



# The Planning Inspectorate

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Your Ref:  
PPA 1/96  
Our Ref:  
T/APP/A1910/A/97/276119/P5

Date:

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| PLANNING DEPARTMENT  |      |      |       |
| 27 JUN 1997 DACORUM BOROUGH COUNCIL  |      |      |       |
| Ref.   | Ack. |      |       |
|  | D.C. | B.C. | Admin |
| 30 JUN 1997  |      |      |       |
| TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6<br>APPEAL BY MR J E SMITH<br>APPLICATION NO: 4/0868/96 |      |      |       |

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR J E SMITH  
APPLICATION NO: 4/0868/96

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission in respect of an application for two dwellings with double garages on land at the rear of Shenstone Cottage, Byways, Gravel Path, Berkhamsted. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 13 May 1997.

2. For clarification, this application was amended by a letter dated 2 July 1996 to an application under Section 73 of the Town and Country Planning Act 1990, to extend the period for compliance with Condition 1 of the previous permission (No 4/0647/93). I have inspected a copy of that permission and found that Condition 1 refers to the approval of reserved matters and does not include a time limit. I am therefore unable to consider the proposal on the basis of this amendment, and I intend to deal with it on the basis of the original application for outline planning permission, as the Council has done. The reserved matters status of this application is unclear as the application form gives no positive indication other than in relation to access and external appearance, and the application plan includes some design detail and siting of the proposed dwellings but is not marked as being "illustrative". However, the covering letter submitted with the application indicates that it is an application for renewal of the previous permission, which was in outline only with all matters reserved for future determination. I therefore intend to consider this application on the same basis.



3. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the area.

4. The development plan for the area comprises the Hertfordshire Structure Plan (1992) and the Dacorum Borough Local Plan (1995). The Council has referred me to Policies 47, 48, 49, 71 and 72 of the Structure Plan, and to Policies 1, 7, 8, 9, 16, 54 and 101 of the Local Plan. Structure Plan Policy 49 indicates the concentration of new development within identified towns, which includes Berkhamsted, whilst Policies 47 and 48 refer to the protection and enhancement of the character of existing settlements, and that built development should conserve and enhance the quality and viability of that environment. Policies 71 and 72 include a general presumption in favour of residential development, at as high a density of low rise development which is compatible with good design and avoids any major adverse environmental impact.

5. Local Plan Policy 1 directs development to towns, including Berkhamsted, whilst Policy 7 categorises land use within settlements and favours appropriate residential development within residential areas. Criteria relating to the quality of development, both within sites, and in relation to the external surroundings, which includes consideration of character and the density of development, are in set out in Policy 8. Policy 9 refers to the Council's environmental guidelines, which amplify the criteria included in Policy 8. Policy 54 covers private parking provision and also makes reference to the environmental guidelines. Control over the supply of housing land is the subject of Policy 16, and Policy 101 includes criteria for the assessment of development density in residential areas, particularly in relation to the impact on amenity and character of the surrounding area.

6. The appeal site has had the benefit of outline planning permission for residential development since 1980, originally for one dwelling within the site, and since 1984 for two detached dwellings and garages (T/APP/A1910/A/84/16801/P4). The 1984 permission was subsequently renewed by the Council in 1987, 1990 and 1993. The principle of residential development of the site has therefore been established by these earlier permissions. You have noted that the current Local Plan policies were in place for development control purposes when the 1993 permission was granted. However, since that time the current Local Plan has been adopted in 1995, and therefore greater weight must now be accorded to relevant policies of that plan, consistent with its adopted status. I therefore consider it necessary to review the relevant policies of that plan to determine whether any conflict is apparent between those policies and the proposed development.

7. The appeal site is an area of land of approximately 0.17 hectare at the rear of Shenstone Cottage, which originally formed part of the rear garden of that dwelling. At my inspection, I saw that the site is set within a residential area on the fringe of Berkhamsted. Whilst this residential area appears to have been originally developed as large dwellings within very large plots of land, I saw that there has been significant additional development or re-development in recent years which has modified the settings of the original dwellings. To the north of Shenstone Cottage, the more modern detached dwellings are set in plots that remain generous but are more modest than the settings of the older properties. At the time of my visit, re-development of the site of "Shenstone" to the south west of the appeal site was in progress, and five modern detached dwellings were under construction within the site

formerly occupied by a single dwelling.

8. There is also modern higher density residential development to the west of the sites of "Shenstone" and "Headlands". The latter is an older property set within a very large site situated on the opposite side of Shenstone Hill from the appeal site. The Council has confirmed that planning permission was granted in 1996 for the construction of 7 detached dwellings on the site of "Headlands".

9. In addition to some remaining older properties on large sites such as "White Lodge" and "Saffron Lawn" on the eastern side of the appeal site, there are also small older properties to the north east of the appeal site, including White Lodge Cottage and Shenstone Cottage.

10. My overall impression of the locality is therefore one of highly variable development density, where recent development and approval for development has clearly moved towards higher densities. I therefore consider that the proposed density of development within the appeal site would not be out of character with the surrounding development, as whilst it would tend towards the higher end of the density range, the small scale of the proposal for two dwellings would provide an appropriate link between the two cottages to the north east and the new "Shenstone" development to the south west. I consider that the individual plot sizes achievable within this site are consistent with those in other modern residential developments, and are not out of keeping with those of neighbouring modern developments. In particular, I do not regard this outline proposal as being contrary to the achievement of the relevant objectives of Local Plan Policy 101, and I see no reason why this proposal should preclude the retention of existing trees or hedging.

11. Large mature trees and hedging associated mainly with the older properties set within large sites give a particularly verdant appearance to this area. However, in my view, the more modern dwellings are less well screened by vegetation and have a more open character as a result. Whilst I accept the value of retaining mature trees and hedging to maintain privacy and to retain an element of the verdant appearance of the area, I do not consider that the proposed development would prevent this or be seriously detrimental to that aspect of the residential environment. In this context, I accept the need for a condition to protect the hedging along the south east boundary of the appeal site during construction, as the Council has proposed.

12. Whilst the long narrow shape of the appeal site would undoubtedly impose some constraints upon the form of development which would be possible within this site, due to the relative positions of adjoining properties, I do not accept that this would result in unusable amenity space, or that acceptable solutions to screening these areas could not be found. The main consideration in this regard appears to be along the site frontage with Shenstone Hill where there are existing mature conifers, which could be partially retained, if necessary. I do not consider that these aspects would be seriously detrimental to the quality of the site's surroundings or contrary to the objectives of the Council's environmental guidelines.

13. The above considerations lead me to conclude on the main issue in this case that the proposed development would not be detrimental to the character and appearance of the area, and that the proposal is therefore consistent with the achievement of the objectives of Policies 1, 8, 9, 54, and 101 of the Local Plan. I do not consider that Local Plan Policies 7 and 16

have specific relevance to the proposed development. Relevant policies of the Structure Plan were in force at the time the previous permission was granted and I do not therefore consider that it is necessary to draw any further conclusions in relation to these, as they are the broader basis from which the Local Plan policies are derived.

14. The favourable conclusion I have reached on the main issue in this case indicates that I should allow the appeal. I have taken into account all other matters raised, but none of these is sufficient to outweigh the considerations which have led to my conclusion.

15. In addition to the statutory time limit conditions, the necessary condition relating to reserved matters, and the condition relating to the existing hedge along the south east boundary of the site to which I have previously referred, the Council has proposed additional conditions relating to the approval of details of parking provision within the site, the removal of permitted development rights and the implementation of the approved details of landscaping of the site. I accept that the proposed condition relating to details of on-site parking is necessary in the interests of highway safety, however I do not accept that the removal of permitted development rights is justified in this case. I consider that landscaping is a reserved matter. The conditions I intend to impose are broadly similar to those proposed by the Council but are based on the wording of the model conditions included in Circular 11/95.

16. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for two dwellings with double garages on land at the rear of Shenstone Cottage, Byways, Gravel Path, Berkhamsted in accordance with the terms of the application (No 4/0868/96) dated 14 June 1996 and the plans submitted therewith (the detailing of which I take to be illustrative only), subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority  
  
b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
3. details submitted in accordance with condition 1 of this permission shall include detailed proposals for vehicle parking within the site in accordance with standards adopted by the local planning authority;
4. the existing hedge on the south-east boundary of the site shall be protected during the period of construction and such part or parts of the hedge as become damaged shall be replaced within the planting season following the completion of development.

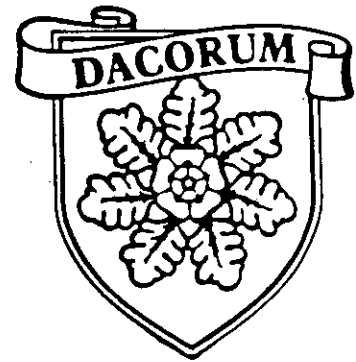
17. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

18. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

E. D. Clark

E D Clark BSc MSc CChem MRSC MCIWEM  
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0868/96

Mr J E Smith  
31 Hazel Road  
St Albans  
Herts

BBW Partnership  
Hampden House  
Great Missenden  
Bucks  
HP16 9RD

DEVELOPMENT ADDRESS AND DESCRIPTION  
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Land rear of Shenstone Cottage, Byways, Gravel Path, Berkhamsted

ERECTION OF TWO DWELLINGS AND GARAGES (OUTLINE RENEWAL OF PLANNING PERMISSION  
4/0647/93)

Your application for *outline planning permission* dated 14.06.1996 and received on  
03.07.1996 has been **REFUSED**, for the reasons set out on the attached sheet.

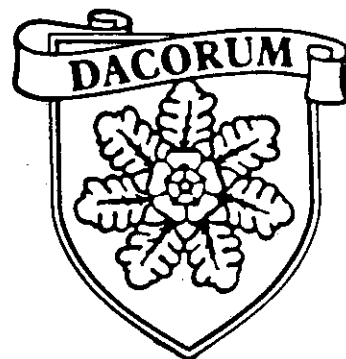
Director of Planning

Date of Decision: 15.10.1996

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0868/96

Date of Decision: 15.10.1996



The proposal represents a form of development out of character with the surrounding area which is characterised by large dwellings in large plots. This proposal represents overdevelopment of the site and is of a layout and density detrimental to the appearance of the area.