GREENOFF DiplArch RIBA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

LA



DACORUM BOROUGH COUNCIL

To Mr and Mrs R Martin
4 Barncroft Road
Berkhamsted

Brian Haward Chartered Architect
The Rope House
Station Road
Southwold
Suffolk

One dwelling and formation of vehicular access

at Land adj. 4 Barncroft Road, Berkhamsted

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 10.4.89 and received with sufficient particulars on 17.4.89 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

Barncroft Road is a residential cul-de-sac characterised by generous sized plots with ample spacing between dwellings. However, the proposed development would appear cramped in relation to the adjoining properties to the detriment of the character of the area.

Dated 8th day of August 1989

Signed

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.