

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1061/91

Mr Alexander
"Coldon"
Malting Lane
Aldbury

Mr.B.Johnson
13 Deans Furlong
Tring
Herts
HP23 4AR

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

"Coldon" Malting Lane, Aldbury,

DETACHED DOUBLE GARAGE

Your application for *full planning permission (householder)* dated 29.07.1991 and received on 30.07.1991 has been **REFUSED**, for the reasons set out on the attached sheet.

Colin Barnard

Director of Planning

Date of Decision: 26.09.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1061/91

Date of Decision: 26.09.1991



REASONS:

1. The siting of the proposed building is unsympathetic with regard to surrounding development and shows no respect for the traditional pattern of development in this part of Aldbury Conservation Area. The proposal would be harmful to the character of the area both intrinsically and by virtue of the precedent created.
2. The proposed garage would be overbearing on the row of terraced dwellings to the south of the site and would reduce the aspect and amenity currently enjoyed by the occupants of those dwellings by an unacceptable degree.



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 1374

C/296/WP/P

1/20/92
2/2/92

Mr C J Alexander
'Coldon'
Malting Lane
Aldbury
TRING
Hertfordshire

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
DeP	T.C.P.M.	D.F.	D.C.	B.C.	Admin.	File
Received 24 FEB 1992				Date		
HP23-5RH						
Comments						

ACK. Your reference

Our reference

T/APP/A1910/A/91/193726/P2

21 FEB 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/1061/91

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for a detached double garage at 'Coldon', Malting Lane, Aldbury. I have considered the written representations made by you and by the Council and also those made by the Aldbury Parish Council and interested persons including those made to the Council at application stage and forwarded to me. I inspected the site on 23 January 1992.
2. From my reading of the representations made and my inspection of the appeal site and its surroundings it appears to me that the main issues affecting my determination of your appeal are the effect of the proposed garage on the appearance or character of the Aldbury Conservation Area, and on the amenities of nearby residents.
3. I saw that Aldbury is a small rural village comprised of houses of varying age. In the vicinity of the appeal site there are terraced cottages on the south side of and fronting directly onto Malting Lane, while those on the north side, including 'Coldon', are more recent detached and semi-detached dwellings set back varying distances from the highway but generally with sizeable front gardens with boundary hedges.
4. You are aware from the Council's representations that it is national policy, as stated in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that special attention shall be paid to the desirability of preserving or enhancing the appearance or character of Conservation Areas. The gist of local policies in both the adopted District Plan and the Deposit Draft of the Borough Local Plan repeats this - in more detail. Policy 8 of the latter requires that new development should not harm adjoining properties through, inter alia, visual intrusion.
5. On the first issue it seems to me that the garage would not be so totally screened from Malting Lane as you suggest for the basic frontage hedge is somewhat less than 2 m high - it is the rather more open ornamental trees within or behind it which reach a height of about 4.5 m as shown on the application plan. The upper parts of the garage would therefore be seen through it, from the access opening,

100%



RECYCLED PAPER

and from higher along Malting Lane. Nevertheless, it would not be unduly prominent in my opinion, for the pattern of development on this side of Malting Lane is well landscaped and varied. There is a garage in a similar position a little higher along Malting Lane which has been absorbed satisfactorily into the immediate scene by substantial hedges. That was granted planning permission by the Council and, though it may be set into the ground a little more than your proposal would be, I anticipate little difference between the two regarding their effect on the appearance and character of the Conservation Area provided that the existing curtilage boundaries are retained. There would, in effect, be a small addition to the existing variety of roofs and building lines which are, for the most part, softened by the mature boundary hedges of the dwellings on this side of Malting Lane. I do not agree with the Council therefore that the proposal is in conflict with the aims of criterion (A) of the Local Plan Deposit Draft and I conclude that the character of the Conservation Area would be preserved by the proposal.

6. I now turn to the second issue. The small cottages opposite would be about 8 m from the facing wall of the garage. I have no doubt that its roof and upper wall would appear over the existing hedge and be seen from there, particularly so when the frontage ornamental trees have lost their foliage, but the pyramid shape of the roof would have a lesser impact than 4.3 m height referred to by the Council and the observations of a resident might suggest. It would have only a very short ridge and the roof would slope away from the frontage. Though I do not consider the effect of your proposal on residents to be directly comparable with the double garage higher along Malting Lane - for the dwelling opposite that garage is set behind the highway - I do not consider that the effect of the proposed garage on the outlook of those residents opposite would be so overpowering or prominent as to conflict with Policy 8 of the Draft Local Plan or justify the refusal of planning permission. Given the shape of the garage roof I see no reason to believe that the light reaching the windows of the cottages opposite would be reduced to any material extent. I conclude therefore that planning permission should be granted.

7. I see insufficient justification to include a condition to require an amended location for the garage in order to provide a greater amount of turning space, for cars should be able to turn around on-site as proposed bearing in mind the shape and size of the garage and its drive and apron. Drivers would be unlikely to reverse out onto Malting Lane rather than towards the bungalow for that would be simpler and safer. Since the application clearly states that materials are to match the existing dwelling I see no reason to include a condition requiring them to do so. However, the retention of the existing hedge and trees would be important in order to assimilate the garage satisfactorily with its surroundings and lessen its impact on residents opposite, and I shall include a condition requiring them to be retained and protected as suggested by the Council.

8. I have considered all other matters raised in the representations but none are so cogent that they lead me to different conclusions. A number of residents have referred to the need to widen Malting Lane here. That is not a matter for this appeal, the Council has not referred to any proposals to do so but since the garage would be about 3.5 m from the highway it would not inhibit some minor widening should it ever be contemplated.

9. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a double garage at 'Coldon', Mating Lane, Aldbury in accordance with the terms of the application (No 4/1061/91) dated 29 July 1991 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. the existing hedge and trees on the southern boundary of the site shall be protected during the period of construction and any parts of the hedge and any tree which may become damaged or die within a period of 5 years from the date of completion of the garage shall be replaced in the following planting season;

10. An applicant for any consent, agreement or approval required by a condition of 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.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country planning Act 1990. Your attention is drawn to the provision of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a Conservation Area.

I am Sir
Your obedient Servant



ERIC PEARSON DipTP FRTPI
Inspector