



Appeal Decision

Site visit held on 1 November 1999

By Neil Roberts BA Dip TPI MRTPI 04 NOV 1999

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

The Planning Inspectorate
Folgate House,
Houlston Street
Bristol BS2 9DJ
0117 987 8927

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL
FILE
04 NOV 1999
03 NOV 1999

T/APP/A1910/A/99/1028274/P6

- 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 brought by Mr P D McEntee and Messrs Butt, Gurney and Barrett against Dacorum Borough Council.
- The site is located at "Hill View", "Welwyn" and "Moss House", Gossoms End, Berkhamsted.
- The application (ref:4/00927/99/FUL), dated 19 May 1999, was refused on 15 July 1999.
- The development proposed is a shared parking area for six cars.

Summary of Decision: The appeal is allowed.

The Policy Background

1. The development plan comprises the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan. Structure Plan policies 1 and 2 are general policies directed at achieving sustainable development of a high standard of design. The basic thrust of these policies is reflected in the Local Plan at policies 8 and 9, and is intended to be carried forward in the emerging Local Plan.

The Main Issue

2. The main issue is the effect of the proposed development on the street scene.

Inspector's Reasoning

3. The appeal site comprises the front gardens of three terraced dwellings situated on the southern side of the A4251, a major arterial road carrying substantial volumes of traffic through Berkhamsted to Tring. The area is characterised by a mixture of residential and commercial uses. At present the three front gardens are elevated, with substantial retaining walls abutting the highway. The vegetation in these gardens is a pleasant but not outstanding feature in the street scene, though the retaining walls appear to be in need of maintenance. The site is given prominence by the unusually close proximity of the plot boundaries to the highway. A consequence is that the footpath past the properties is less than a metre in width.
4. The Council's concern is that the development would be out of character with the area and visually prominent in the street scene. I acknowledge that the proposed parking area, and any cars parked there, would be readily apparent to passers-by. I do not, however, accept that this would be an alien feature in the street scene. I say this particularly having regard to the extensive frontage parking at the garage a short distance to the east along the A4251, which parking is an intrinsic part of the visual context within which the appeal site is

viewed. The submitted plans show an intent to achieve a high standard of design, using materials in keeping with their surroundings.

5. There are two other factors which, in my opinion, weigh in favour of allowing the appeal. First, the appeal properties have no off-street parking facilities, and I accept from the evidence and my own observations that neighbouring streets are heavily congested. The proposal would relieve that congestion by providing spaces for 6 cars. Second, the footpath between the properties and the heavily trafficked A4251 is so narrow that its use by pedestrians is, in my view, highly dangerous. Although the footpath would remain narrow, replacement of the present high retaining walls with the proposed 0.45m high dwarf wall would improve safety to some extent by giving pedestrians, especially when carrying shopping, greater room to keep clear of passing traffic. It is perhaps a pity that the opportunity has not been taken to widen the footpath a little, as there appears to be the potential to achieve this.

Conclusion

6. Having considered all the evidence I conclude that the proposed development would not harm the character or appearance of the street scene, is thus not in conflict with the development plan, and is thereby acceptable. I shall, therefore, allow the appeal.

Conditions

7. Various conditions have been suggested by the Council in addition to the usual time limit condition. To protect the appearance of the area I shall impose a condition requiring prior submission and approval of materials to be used, and also requiring the use of the approved materials. I agree with the Highway Authority that, in the interests of highway safety and the free flow of traffic on the A4251, the width of the access to the parking area shall be 4 rather than 2.5 metres wide, and that the parking area shall not be used until the crossover has been installed and the footpath re-instated in accordance with details which shall first be submitted to and approved by the Local Planning Authority. Bearing in mind the increased width of access required I shall also impose a condition requiring submission and approval of revised details of the access.

Other Matters

8. I have taken account of all other matters raised, but none is sufficient to outweigh the conclusion on the main issue which has led me to my decision.

FORMAL DECISION

9. The appeal is allowed and planning permission granted for construction of a shared parking area for 6 cars at "Hill View", "Welwyn" and "Moss House", Gossoms End, Berkhamsted in accordance with the terms of the application [No: 4/00927/99/FUL] dated 19 May 1999, and the plans submitted therewith, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - (ii) Before the development hereby permitted is commenced, samples of the materials proposed to be used on the external surfaces of the retaining wall and on all areas of hard surfacing shall be submitted to and approved in writing by

the Local Planning Authority, and the scheme shall be implemented using the approved materials.

- (iii) Before the development hereby permitted is brought into use a crossover shall be constructed and the footway re-instated in accordance with a scheme details of which shall first be submitted to and approved in writing by the Local Planning Authority.
- (iv) The width of the access to the development hereby permitted shall be 4 metres wide, and shall be constructed in accordance with a scheme details of which shall first be submitted to and approved in writing by the Local Planning Authority, and that scheme shall include details of the proposed dwarf wall.
- (v) Except insofar as the above conditions require the submission of further details, or revisions to the submitted scheme, the development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans Nos 501, 502 and 503.

10. This decision only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Right of Appeal to the High Court

11. This decision is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.



Neil Roberts

Inspector



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

MR J SUGDEN
PHOENIX DESIGN ASSOCIATES
64 MISWELL LANE
TRING
HP23 4DR

MESSRS BUTT, GURNEY, BARRETT, McENTEE
HILLVIEW, WELWYN, & MOSS HOUSE
GOSSOMS END
BERKHAMSTED
HERTS
HP4 1DD

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00927/99/FUL

HILLVIEW, WELWYN & MOSS HOUSE, GOSSOMS END, BERKHAMSTED, HERTS
FORMATION OF PARKING AREA FOR SIX CARS

Your application for full planning permission dated 19 May 1999 and received on 20 May 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 15 July 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00927/99/FUL

Date of Decision: 15 July 1999

1. Due to the extent of excavation required, the resulting need for substantial retaining walls and the provision of a large area of hardstanding, the proposal would result in a development out of character with the area and visually intrusive in the street scene.