



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Folly Bridge House
Bulbourne
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Your Ref:

Our Ref:

T/APP/A1910/A/95/252256/P4

Date:

17 JAN 1996

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY CHESTERTON DEVELOPMENT COMPANY LTD
APPLICATION NO: 4/0730/94**

Received 18 JAN 1996

Comments

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission in respect of an application for residential development (14 houses and access road) on land at the rear of 240-262 Belswains Lane, Hemel Hempstead. I conducted a hearing into the appeal on 19th December 1995.
2. Along the south-western side of Belswains Lane is an area of residential development covering Nos. 162-264. These properties are a series of short terraces of houses, all of which have long rear gardens. In addition to the dwellings, the area contains a post office (No. 186) and a haulage yard (at the rear of No. 194). The appeal site is about 0.4 hectares and currently forms the whole of the curtilage of 242 and 244 Belswains Lane, along with the greater part of the rear gardens of Nos. 240 and 246-262.
3. To the rear of the appeal site is a large disused factory, with an access onto Belswains Lane to the east of No. 264. Outline planning permission for residential development of that site (the Chiltern Hunt site) was granted in September 1995. Adjoining the factory is the Breakspear Hospital site, which is served by a track running between the post office and 184 Belswains Lane. On the opposite side of Belswains Lane to the appeal site are a primary school and public house, both of which have vehicular accesses onto the road.
4. Although Belswains Lane carries a high volume of traffic, there are no waiting restriction in the vicinity of the appeal site. Many of the residential properties along the road have parking areas within their front gardens. Parking also takes place on the hardened verge adjacent to the carriageway or on the grass area behind the footway. Short-term parking on the highway associated with the primary school occurs at the beginning and end of the school day. A school crossing patrol operates outside 232 Belswains Lane. A mini-roundabout is located at the junction of Belswains Lane and Barnacres Road, opposite No. 200.



5. Your client proposes to create a new access onto Belswains Lane to serve the proposed development. The new estate road would also provide rear access to Nos. 240, 246, 248 and 250. The design and external appearance of the proposed dwellings, along with landscaping, are reserved matters. The application was submitted in June 1994 and was later the subject of minor revisions following the comments of the highway authority. It was refused in February 1995.

6. Section 54A of the 1990 Act requires that planning applications or appeals should be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. In the present case the development plan comprises the County Structure Plan and the adopted Dacorum Borough Local Plan. The Council has not suggested that the proposal conflicts with any particular policies of the development plan, and I have noted that the Proposals Map of the Local Plan makes clear that the appeal site is within an area where residential development is appropriate.

7. The Council makes reference in its reason for refusal to a development brief which relates to all the existing residential development between 162 and 264 Belswains Lane, and also to the land to the rear. The brief, which was issued in November 1994, was prepared following the submission of the appeal application and that for the Chiltern Hunt site, in addition to an application for development at 204-206 Belswains Lane. The brief recommends that there should only be two principal access points or junctions on Belswains Lane if residential development proceeds, and that these accesses should be linked by a spine road. This would serve not only the Hunts Mill and Breakspear Hospital sites but also any development of the rear gardens of the existing dwellings.

8. From my consideration of the matters raised at the hearing and in the representations, it is my opinion that the principal issue in the appeal is whether the proposal would be detrimental to highway safety.

9. The Council accepts that the scheme would provide adequate visibility at the new road junction and raises no queries about the width of the access road. However, in the Council's view it would be more appropriate for any new access at the southern end of the area covered by the brief to be within the Chiltern Hunt site rather than the appeal site because of its greater separation from the vehicular and pedestrian activity associated with the primary school. The Council believes that it would not be desirable to have both the junction proposed in the present scheme and that approved in the Chiltern Hunt development.

10. I have noted the argument you raised at the hearing that little weight should be given to the development brief, as it is a non-statutory document. The brief clearly has much less weight than the development plan. Nevertheless, it seems to me to be a careful analysis of the potential problems which could be associated with piecemeal developments of the type now proposed. I consider that the basic highway network to be used in the development of the brief site must be resolved, to avoid the proliferation of new junctions along Belswains Lane. As Design Bulletin 32 makes clear, junctions by definition involve cross traffic and/or converging traffic and they are therefore potential points of hazard. Although the highway authority has adopted standards for junction spacing which might be satisfied by the scheme, they can only provide general guidance. Given the nature of this part of Belswains Lane, I consider that it is wholly sensible to keep the number of new junctions to the minimum that is necessary.

11. I have noted the lack of any opposition by the Council to the design of the proposed junction in the present scheme and that it would not prejudice the development of the Chiltern Hunt site. However, I agree with the Council and the Parish Council that the provision of a new junction in close proximity to the primary school would create a potentially serious hazard. Short-term parking and the movement of pedestrians, many of whom would be children, would occur close to the junction at peak hours. This could well lead to road traffic accidents. The alternative access approved in the Chiltern Hunt development would not raise such difficulties. For this reason, I have concluded that the appeal should not be allowed.

12. I have taken into account all the other matters raised at the hearing and in the representations. However, they do not outweigh the considerations that have led to my decision.

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

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D Bradley', with a stylized flourish at the end.

DENNIS BRADLEY BSc (Econ) DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr Andrew King - Agent for the Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr Paul Newton - Dacorum Borough Council

Mr Brian Scott - Dacorum Borough Council

INTERESTED PERSONS

Mr George Reeley - Nash Mills Parish Council

Mr H. Kenman - Nash Mills Parish Council

DOCUMENTS

Document 1 - List of persons present at the Hearing.

Document 2 - Notification and circulation

Document 3 - Letter from Nash Mills Parish Council

Document 4 - Extract from Dacorum Borough Local Plan

Document 5 - Copy of planning permission for residential development of land to the rear of 162-174 Belswains Lane (4/1077/94)

Document 6 - Copy of committee report on appeal applications

PLANS

Plan A - Application drawing

Plan B - Drawings relating to application No. 4/1077/94

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0730/94

Chesterton Development Company Ltd
6 North 14th Street
Milton Keynes
Bucks

Mr A.King
Osborne Lodge
Wick Road
Wigginton
Nr. Tring
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION

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Rear of 240-262 Belswains Lane, Hemel Hempstead, Herts

RESIDENTIAL DEVELOPMENT (14 HOUSES AND ACCESS ROAD) OUTLINE

Your application for *outline planning permission* dated 01.06.1994 and received on 02.06.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

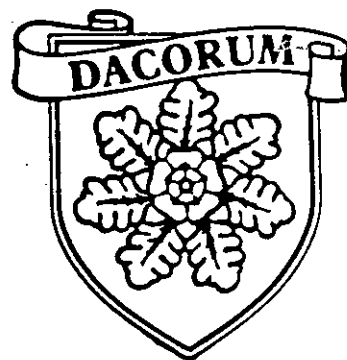
Director of Planning

Date of Decision: 16.02.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0730/94

Date of Decision: 16.02.1995



The access to the proposed development, which is almost opposite a school entrance and close to a school crossing patrol will give rise to conditions prejudicial to highway safety, and will prejudice the comprehensive redevelopment of the area in accordance with the Belswains Lane Development Brief (November 1994).