

1/12/27/SP12



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20 JUL 1987

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Your reference

Our reference

T/APP/A1910/A/87/62619/P4

Date

17 JUL 87

JUL 1987

CPO 247

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J L PHILLIPS LTD
APPLICATION NO:- 4/0715/86

1. 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 the Dacorum Borough Council to refuse outline planning permission for a detached house and detached double garage at 2 Woodlands Avenue, Berkhamstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 27 April 1987.

2. The appeal site comprises approximately the eastern half of the plot of 2 Woodlands Avenue, which contains a semi-detached dwelling and detached garage, and has a return frontage of some 50 m to Swing Gate Lane. This is a residential area, comprising mainly terraced and semi-detached dwellings with some newer detached properties, opposite the appeal site, in Swing Gate Lane. The lane rises from the main Watford to Aylesbury road, which is to the north, towards the appeal site. After about one-third of the depth of the site the gradient increases sharply and the rear of the site is almost at the height of the house at the front. The appeal site is bordered on its road frontage by a mature hedge. The footpath of Swing Gate Lane, which is stepped by the site, has mature trees on its grass verge.

3. The proposal shows on the illustrative plan, a detached house, where the present garage is sited, with a double width garage by the rear boundary extending behind the garden to be retained by No 2. The removal of a silver maple on the verge and a willow on the site would be required in order to provide access to the garage.

4. From my inspection of the site and the surrounding area and consideration of the representations, I consider the main issues to be whether the proposal would have a detrimental impact on the street scene and provide an access unacceptable in terms of road safety.

5. Because the rear part of the appeal site particularly is so prominent, it makes a marked contribution to the appearance of the street. The proposed garage is of a size which, coupled with the loss of trees and part of the hedge, would look out of place and would be likely to dominate the street to its detriment. I agree with the council that the silver maple tree has considerable amenity value, whose loss would not be met by the planting proposed.

6. The Council have raised a road safety issue in their statement. They say that adequate visibility for the garage driveway cannot be provided due to a 1.4 m. high retaining wall to the south, and the boundary hedge. The steep gradient requires, in my opinion, particular care to be exercised in considering whether satisfactory visibility splays can be provided. My own observations confirm the Council's objection, and I therefore consider that the visibility would be inadequate. I have considered whether it would be feasible to site the garage elsewhere. However, there are difficulties over its position and the access which I do not consider can be overcome by a condition requiring it to be relocated.

7. Rather than be infill development the project seeks to extend the built-upfrontage. This in itself would not be a reason to refuse permission for a site, within a residential area such as this, which is large enough to accommodate an additional dwelling. You suggest that the site lies behind a building line which you have drawn along Swing Gate Lane. I do not consider that there is any relationship between the 2 buildings you have chosen to use for this exercise, and therefore cannot see any justification for the suggested line. As this appeal is concerned with an outline planning application I have therefore used the illustrative plans and elevations as a guide only in my consideration of the likely impact on the street scene of a dwelling of the type proposed. Any development of this site would be visually associated more with the properties in Woodlands Avenue than in Swing Gate Lane. In my opinion the proposal would be out of keeping, have a detrimental effect on the appearance of the road, and would tend to make the neighbouring properties seem unduly cramped.

8. I have taken into account all the other matters raised in the representations including the development sites you referred to. I did not find sufficient similarity to the appeal site for them to be used as examples which could assist my deliberations. In the circumstances, therefore, none of the factors, other than those referred to in the foregoing paragraphs, were sufficiently cogent to have led me to a different conclusion.

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

I am Sir
Your obedient Servant


Roger Offenbach
Barrister ARCS

Inspector