

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

J A Ostle
Grovefield
The Common
Berkhamsted
Herts

M J G Wotherspoon
Brambles End
The Common
Berkhamsted
Herts

..... Two dwellings and access (outline)

at "Grovefield" and "Brambles End"

..... The Common, 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 5.6.90 and received with sufficient particulars on 6.6.90 and shown on the plan(s) accompanying such application..

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

The site lies on the edge of the built-up area of Berkhamsted adjacent to Berkhamsted Common and the Chilterns Area of Outstanding Natural Beauty; adjoining land is within the Green Belt in the Dacorum District Plan. The proposed development would result in an unacceptable urbanisation of the site with consequential harmful effects on the rural character of the area because of the presence in an exposed position, on the edge of the town, of substantial new buildings, their cramped layout in relation to the existing houses, the poor access (improvements to which to meet highway requirements would themselves be unacceptably intrusive and injurious to the rural character of the area) and loss of trees. Furthermore, the site is shown to be included within the Green Belt in the Draft Dacorum Borough Local Plan Review, which was published for public consultation in April 1990, the purpose of which is to strengthen the protection provided by the Green Belt designation. The proposed development would clearly be contrary to the Council's expressed aim of keeping this site open and free from development in the longer term, and it would also be harmful to the maintenance of the character of the existing adjoining Green Belt.

Dated ... Eleventh day of September 19 90

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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 the date 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.



Planning Inspectorate

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Messrs J A Ostle and
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| PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL | | | | | |
|--|----------|-------------------|------|------|--------|
| Ref. | | J. C. Wotherspoon | | | |
| C.P.O. | T.C.P.M. | D.P. | D.C. | B.C. | Ack. |
| | | | | | Admin. |
| Received | | 10 MAY 1991 | | Date | |
| Comments | | | | | |

Our Reference:

A1910/A/91/175755/P7

-9 MAY 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0837/90

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of one new house in the garden of each existing property at Grovefield and Brambles End, The Common, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by an interested person. I have also considered the written representations made by the Berkhamsted Town Council and the Nettleden with Potten End Parish Council at the application stage. I inspected the site on 29 April 1991.

2. Grovefield and Brambles End are substantial 2 storey detached houses fronting the south side of an unmade track which joins the northern end of Ivy House Lane beyond another detached dwelling, Ivy House, to the east. The properties occupy a commanding position on the north-eastern edge of Berkhamsted above the Bulbourne Valley between the wooded Berkhamsted Common to the north and farmland to the south. To the west lies a house in large grounds known as Brackenhill, the subject of an outline permission for redevelopment by 7 detached houses. The appeal site is bounded to the north, east and south by Metropolitan Green Belt of which that part to the north of the site and to the east of Ivy House Lane is within the Chilterns Area of Outstanding Natural Beauty (AONB).

3. Outline permission is sought for the proposed development. The submitted plan indicates that the houses would be sited in the long rear gardens of Grovefield and Brambles End in tandem with the existing dwellings, with access via a new driveway running along the boundary between the 2 properties. It was confirmed when I verified the submitted plan at my site inspection that these details are illustrative only. I am therefore dealing with your appeal on the basis that all matters of detail are reserved for subsequent approval.

4. From my inspection of the site and its surroundings and my examination of all the information before me, I consider that the main issue in this case is whether the proposed development would unacceptably harm the character and appearance of the area, having particular regard to the Green Belt and AONB status of the adjoining land.

5. The appeal site and the two adjoining houses together project eastwards from the denser urban edge of Berkhamsted into essentially rural surroundings, mostly of acknowledged scenic quality. Because of the site's elevated position I was able to see it over a wide area of undulating fields from both Bullbeggars Lane and the A41 London Road in the bottom of the Bulbourne Valley to the south-east. I found it particularly conspicuous from the elevated section of Ivy House Lane about 300m to the south. In these views, I consider that the large rear gardens of the existing houses on the site perform an important transitional function between the built-up area and the Green Belt farmland.

6. In my opinion, the erection of 2 further houses on the appeal site would result in too great a degree of intrusion by additional buildings into this transitional area producing an unacceptably hard urban edge to the Green Belt just beyond the AONB. Wherever the buildings were to be positioned within the rear gardens of Grovefield and Brambles End, I consider that because of the conspicuous position of the site in relation to the Green Belt, the visual amenities of the Green Belt would be injured in conflict with the advice in paragraph 14 of Planning Policy Guidance Note 2 to which the Council refer.

7. I realize that you regard your proposal as comparing favourably with the approved development at Brackenhill to the west and at Lanrick Copse beyond that. However, these sites do not project so far eastwards into the rural surroundings and are therefore less exposed in the attractive landscape. Furthermore, it seems to me that the tall, mostly cypress, screen between Brackenhill and Grovefield is such an effective visual barrier that the approved development on the former site would not bear significantly on the open character of the appeal site.

8. I appreciate that the hedging on the southern boundary of the site would partially screen the proposed development and I am satisfied that, subject to some adjustment of the illustrative siting and access detail, an unacceptable loss of existing trees and shrubs need not result either within the rear part of the site or the wooded area along the frontage. Also, I am not convinced that the extra traffic likely to be generated by 2 houses would necessitate a visually harmful upgrading of the access track. However, partly since the development would be situated on rising ground, I consider that it would be many years before the impact of the buildings on the open area to the south could be significantly softened by appropriate new planting.

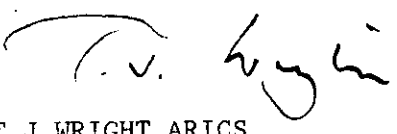
9. In view of the foregoing considerations, I have reached the conclusion that the appeal proposal would cause unacceptable harm to the rural character and appearance of this area on the edge of the Metropolitan Green Belt and the Chilterns AONB and should therefore not be permitted.

10. I note that the Council consider in retrospect that the Green Belt boundary is wrongly drawn in the adopted Dacorum District Plan. The position has been reviewed in the draft Dacorum Borough Local Plan which proposes alterations to the boundary to include the appeal site within the Green Belt, in which case there would be a general presumption against the proposed development. The draft plan has been the subject of public consultation and, having considered your objections the Council have decided to keep the change in the draft plan. Although the plan is at a stage where it carries only limited weight, it is nevertheless a material consideration in this case and one which I find reinforces my decision not to grant permission for the appeal proposal.

11. I have taken into account all the other matters raised in the representations, none of which causes me to reach a different decision.

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

I am Gentlemen
Your Obedient Servant


T J WRIGHT ARICS
Inspector