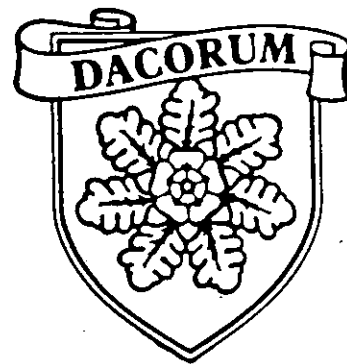


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0859/91

Alath Construction Ltd  
24 Lincoln Court  
Berkhamsted  
Herts

Mr A.King  
Dovecot Barn  
Alderpark Meadows  
Long Marston, Nr. Tring

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Thorn Cottage, Byways, Gravel Path, Berkhamsted,

DEMOLITION OF ONE DWELLING AND ERECTION OF FIVE DETACHED HOUSES (OUTLINE)

Your application for *outline planning permission* dated 14.06.1991 and received on 20.06.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

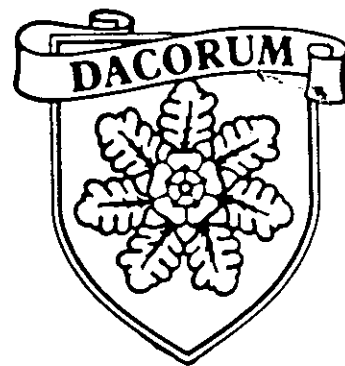
Director of Planning

Date of Decision: 15.08.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0859/91

Date of Decision: 15.08.1991



1. Residential development in this part of Berkhamsted is characterised by well separated dwellings in spacious surroundings. The linear arrangements of the proposed and existing dwellings and their close relationship with one another would result in a development that would fail to respect the important character of the site and its surroundings.
2. The provision of five dwellings and access road on this site would result in a cramped form of development that does not take account of the sensitive nature of the site. In addition the erection of 2 two storey dwellings adjacent to the north-western boundary would detract from the visual amenity of the boundary which represents an important transitional point between the urban edge and the countryside which is designated an Area of Outstanding Natural Beauty.
3. The proposal would result in the loss of trees and hedgerow to the detriment of the area as a whole.



Planning Inspectorate  
Department of the Environment

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PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL GTN 1374

Mr A E King BA  
24 Lincoln Court  
Charles Street  
BERKHAMSTED  
Herts  
HP4 3FN

BBL MRTPI					Ack.		Your reference
DoP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
							Our reference
Received					27 MAR 1992		
Comments					Date		

T/APP/A1910/A/91/189629/P8

25 MAR 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY ALATH CONSTRUCTION LTD  
APPLICATION NO:- 4/0859/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of five detached houses at Thorn Cottage, Byways, Gravel Path, Berkhamsted. I held a local inquiry into the appeal on 18 February 1992.
2. The application is in outline form with the siting of the proposed dwellings and their means of access shown on the layout drawing TC100A. You submitted a revised site layout with your evidence showing minor amendments to the proposal and at the inquiry the Council agreed that the appeal should be determined on the basis of this revised drawing. I have, therefore, dealt with this appeal as one for outline planning permission for the erection of five detached houses in accordance with the revision of January 1992 with matters of design, external appearance and landscaping reserved for further consideration.
3. The appeal site is situated within a long established residential area of high environmental quality at the north-east edge of Berkhamsted. It comprises the site and garden of Thorn Cottage and has an area of 1.4 acres. The site fronts Byways, a cul-de-sac which forms part of a network of private roads which run off Gravel Path to the east. To the north are four detached houses, three of which have recently been erected, and to the south Old Byways House, a dwelling standing in spacious landscaped grounds. The west and part of the north boundary abut open countryside and form the boundary between the urban area and the Metropolitan Green Belt. An attractive broad valley runs north-south through the open countryside to the west and there are wide panoramic views to and from the site across the valley. The eastern boundary of the Chilterns Area of Outstanding Natural Beauty lies some 150 m west of the site. There is mature vegetation around the boundaries of the site particularly to the south and east and along the west boundary there are four important trees, two of which are subject to a Tree Preservation Order.
4. From the evidence given at the inquiry, from the written representations and my inspection of the site and its surroundings

I consider that the main issues in this appeal are the effects of the proposed development on the character and appearance of the area having particular regard to the Green Belt status of the adjoining land and the proximity of the AONB and the implications for the preserved trees on the site.

5. The policy background is found in the Hertfordshire County Structure Plan 1986 Review, the adopted Dacorum District Plan (1984), the Deposit version of its Review - the Dacorum Borough Local Plan, and in national planning guidance. The appeal site lies within the defined urban area of Berkhamsted where development is to be encouraged at a density compatible with environmental considerations. Policies in both the Local Plan and its review set out criteria against which development proposals are to be considered and require the preservation of important trees for their landscape and amenity value. Review Policy 100 states that proposals which involve an increase in density will be assessed with particular regard to their effect on the character and amenity of the surrounding area and for sites at the urban edge special attention will be given to the effect of development density on the open countryside and views. The policies referred to are relevant to this appeal and in accordance with government policy I attach considerable weight to them.

6. The Council accept that there is no policy objection to the residential redevelopment of the site and acknowledge that outline planning permission was granted in September 1989 for the erection of five dwellings on this and the adjoining site to the north (Shepherds Close). Both existing dwellings were to be retained in this approved scheme and the layout shows two plots created on the appeal site. The three new dwellings on the Shepherds Close site have been completed although the Housing Schedule to the Review plan includes both sites as a housing site for five dwellings reflecting the extant permission. While the Council accept that the density of the appeal proposal would be less than on the adjoining site it contends that the proposed development would have an unacceptable impact upon its surroundings and the open countryside and would result in an unacceptable loss of attractive trees and hedgerows.

7. The site is situated on level ground above the steep valley sides and although it is not visible from the valley bottom it is nevertheless seen at distance across it and, more immediately, from public vantage points along Footpath 2 to the west and north-west. PPG2 advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from it and in my opinion the Council's concern to protect the Green Belt and the sensitive urban edge is fully justified given the outstanding beauty of the open countryside lying within the AONB and extending southwards towards the town. It is, I consider, a most valuable amenity.

8. It is proposed to site a two storey dwelling on Plot 1 at a distance which varies between 4 m and 5.7 m from the west boundary of the site and which, as the Council argue, would be closer to the Green Belt boundary than any other dwellings in the locality. The dwelling would have its flank to the west and substantial screen planting is proposed to supplement the four trees along this boundary. However I consider that it would be many years before such planting could provide an effective screen and, in any event, the northerly aspect of the dwelling, and that on Plot 2, would be across open countryside to the north. I agree with you that long distance views across the

valley would not be greatly affected and the development would have less impact than that at Shenstone to the south. Nevertheless, I consider that a dwelling on Plot 1 by virtue of its mass, bulk and proximity to the boundary would be visually intrusive especially when viewed from the public footpath to the west and north-west. Its impact on the open countryside would compare unfavourably with that of the existing dwelling and indeed with that of the dwelling approved in the 1989 proposal, and would, I conclude, produce an unacceptably hard edge to the Green Belt in this area emphasising the urban character created by the development to the north.

9. The Council also argue that the frontage development to Byways would create a continuous and unimaginative row of buildings of cramped urban form not respecting the semi-rural character of its surroundings and being out of keeping with the informal spacious development in the vicinity. The character of this residential area comprises, as you say, a mixture of old properties set in very large grounds and more recent development which, in the main, respects its surroundings with mature trees and shrubs retained. National policy seeks to make full and effective use of urban sites and I note that the Council has granted planning permissions for further development at Shenstone and Shenstone Cottage which will continue the trend of infill and redevelopment in this area. The proposed plot sizes to the frontage development would be comparable with several of the recent housing schemes and given the intention to retain as much as possible of the boundary hedgerow and the attractive trees and shrubs to the west of it, and to supplement this by further landscaping, I do not consider that this part of the proposal would be noticeably out of keeping or intrusive in its surroundings. However, as stated earlier, I consider the development of the rear part of the site as proposed would have an adverse impact on the visual amenities and rural character of the adjoining open countryside and I consider the scheme would conflict with national and emerging local policy and unacceptably harm the appearance of this area on the edge of the Green Belt.

10. On the second issue I observed that the two preserved oak trees are both good specimens and T2 in particular has a considerable potential for future growth. They do not at present have a wide visual impact although they are visible from the public footpath and their contribution to the landscape and visual amenities at this sensitive boundary between the urban area and the countryside will, in my opinion, increase over time. It was agreed at the inquiry that following the relocation of the proposed garage to Plot 1 neither of the trees would be directly affected by the proposed development although the Council remain concerned that in the long term they would overhang the dwelling and dominate the garden. You contest this view and point out that the proposed dwelling on Plot 1 would be further away from T1 than the unit approved in the 1989 permission before the Council decided that these trees warranted protection. While this is so BS 5827:1991 advises that it is important that trees have adequate space to develop and given the relative youth of the trees I conclude that the proposed siting of the dwelling on Plot 1 would be too close to the preserved trees to enable them to reach full maturity without having an unreasonable impact on the amenities of prospective occupants.

11. Although I have found that the proposed dwellings on Plots 3-5 as indicated on the revised site layout would not harm the character and

appearance of the area I nevertheless conclude that the impact of dwellings on Plots 1 and 2 on the adjoining open countryside lying within the Green Belt would be unacceptable and for this reason the proposal should be rejected. I have taken into account all other matters raised at the inquiry and in the written representations including the appeal decisions referred to and the general pattern of development at Berkhamsted. Neither these matters nor any other matters are, however, of such weight as to alter the considerations that have led to my conclusion.

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

I am Sir  
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'D W Howard', written in dark ink.

D W HOWARD BA(Hons) DipTP MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr A E King BA(Hons) BPL MRTPI - Planning Consultant.

FOR THE PLANNING AUTHORITY

Miss N Pope - Solicitor, Dacorum Borough Council.

She called:

Miss A Bochnacki BSc - Principal Planning Officer,  
DipTP MRTPI Dacorum Borough Council.

Ms R Chapman BSc MSc - Woodlands Manager, Dacorum  
Borough Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notification of the inquiry and circulation list.
- Documents 3.1-3.4 - Appendices to Mr King's proof.
- Documents 4.1-4.4 - Appendices to Miss Bochnacki's proof.
- Documents 5.1-5.2 - Appendices to Ms Chapman's proof.
- Document 6 - Council's suggested conditions.
- Documents 7.1-7.3 - Copies of representations on application.
- Document 8 - Extract from BS 5837:1991 (submitted by Ms Chapman).
- Document 9 - Tree Preservation Order 215, 1991.

PLANS

- Plan A - Application site location (1:2500).
- Plan B - Site layout June 1991 (1:150).
- Plan C - Revised site layout January 1992 (1:250).
- Plan D - Copy of Tree Preservation Order Plan (1:1250).
- Plan E - Approved site layout - Thorn Cottage and Shepherds Close (1:250).
- Plan F - Refused site layout - Thorn Cottage and Shepherds Close (1:250).

PLANS CONT'D

Plan G - Rear Boundary Elevation (1:200).

Plan H - OS Extract showing boundary of Green Belt and AONB in vicinity of the appeal site (1:1250).