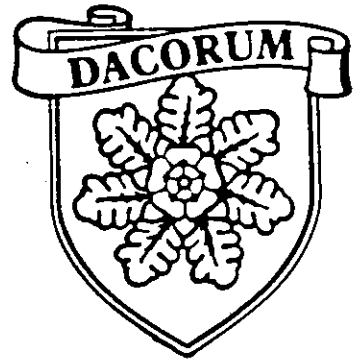


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0826/92

Sunny Rock (Berkhamsted) Ltd  
Berkhamsted Lodge  
Ashridge Park  
Berkhamsted  
HERTS

Mr D Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

land r/o 9 Kingsdale Rd, Berkhamsted,

ERECTION OF TWO DETACHED DWELLINGS AND ALTERATIONS TO EXISTING ACCESS  
(RESUBMISSION)

Your application for *full planning permission* dated 30.06.1992 and received on 02.07.1992 has been *REFUSED*, for the reasons set out on the attached sheet(s).

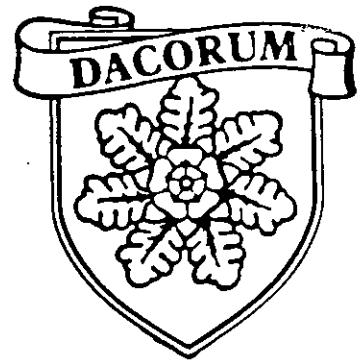
Director of Planning

Date of Decision: 26.08.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0826/92

Date of Decision: 26.08.1992



1. The proposal represents an undesirable form of two tier backland development being served by a long narrow means of access passing through the curtilage of an existing dwelling. Such a development would result in dwellings being sited in poor relationship with one another and with adjacent dwellings.
2. Due to the topography of the site and the proposed siting of the two dwellings the proposal would have a seriously detrimental effect on the amenities of surrounding properties and the environment of the locality.
3. The proposal would result in No. 9 Kingsdale Road having insufficient amenity area, and would detract from the character of the area.



# The Planning Inspectorate

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

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JAN  
2) AM  
3)

D Clarke 47 Gravel Lane Boxmoor HEMEL HEMPSTEAD Herts HP1 1SA	PLANNING DEPARTMENT						Your Ref
	DACORUM BOROUGH COUNCIL						9215
	Ref.					Ack.	Our Ref:
	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	T/APP/A1910/A/92/211829/P4
Received		14 JAN 1993				Date: 13 JAN 1993	
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY SUNNY ROCK (BERKHAMSTED) LTD  
APPLICATION NO: 4/0826/92

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 planning permission in respect of an application for two detached dwellings on land at 9 Kingsdale Road, Berkhamstead. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council and other interested persons, including those made directly to the Council and forwarded to me. I inspected the site on 9 November 1992.

2. Having read the representations and visited the site and its surroundings, I consider the main issues in this case to be, firstly, the effect the proposal would have on the character and appearance of the locality, having regard to prevailing planning policies, and secondly, the impact of the proposal on the amenity of the occupiers of adjacent dwellings.

3. Kingsdale Road is a residential cul-de-sac in an area of mainly detached 2 storey houses and bungalows set within spacious gardens. Some infilling has taken place to the south of the turning head at the end of the cul-de-sac. The appeal site is located to the rear of 9 Kingsdale Road, a 2 storey detached house and is land which presently forms part of the rear garden. The site slopes from north to south and there are a number of trees at the centre and around its perimeter. The rear gardens of 7 and 11 Kingsdale Road, which lie adjacent to the appeal site, are partially screened by mature hedges. To the north are the rear gardens of residential properties in an adjoining road.

4. The Hertfordshire County Structure Plan 1986 Review



provides a policy framework to meet local housing needs, taking advantage of opportunities which exist within existing settlements while, at the same time, protecting their character. Alterations which became effective in 1992 elaborate on the wording of Policy 71 to give clearer meaning to this policy in relation to urban form.

5. The approved local plan for the area is the Dacorum District Plan 1984 which is to be superseded by the Dacorum Borough Plan. The Draft Dacorum Borough Plan has passed through its inquiry stage and is used by the Council for development control purposes. While not yet adopted, its policies accord more closely with current strategic policies than the approved District Plan. I have therefore given due weight to its policies in dealing with this appeal, bearing in mind advice on emerging structure and local plans set out in PPG Note 1. The housing policies of the approved and draft local plans are similar in their effect but Policies 8, 9 and 100 of the emerging Borough Plan reflect a greater concern for the impact of new development on the local environment and standards for new development are set out in Part 5 of the Plan.

6. The effect of the development in this case follows from the way in which the appeal site would be formed and subdivided and from the disposition of new dwellings in relation to neighbouring property. The formation of an access driveway from the turning head at the end of Kingsdale Road would repeat an arrangement which already exists in 2 places on the south side of the turning head. A driveway of the width proposed, although wider than a normal domestic driveway, would have little more impact on the appearance of Kingsdale Road and its use to serve 2 dwellings would not, in my view, add significantly to the overall level of movement and activity in the area.

7. The tapered form of the appeal site reflects the original layout of plots around the head of the cul-de-sac. This arrangement determines the shape of the appeal site but the depth of the rear garden to 9 Kingsdale Road would, by this arrangement, be reduced to about 10 m. This compares unfavourably with the minimum of 11.5 m suggested in the Council's guidelines, a longer garden being recommended for detached houses. In addition, much of the area at the rear of 9 Kingsdale Road has already been taken up by a new garage and a hard surfaced forecourt, leaving little room for a private rear garden. The severe lack of private amenity space and confined setting that would result would, in my view, be quite out of keeping with the size and scale of the existing building and others in the area which have spacious and attractive settings.

8. Beyond the developed frontage of the turning head the proposed driveway would continue along the eastern boundary of the appeal site for approximately 30 m before turning westward to give access to the dwellings proposed. This arrangement

would result in a considerable length of driveway that would effectively subdivide the appeal site into 2 unequal parts at a point mid-way along its length. While the appeal site is reasonably well screened from its immediate neighbours, the effect of this arrangement would be seen clearly in views across the site from surrounding properties. The resulting plots would be of a size and configuration noticeably different from other residential plots in the area and the effects of this subdivision would be accentuated by the siting of the proposed houses close to the southern boundary of the appeal site and by the placing of one house behind the other.

9. The two dwellings proposed would each have accommodation on 2 floors, the upper floor being contained within the roofspace and expressed externally by dormer windows on the main roof slopes. The design of the houses would be similar, but with differences in the design of upper floor windows to avoid overlooking neighbouring property. Their traditional appearance would be generally in keeping with other houses in the area but the effect of the ground rising towards the western end of the appeal site would place them at a significantly higher level than other houses in Kingsdale Road to which they would relate visually.

10. Even allowing for the screening effect of existing and proposed planting, I consider that houses located in the position proposed would appear prominent and intrusive and generally out of keeping with the established pattern of development locally. In arriving at this conclusion, I have had regard to infill development which has taken place in the past to the south of Kingsdale Road and to examples of residential development in the locality to which you have drawn attention. Kingsdale Road has a well-defined character of its own which arises from the distribution and setting of its houses. Other infill development in the locality is discreetly sited and circumstances in other roads in the area create conditions in relation to individual sites which are not strictly comparable with the appeal site. I do not, therefore, regard development that has taken place on other sites in the area as providing a convincing precedent for the form of development proposed by your client.

11. You have referred to an outline planning permission previously granted by the Council for 2 houses on the appeal site and which has now expired. You have said that nothing has changed in the physical nature of the site since that planning permission was granted. The current proposal is, however, for full planning permission for a particular form of development that falls to be determined in the context of current planning policies. The policy framework provided by the emerging Borough Plan is one which must be accorded significant weight, in view of its advanced stage towards adoption and its conformity with policies contained in the approved District Plan. Alterations to the structure plan are reflected in the policies and guidelines of the emerging Borough Plan and these now require, in my view, a more

rigorous test to be applied to development proposals in areas of established character.

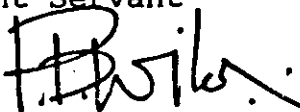
12. Policy 100 of the emerging Borough Plan refers to residential areas having their own intrinsic amenity and character which could be adversely affected by insensitive housing development. Guidance on the layout and design of residential areas set out in Part 5 of the plan suggests that proposals should reflect the character of the surrounding area and, in particular, there must be adequate space for the proposed development without creating a cramped appearance. The development proposed would, in my view, intrude upon an established and attractive residential environment, contrary to local plan policies and guidance. It would also, by reason of the manner in which the appeal site would be determined and subdivided, encroach upon the setting of 9 Kingsdale Road to a degree which would result in a cramped and congested form of development. For these reasons I consider that the development proposed would conflict with local plan policies and criteria and have a harmful effect on the character and appearance of the area.

13. Turning now to the second issue, the proposed development would place the dwellings in a relationship to each other that would, in my view, be overbearing for the occupiers of adjacent dwellings and cause loss of privacy to their occupiers. The loss of amenity would be most noticeable in relation to 9 and 11 Kingsdale Road whose rear gardens would, in my judgement, be dominated by the dwelling on Plot 2. Some relief might be afforded by careful landscaping but this could not, in my view, disguise the presence of new development or overcome the loss of privacy that would follow from the relatively small sizes of the plots proposed. In particular, the considerably reduced depth and area of private amenity space available to the occupiers of 9 Kingsdale Road would place this dwelling significantly closer to Plot 2 than the minimum suggested by the Council's guidelines. I am therefore drawn to the conclusion that the occupiers of adjacent dwellings would suffer significant loss of amenity as a result of the development proposed.

14. I have taken into consideration all other matters raised in representations but I have found nothing of sufficient weight as to outweigh the considerations that have led to my decision which is that this appeal be dismissed.

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

I am Sir  
Your obedient Servant



P D WILSON DipArch DipTP RIBA MRTPI  
Inspector