

INVALID.

Appeal against Non-determination
lodged before the issue of the
decision notice.

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0831/91

Mr & Mrs M O'Mahony
The Whins, Gravel Path
Berkhamsted
Herts

Capener Cross Partnership
Salter House, Cherry Bounce
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

The Whins, Gravel Path, Berkhamsted,

DEMOLITION OF PART OF THE EXISTING HOUSE AND ERECTION OF NO 3 DETACHED DWELLINGS
(OUTLINE)

Your application for *outline planning permission* dated 11.06.1991 and received on
17.06.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

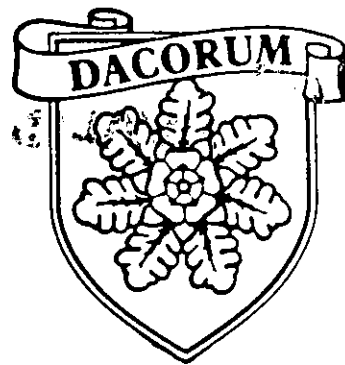
Director of Planning

Date of Decision: 08.08.1991

(ENC Reasons and Notes)

REASON FOR REFUSAL
OF APPLICATION: 4/0831/91

Date of Decision: 08.08.1991



The proposal is a cramped form of development and represents an overdevelopment of the site which would be detrimental to the character and visual appearance of the area as a whole which is semi-rural in character and forms an important transition between Berkhamsted and the open countryside to the north. The proposal would have a detrimental effect on the amenities of the surrounding properties and result in the loss of trees and boundary screening. The increased use of the existing sub-standard access to Gravel Path would give rise to conditions prejudicial to road safety.



Planning Inspectorate
Department of the Environment

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PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL GTN 1374					
C.P.O.		T.C.P.M.	D.P.	D.C.	B.C.
Received					21 JAN 1992
Comments					

Capener Cross Partnership
 Salter House
 Cherry Bounce
 HEMEL HEMPSTEAD
 Herts
 HP1 3AS

Your reference
 File

Our reference

T/APP/A1910/A/91/189200/P8
 A1910/A/91/189201/P8

Date

20 JAN 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEALS BY MR AND MRS M O'MAHONY
 APPLICATION NOS: 4/0831/91 AND 4/0832/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure the Dacorum Borough Council to determine, within the prescribed period, 2 outline applications for planning permission, viz, i. demolition of part of existing house and erection of 3 detached dwellings, and ii. erection of one detached dwelling, at The Whins, Gravel Path, Berkhamsted, although I note that the Council had determined both applications, but had not notified your clients, within that period. I have considered the written representations made directly by Berkhamsted Town Council and interested persons to the Council which have been forwarded to me. I inspected the site on Monday 14 October 1991.

2. From the representations and from my inspection of the appeal site and surroundings, I am of the opinion that the main issues in relation to both applications are whether the proposed development would be detrimental to the appearance and character of the surrounding area and, in relation to the application that includes the erection of 3 houses, (No 4/0831/91) whether it would result in obstruction or danger to road traffic.

3. The appeal site is situated in a low density residential area adjoining Gravel Path, the access road between the main built-up part of Berkhamsted and Berkhamsted Common. Large individual houses on plots of about 3000 sq m area and about 35 m frontage and spaced some 20 m or more apart were built on both sides of Gravel Path in the early years of this century, but most of the houses in the vicinity, mainly fronting other roads, that were built in more recent years are detached, on plots of about 1000 sq m area and 15-20 m frontage and spaced about 3-5 m or more apart. The appeal site stands at one corner of the crossroads junction with Hunters Park and has an area of about 2000 sq m, and the original house, The Whins, stands fairly centrally on its Gravel Path frontage. Like the other plots in the vicinity, the appeal site has a number of trees, including high boundary hedges containing trees of up to 10 m in height. The appearance of the trees and hedges in the fairly wide spaces between individual buildings results in a semi-rural character, particularly



along the Gravel Path frontages where the houses on the largest plots are situated.

4. As you may know, Sections 26 and 58 of the Town and Country Planning Act 1991 which became operative recently, emphasise the role of the Council's planning policies by requiring that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, thus changing from the basis described on Planning Policy Guidance 1, paragraph 11, which you quote. Although the Borough Local Plan is not yet adopted it has been placed on formal deposit and objections will be the subject of a planning inquiry shortly. Accordingly, although I note that other policies seek that development proposals should make the best use of available urban land, I will give due weight to Policies 8 and 100 which require development proposals to harmonise with the character, and to have particular regard to their effect on the amenity and character, of the surrounding area. I do not agree with your opinion that character/visual appearance are indistinguishable from aesthetics/taste because the first relates to the area generally and the second, as described in PPG1 paragraphs 27 and 28, are directed to the design of individual buildings.

5. In the first-mentioned application (No 4/0831/91), the illustrative plan shows the removal of the wings from both sides of The Whins, which would leave the main house on a plot with about 15 m frontage, and also shows one new house on each side. Although the plan is only illustrative, each new house could not have a plot of more than about 12 m-13 m frontage and a site area of about 400 sq m, so that any house built thereon would be barely 3 m from the adjoining house. In addition, the illustrative plan shows an additional house on a plot at the rear part of the site fronting Hunters Park which would be likely to have a frontage of some 14 m-15 m, resulting in about the same distance between it and the rear walls of the houses fronting Gravel Path. In my consideration of the effect of this proposal, although the appeal site and those immediately adjoining are not at the edge of the residential area where Policy 100 directs special attention to the effect of development proposals on the open countryside and views, I consider that there is a distinct difference in appearance and character between Gravel Path with large houses on spacious plots fronting it and the newer houses just beyond which are generally smaller and on smaller plots, and I consider it reasonable for the Council to interpret Policy 100 as applying to any adverse effect on the amenity and existing character of the area it describes as the Gravel Path Corridor; I consider that its character depends on the large houses, their wide spacing and the amount of natural vegetation. I note that some of the original houses plots have been redeveloped, or approved for redevelopment, including Westmount and Brackenhill, although I note that the new plot areas on those sites range between about 700 and 900 sq m, which are appreciably larger than the 400-500 sq m for each of the four plots proposed in the application. Furthermore, I note that the 19% site coverage you state for the three new dwellings at Westmount appears to include the substantial double garages with each new house, whereas the 22.5% site coverage you estimate for the development does not include garages for at least three of the proposed dwellings.

6. While the first application (No 4/0831/91) would result in some reduction in the size of the existing building, I consider that the addition of 2 new dwellings would result in 3 buildings that would be

much closer together than even the more recently erected dwellings in the vicinity, which themselves are noticeably closer together than the earlier houses which, with their more spacious and landscaped settings, result in the semi-rural appearance and character when seen from Gravel Path. Accordingly, I am of the opinion that the 3 dwellings including The Whins reduced in size would be so close together, with no space for effective landscaping between them, that they would appear to overdevelop the site, in marked contrast to the surrounding area and to the detriment of its appearance and character. Furthermore, because there would be unlikely to be enough room for adequate garages, the large open parking and manoeuvring area across the front of the houses would add to the built-up appearance of the appeal site, to the further detriment of its landscaped character.

7. Due to the limited site depth, vehicular access to the 3 houses fronting Gravel Path would have to be from the front, over the 2.5 m wide track across the wide grass verge that is not under your client's control, about 10 m from the crossroad junction of Hunters Park and Gravel Path. Although the proximity of this access to the crossroads is of limited concern at present when it serves one house only, it would be used more frequently as access to 3 houses. As a result, the limited space in front of the houses that would be available for manoeuvring and parking would mean that some vehicles would be likely to reverse into the road and, on occasions, emerging vehicles would be likely to block oncoming vehicles from the south, which would stop at the crossroads. Although there is no objection by the highway authority, I consider that the use of this narrow vehicular access by the extra vehicles associated with the proposed development would add to the possibility of obstruction and danger to traffic on Gravel Path, although I would not regard this matter, on its own, as sufficient a reason to prevent the proposed development.

8. Both applications would mean that an extra house is built fronting Hunters Park, and the illustrative plans suggest a building of about 10 m in width which is nearly as wide as the adjoining house at No 1 Hunters Park, together with a garage, on a plot of some 14 m-15m in width. This would leave a little less than 15 m between the side of the proposed house and the back of The Whins. I propose to have some regard to the space standards of the deposited Borough Local Plan, which requires a minimum distance of 23 m between main walls of facing dwellings and that rear gardens should normally have a minimum depth of 11.5 m, and more for detached houses. These standards generally apply to all proposed housing layouts, many of which will be at a density of 25 dwellings per hectare (10 per acre) or more. I would expect greater distances in this vicinity where densities are between about 3 per hectare for the earlier dwellings fronting Gravel Path and about 10 per hectare for those built more recently. Moreover, the low density and large space standards character of Gravel Path, rather than the higher density standards of the more recent Hunters Park development, predominate in the part of Hunters Park where the appeal site is situated. In this regard, I note that the back gardens of the houses fronting Gravel Path and in the immediate vicinity have lengths ranging from about 25 m up to over 50 m, whereas The Whins would be left with barely 15 m. Having regard to these factors, I consider that the limited distance between any proposed house fronting Hunters Park and the rear of the 3 houses proposed in the first application (No 4/0831/91) would result in an overdeveloped appearance in which buildings, including the house and garage fronting Hunters Park, would appear too dominant, to the

detriment of the appearance and character of the surrounding area. Furthermore, the relatively short back garden would result in a lack of privacy for the occupiers of the proposed house due to overlooking from the backs of two houses fronting Gravel Path, particularly where two extra houses are proposed.

9. Although there would be 2 fewer houses on the site in the second application (No 4/0832/91), the distance between any new house fronting Hunters Park and The Whins would be the same as in the first application, and The Whins would presumably remain as it is at present, with its extensive wings and outbuildings on each side, but with its 40 m wide private back garden reduced to a depth of barely 15 m. In my opinion, the proposed house with its limited distance from The Whins would appear to be an overdevelopment of the appeal site in relation to remaining shape and size of The Whins house and grounds and the space standards of the immediate surroundings with which The Whins is in scale, that would be to the detriment of the appearance and character of the surrounding area.

10. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that led me to my decisions on each of these applications.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss both these appeals.

I am Gentlemen.
Your obedient Servant

D. J. Tuckett

D J TUCKETT BA DipTP ARICS MRTPI
Inspector