



## Planning Inspectorate

Department of the Environment

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PLANNING DEPARTMENT GTN 137  
DACORUM BOROUGH COUNCIL

Savage & Partners  
The Gatehouse  
1 Blucher Street  
CHESHAM  
Buckinghamshire HP5 2JB

Your ref:

PRO.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File

Our ref:

T/APR/A1910/A/89/135556/P7

Received

5 FEB 1990

Date:

-2 FEB 90

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY D G O STOCKER ESQ  
APPLICATION NO. 4/0878/89

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal against the decision of Dacorum Borough Council to refuse planning permission for improvement to the driveway for safety reasons at Meadow Cottage, Gravel Path, Berkhamsted, Herts. I have considered the written representations made by you and by the Council, by Berkhamsted Town Council and by interested persons. I have also considered the representations made directly to the Council which have been forwarded to me. I inspected the site on 22 January 1990.
2. From my inspection of the site and its surroundings and from the representations made, I consider the main issues to be determined in this case are the impact of the proposed works upon the character and appearance of Gravel Path and upon highway safety.
3. Meadow Cottage is a detached house which occupies a triangular-shaped plot of about 1 acre on the north-western side of Gravel Path. The latter is a busily used road linking the centre of Berkhamsted with Potten End and Hemel Hempstead via Berkhamsted Common. The road, which is winding and rises steeply towards the north-east, is confined in a narrow cutting between steep wooded embankments as it passes the roughly 100m long frontage of the appeal site. There are no footways adjacent to the carriageway, but a footpath runs along the top of the embankment on the opposite side of the road. The access to Meadow Cottage is located at the northern end of the frontage adjoining the common boundary with the neighbouring property known as "Kingsmead".
4. The appeal proposal involves cutting back the embankment to the south-west of the access so as to create 2.4m x 35m visibility splays. Visibility from the existing access is acknowledged by the Council to be extremely poor on account of the embankment and bend, which you say renders turning into Gravel Path, particularly to the right, difficult and potentially dangerous. Your client's case is that improvement to the access is essential on safety grounds and that this must take priority over other considerations. However, the Council maintain that the section of Gravel Path between its junction with Gilpin's Way and Meadway makes a valuable contribution to the visual quality of the locality and that this would be unacceptably harmed by the proposed alterations to the embankment.



5. I noted on my visit that Gravel Path provides an attractive route into Berkhamsted from the open countryside and I agree with the Council that it is an important point of transition between the town and the countryside to the east. The narrow cutting with its steep sides and associated vegetation, which extends for only a relatively limited distance and is most pronounced where it adjoins the appeal site, is in my view a prominent and essential feature of the character of the area and it imparts to Gravel Path a rural character and appearance that belies its location within the built-up area of Berkhamsted. It is to my mind very important that its character should be protected.

6. Creation of the visibility splays as proposed would involve the excavation of the bank, which here averages about 2.5m in height and has a slope of around 45 degrees, to a depth of up to 3m over a distance of almost 32m. The sections on the submitted plans indicate a shallower or recessed bank profile which in my view would seriously erode the narrow enclosed quality of this part of Gravel Path; use of a "crib lock" retaining wall to permit a steeper profile would not avert this as the cutting would still need to be wider to accommodate the visibility splay. Most of the existing embankment vegetation including trees, bushes and shrubs would be lost and, while a new ground cover of ivy and hypericum together with a laurel hedge on top of the bank would be planted, I do not consider that this would adequately replace, much less improve, the existing vegetation. I also disagree that the bank and its vegetation is barely visible to either motorists or pedestrians; from my inspection on foot and by car I take the view that both are able to appreciate this prominent feature.

7. I note that, in the absence of any submitted soil survey and stability calculations, the Council's Director of Technical Services has expressed reservations as to whether the embankment profiles shown in Sections A-A and B-B would be suitable and the embankment permanently stable. I saw no evidence on my visit of past slippage of the embankment, but it would be highly undesirable and potentially hazardous to traffic if disturbance resulting from the excavation works undermined its stability. A shallower 1:2 profile which the Director of Technical Services suggests may be necessary for stability would in my view exacerbate the visual objections to which I have already referred, but I have no reason to doubt that satisfactory engineering solutions are available and I do not therefore regard the Council's second reason for refusal as an insurmountable objection.

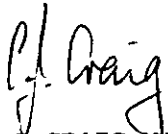
8. I accept that the sight lines on exit from Meadow Cottage are well below normal standards and I was able to confirm on my visit that visibility to the right at a point 2.4m back from the carriageway edge is effectively non-existent. I also agree that reliance on aural detection of approaching traffic cannot be relied upon. Nevertheless, I must balance the potential gain in safety, bearing in mind that local drivers are likely to exercise particular care, against the visual harm that would result from the proposed alteration of the bank. The 35m visibility splays that would be achieved would be only half the desirable standard of 70m indicated in Development Control Policy Note 13 and would not in my view represent a sufficient improvement in safety to justify the harm that would be caused to the character and appearance of the area. Nor am I satisfied that there has been a full investigation of possible alternative and less damaging ways of enhancing visibility such as the positioning of a mirror opposite the access.

9. I have concluded therefore that the proposed development cannot be permitted, both for the harm it would itself cause to the character and attractive appearance of Gravel Path and because it would undermine the Council's ability to resist other development pressures which are undoubtedly present and whose cumulative impact would further detract from that character.

10. I have taken account of all the other matters raised in the representations but they do not outweigh the considerations that have led to my decision.

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'C.J. Craig', is written over the typed name.

C.J. CRAIG MA(Oxon), M.Phil, MRTPI  
Inspector

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To D.G.O. Stocker  
40 Gravel Hill Terrace  
Hemel Hempstead  
Herts.

Alterations to access
at ... Meadow Cottage, Gravel Path, Berkhamsted, Herts.

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 ..... 15 May 1989 ..... and received with sufficient particulars on ..... 16 May 1989 ..... and shown on the plan(s) accompanying such application.

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

1. The steep nature of, and the existing planting on, the embankment to the south western side of the existing access serving Meadow Cottage make a valuable contribution to the visual amenity of the semi-rural character of Gravel Path. The modification to the appearance of the embankment to provide an improved sight line on the south western side of the existing access would result in a substantial change to the appearance of Gravel Path to the detriment of its existing high visual quality.

Cont.

Dated ..... day of ..... 19

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 receipt 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.

Ref. 4/0878/89

2. Notwithstanding the details shown on Drawing No. 4/0878/89 (section A - A and B - B) in the absence of a soil survey and detailed calculations the local planning authority is not satisfied that the modifications to the embankment shown on the aforesaid drawing represent the full extent of the engineering works required to maintain the future stability of the south western embankment. An unstable embankment would be likely to be seriously prejudicial to highway safety.
3. In the absence of a soil survey and calculations referred to in Reason 2, the local planning authority is of the opinion that major engineering operations would be required to safeguard the stability of the embankment to the south western side of the existing access. The formation of a bank with a gradient of 1:2 (which would be necessary to ensure its future stability in the interests of highway safety) would be to the severe detriment of the visual amenity of Gravel Path as referred to in Reason 1.
4. The local planning authority is of the opinion that the slight improvements to visibility that could be achieved as a result of the proposed modifications to the south western embankment would not outweigh the considerable harm that would be caused to the character and visual amenity of this part of Gravel Path.

Dated 26 July 1989

Signed



Chief Planning Officer



**The Planning Inspectorate**  
Department of the Environment  
Room 1111(6)  
Tollgate House  
Houlton Street  
BRISTOL BS2 9DJ

Telephone: 0272-218448  
Facsimile: 0272-218782  
GTN : 1374-8448

Chief Planning Officer  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1HH

Your Ref:  
4/0072/92EN-4/0082/92EN/AEM  
Our Ref:  
APP/C/91/A1910/616934-7

Date: 113 MAR 92

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991) - SECTION 174  
APPEALS BY: E. Greenham Ltd, Mrs Travers, Mr O. Travers and Mr Travers  
SITE: Meadow Cottage, Gravel Path, Berkhamsted, Herts

I refer to the above appeals, the Departments withdrawal letter dated 10 March 1992 and your telephone call to this office yesterday.

You informed me that the wrong appeals withdrawal letter was sent to you (reference APP/C/91/K5600/613562). If you could disregard that letter and replace it with the correct letter which is enclosed.

I apologise for any inconvenience caused to your Council.

Yours faithfully

  
Miss Nicola Bye

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
DoP	T.C.P.A.I.	D.P.	D.C.	D.C.	Admin.	File
Received					17 MAR 1992	
Comments						

Withdrawn: -  
4/0080/92EN  
4/0081/92EN  
4/0082/92EN

4/0079/92EN continuing.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

## ENFORCEMENT NOTICE

Operational Development

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LAND AT MEADOW COTTAGE GRAVEL PATH  
BERKHAMSTED HERTFORDSHIRE

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### W H E R E A S:

- (1) It appears to the Dacorum Borough Council ("the Council") being the local planning authority for the purposes of s.172 of the Town and Country Planning Act 1990 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the date of issue of this Notice on the land or premises ("the Land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of the building, engineering, mining or other operations described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council considers it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this Enforcement Notice, in exercise of its powers contained in the said section 172, for the reasons set out in the Annex to this Notice.

NOTICE IS HEREBY GIVEN that the Council requires that the steps specified in Schedule 3 below be taken in order to remedy the



breach within the periods specified in respect of each step in that schedule

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of s.175 (4) of the Act, on December 20th 1991.

#### SCHEDULE 1

**LAND OR PREMISES TO WHICH THIS NOTICE RELATES:**

Land at Meadow Cottage Gravel Path Berkhamsted Hertfordshire shown edged red on the attached plan

#### SCHEDULE 2

**ALLEGED BREACH OF PLANNING CONTROL:**

The carrying out of an engineering operation involving the removal of part of the embankment adjoining Gravel Path

#### SCHEDULE 3

**STEPS REQUIRED TO BE TAKEN:**

1. A scheme shall be submitted within 2 months of this Notice involving the reinstatement of the embankment. The scheme shall include the following:

- ✓(a) Existing features, including sectional drawings and planting
- ✓(b) A soil survey and associated calculations relating to the existing stability of the embankment
- 2 (c) Measures to be carried out to ensure the permanent stability of the embankment, including the following:
  - (i) Changes to its shape as a result of regrading/cutting,

✓ (ii) Details of soil conditions, effects of drainage and planting and associated calculations relating to stability,

✓ (iii) A scheme of soft landscaping showing the numbers, species and planting locations of all new shrubs, trees and hedgerows.

2. The regrading/cutting of the embankment and all planting and seeding comprised within the approved details of landscaping shall be carried out within the planting season following the approval of matters referred to in (i) unless otherwise agreed in writing with the local planning authority. For the purposes of this requirement a planting season shall be deemed to commence in any one year on 1st October and to end on 31st March in the next following year.

3. Any trees, shrubs or plants which within a period of 5 years from the completion of the approved planting scheme, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

Issued 8th November 1991

Council's address:

Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

(signed)

A. M. Walker

(Designation) DIRECTOR OF LAW & ADMINISTRATION

(The Officer appointed for this purpose)

File Ref: 7.91/2447/344/AW/MAB/BS.5

ANNEX

This information is given in pursuance of the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981 and Circular 38/81.

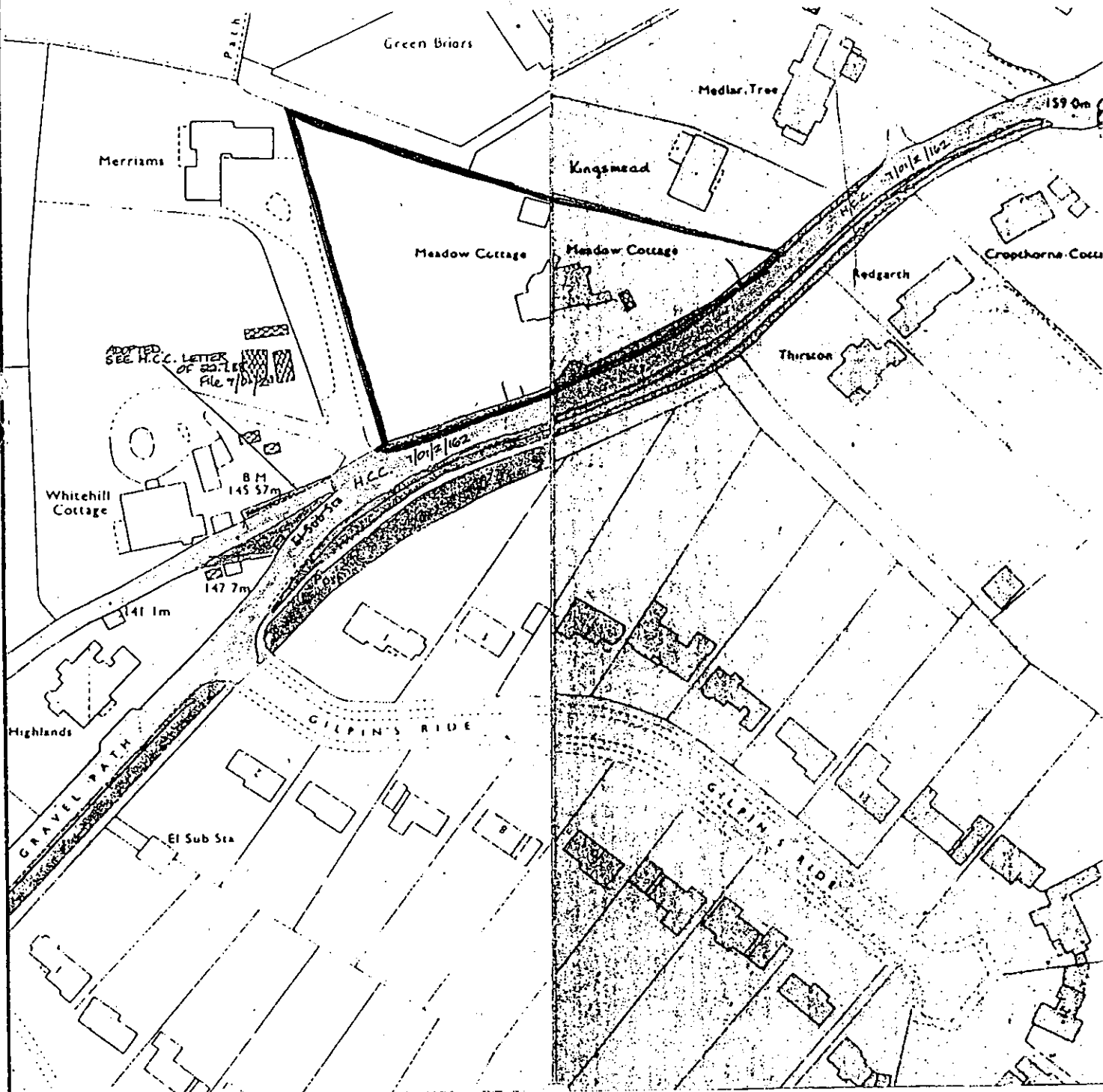
The Council, as the local planning authority, considers it expedient to serve this Notice upon you for the following reasons:

- (a) In its current form, which is as a consequence of the carrying out of unauthorised engineering operations the embankment detracts from the visual amenity of the locality and due to its steepness fails to provide the appropriate conditions to enable the permanent establishment of planting.
- (b) In its current form, which is as a consequence of the carrying out of unauthorised engineering operations, the embankment is unstable which has resulted in the deposition of material onto the carriageway which is prejudicial to highway safety.

File Ref:7.91/2447/344/AW/MAB/BS.5

LOCATION

'MEADOW COTTAGE', GRAVEL PATH, BERKHAMSTED.



PLAN REFERRED TO IN ENFORCEMENT NOTICE  
DATED .....

C.G.B. Barnard  
Chief Planning Officer  
Dacorum Borough Council  
Hemel Hempstead

Scale 1:1250  
Plan no. ....