

Dacorum Borough Council Planning Department

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MR & MRS B DRAPER
C/O POULTER & FRANCIS
57 MARLOWES
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00852/00/FUL

LAND ADJ 49, KINGS ROAD, BERKHAMSTED, HERTS, HP4 3PH
DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF NEW
DWELLING AND REPLACEMENT GARAGE

Your application for full planning permission dated 03 May 2000 and received on 05 May 2000 has been **REFUSED**, for the reasons set out overleaf.

Daniel Noble

Development Control Manager

Date of Decision: 19 October 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00852/00/FUL

Date of Decision: 19 October 2000

1. Policies of the Development Plan aim to safeguard the local environment. Policy 8 of the adopted Dacorum Borough Local Plan and Policy 9 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft specify that development will not be permitted unless a range of criteria are satisfied. In particular, development will not be permitted unless it is appropriate in terms of site coverage, scale and bulk. Furthermore, Part 4 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft sets out a comprehensive base of policies for controlling new development in the established residential areas of Berkhamsted, which complement and amplify the provisions of Part 3 of the Plan relating to development in residential areas. The application site lies in Residential Character Area BCA12 Shootersway. As a result of its scale and bulk and the amount of site coverage, the proposed development fails to satisfy two of the Development Principles for this area, namely height and spacing, as the proposed dwelling has three storeys and is less than 5 m from the adjoining property in Kings Road.

The proposed development will therefore cause harm to the established character of this part of Berkhamsted, contrary to the policies of the adopted Local Plan and the Deposit Draft.



Appeal Decision

Hearing held on 28 February 2001

by **Richard W Thomas** BA DipArch RIBA IHBC

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

ED	DP	DC	BC	SS
Rec'd 23 MAR 2001				File
Comments :				

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date

22 MAR 2001

Appeal Ref: APP/A1910/A/00/1055438

Land adjacent to 49 Kings Road, Berkhamsted

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs B Draper against the decision of Dacorum Borough Council.
- The application (ref: 4/00852/00/FUL), dated 3 May 2000, was refused by notice dated 19 October 2000.
- The development proposed is the demolition of existing garage and erection of new dwelling and replacement garage.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issue

1. I consider that the main issue in this case is the effect of the proposed house upon the character and appearance of the surrounding area.

Planning Policy

2. The development plan for the area includes the Dacorum Borough Local Plan (1995). Policy 7 of the Local Plan permits appropriate residential development in residential areas. Policy 8 seeks to ensure a high standard of development through criteria which include, amongst others, that development be appropriate in terms of site coverage, scale, bulk, and height. It also requires development to respect the townscape, density and general character of the area. Policy 9 requires that development should normally meet Environmental Guidelines contained in Part 5 of the Local Plan, in order to establish a consistent and equitable framework for detailed control. Policy 101 states that careful consideration will be given to the effect of the density of housing proposals with regard to their effect on the amenity and character of the surrounding area. Policy 102 permits building of up to 3 stories in height, where they harmonise with the character of the surrounding area.
3. The emerging Dacorum Borough Local Plan 1991-2011 Deposit Draft has reached Local Plan Inquiry stage, and contains similar policies to the relevant adopted Local Plan policies. In addition, Policy 8 encourages the use of underdeveloped land. This accords with national policy guidance contained in Planning Policy Guidance Note 3 "Housing" (PPG3). Part 4 of the Deposit Draft contains Policy Statements and Development Principles in respect of established residential areas, including the Shootersway area of Berkhamsted. In view of the state of preparation of the emerging local plan, I shall give its policies significant weight in accordance with the advice of paragraph 48 of PPG1.

Reasons

4. The appeal site straddles the boundary between a two-storey house facing Kings Road, and a bungalow on Kingsdale Road. This road is a cul-de-sac that runs along the bottom of a slight valley, rising gradually from its junction with Kings Road. It serves a number of relatively modern houses set within spacious mature gardens. These houses vary in style with several large single-storey bungalows, some with dormers, and a number of two-storey houses. I noted two bungalows that had taken advantage of the rising ground to incorporate a garage beneath the ground floor, in a similar manner to that of the proposed dwelling.
5. The effect of the proposed basement garage would be to add apparent height to what would otherwise be a dormer bungalow. However, the ground floor level of the proposed dwelling would be set about midway between those of its neighbours, and consequently the ridge height would be only slightly above that of either of the adjacent ridges. I consider that the height and scale of the proposed dwelling would therefore be in keeping with its surroundings, and that the basement garage would not appear inappropriate.
6. Whilst the dormer windows and turret feature would add bulk to the appearance of the dwelling, they would also add visual interest to the front and rear elevations. In doing so, they would reflect the greater level of architectural detail and features that characterise the older dwellings nearby on Kings Road. The proposed dwelling would therefore, in my view, act as an appropriate transition between the older houses and the less ornate modern bungalows on the south side of Kingsdale Road.
7. The proportion of the appeal site covered by the dwelling would be greater than that of its immediate neighbours, although similar to 21 Kingsdale Road. However, the density of the area is perceived more by the spacing of the dwellings than by the size of their gardens, much of which often lies unseen from the road. This effect is recognised in Part 4 of the Deposit Draft, where the character appraisal for the Shootersway area notes the wide spacing that is typical between neighbouring houses. It states that spacing of between 5m and 10m should normally be required for new development in the area of the appeal site. However, the north-east corner of the proposed dwelling would only be 4.2m away from the single storey rear extension of 49 Kings Road. In view of the proposed house being set back from the extension, and the 7m spacing between the dwellings at first floor level, I consider that this slight variation from the suggested minimum would not be sufficient to cause significant harm to the existing character of the area.
8. I am satisfied that the proposed development would be appropriate in terms of scale, bulk and height, and that its site coverage is not significantly different from other houses in the area. I therefore conclude that the proposal would satisfy the objectives of Policies 8, 9, 101 and 102 of the Local Plan, and the Development Principles in Part 4 of the Deposit Draft.

Other Matters

9. Kingsdale Road is relatively narrow and meets Kings Road at an acute angle. I saw that this required drivers of vehicles entering Kingsdale Road from a southerly direction to exercise extra care if another vehicle was waiting to join Kings Road. However, I consider that neither the additional traffic generated by the proposed dwelling, nor the enlargement of the access to the two properties, would materially prejudice highway safety.
10. I am satisfied that the location of the proposed first floor windows facing the rear garden of 51 Kings Road, and the nature of the rooms that they serve, would ensure that there would

be no loss of privacy arising from the development if they were glazed with obscure glass. This could be required by condition.

11. It was argued that this development would set a precedent for development between other neighbouring houses, which would destroy the character of Kingsdale Road. However, I noted tandem infill development in the gardens of many of the properties in the cul-de-sac, and consider that their access drives would effectively preclude any similar development between other widely spaced houses. Notwithstanding the merits of this argument, I have determined this appeal on its own merits.

Conditions

12. In the absence of any details of the proposed facing materials or roof covering, I will attach a standard condition from Circular 11/95 to ensure that appropriate materials are used for the exterior of the proposed dwelling. The shared drive would be a prominent feature in the street scene, and I will modify the standard condition to require the submission and approval of suitable surfacing materials for this area.
13. The retention of the prominent fir tree close to the proposed entrance is desirable to ensure that the character of the area is retained. In order to ensure that the tree is not harmed by the development, I will attach conditions to ensure its protection during the construction period. The privet boundary hedge to the west of the fir tree is also an important part of the street scene. I shall attach a condition requiring that details of all boundary treatment and landscaping be submitted and approved in order to safeguard this hedge and the appearance of the area in general.
14. To preserve the open character of the area from harm by the uncontrolled enlargement of the proposed house or by development within the garden, I shall attach a condition removing permitted development rights in respect of the enlargement of the dwelling or alterations to its roof, and also in respect of the provision of any building or hard surface within its curtilage.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of the existing garage and erection of a new dwelling and replacement garage on land adjacent to 49 Kings Road, Berkhamsted in accordance with the terms of the application No: 4/00852/00/FUL dated 3 May 2000, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, and details of all hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 3) Development shall not commence until full details of the type and siting of tree protective fencing have been submitted to and approved by the local planning authority. These details shall also show the means of access for construction vehicles, the location of service trenches and the location for the storage of materials and equipment.
- 4) The erection of fencing approved in accordance with Condition 3 shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 6) The first floor windows on the south elevation of the dwelling hereby approved shall not be glazed at any time other than with obscure glass.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or alteration of the dwelling, including addition or alteration to its roof shall be carried out.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building or enclosure shall be erected and no hard surface shall be provided, other than those expressly authorised by this permission.

Information

17. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
18. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
19. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
20. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr B White FRICS MRTPI

White Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Newton BA(Hons) MRTPI

Dacorum Borough Council

Cllr D K Townsend

Dacorum Borough Council

Sarah Shaw BA(Hons) Btp

Dacorum Borough Council

INTERESTED PERSONS:

Mr Peter Abbiss FRICS

Flintwood, Kingsdale Road, Berkhamsted

Mrs Pamela Craig

7 Kingsdale Road, Berkhamsted

Mr Keith Gay

The Glade, Kingsdale Road, Berkhamsted

Mr Derek Thipthorpe

Victoria House, 49 Kings Road, Berkhamsted

DOCUMENTS

Document 1 List of persons present at the Hearing.

Document 2 Letter of Notification of Hearing

PLANS

Plan A Planning application drawings:
355/01 Survey, /03 Plans and elevations as proposed, /03 Site location plan

PHOTOGRAPHS

Photos 1 Bundle of photographs submitted by Appellants