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Planning Department**

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TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/01108/96/FUL**

**POTTEN END MOTORS WATER END ROAD, POTTEN END BERKHAMSTED  
HERTS  
RESIDENTIAL DEVELOPMENT OF NINE DWELLINGS**

Your application for full planning permission dated 29 August 1996 and received on 30 August 1996 has been **REFUSED**, for the reasons set out overleaf.

Development Control Manager

Date of Decision: 16 October 1997

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01108/96/FUL**

Date of Decision: 16 October 1997

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein permission will only be given for use of land, the construction of new buildings, or change of use of existing buildings for agricultural or other essential purposes appropriate to a rural area, or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy. The proposal is not supported by any evidence of local need to satisfy Policy 4 of the adopted Dacorum Borough Local Plan.**
- 2. The density of development proposed is excessive and unwarranted in this location and would if permitted prove severely injurious to the general character and amenity of the area.**
- 3. The proposed development is unsympathetic to the character of adjacent and nearby development and by reason of its prominent location would be detrimental to the amenities of surrounding properties and the environment of the locality.**



# The Planning Inspectorate

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Your Ref:  
2142  
Our Ref:  
T/APP/A1910/A/97/288127/P9  
Date:  
18 AUG 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY CHIPPERFIELD LAND COMPANY LIMITED  
APPLICATION NO: 4/01108/96/FUL

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for residential development of 7 three bedroom houses and 3 two bedroom houses at Potten End Motors, Water End Road, Potten End, Berkhamsted. I held a local inquiry into the appeal on 17 June and 26 June 1998.
2. For clarification, the application the subject of this appeal is a revised proposal for 1 detached and 8 two and three bedroom semi detached dwellings. 7 of the 9 units would be for sale and 2 of the two bedroom units, identified as Nos 3 and 5, would provide affordable housing for local needs. I will deal with the appeal on this basis.
3. The appeal site is located in the centre of the small village of Potten End, to the north east of Berkhamsted. It includes the former Potten End Motors, closed in 1996, and a bungalow, "Malabar", at the rear. Immediately to the west of the site is a single detached house and the elongated industrial site of Aircraft Electrical Services Ltd., otherwise the appeal site is bounded on all sides by residential properties.
4. The appeal site lies within the village boundary of Potten End, as defined on the Dacorum Borough Local Plan, (DBLP), adopted in 1995. The whole of Potten End is within the Metropolitan Green Belt, in respect of which Policy 3 of the local plan contains a strong presumption against building development. No specific policies of the Hertfordshire Structure Plan Review 1991-2011, approved in April 1998, are of direct relevance to this appeal. No designations or proposals in the adopted local plan affect the appeal site itself.
5. From the representations and from my inspection of the site and the surrounding area, I consider that the main issues in this appeal are: -
  - (a) whether the proposal would conflict with local and national policies to protect the Green Belt, and if so, whether there are any very special circumstances to overcome the general presumption against inappropriate development in the Green Belt; and



(b) the effect of the proposal on the character and appearance of the surrounding residential area, in terms of the massing of buildings on the site.

6. Policy 4 of the Dacorum Borough Local Plan (DBLP) states that certain forms of development are permitted within "selected small villages" such as Potten End. These include "the replacement of existing buildings" and "small scale residential infilling" which creates no more than 2 extra dwellings and which can be proved to meet a local need. Other forms of market housing infilling are not allowed. I accept your evidence that the local plan was formulated and adopted on the basis of the previous 1988 version of Planning Policy Guidance (PPG) Note 2, Green Belts. However, the Council's approach fits within the policy framework for villages washed over by the Green Belt, as set out in the 1995 revised PPG2. The DBLP Policy 4(b) exception, for low cost housing for local needs in Green Belt villages, accords with advice in PPG3, Housing, Annex A.

7. The Council agreed with you at the inquiry that, for the purposes of calculating replacement floorspace in respect of the bungalow, "Malabar", it is reasonable to assume that an increase in the order of 72%, would be acceptable in this case. Both parties agreed that the existing floorspace, to include first floor space, is approximately 181 sq.m., as shown on your schedule, Document 8, and with 72% added, 311 sq.m. I consider that it is reasonable to include the detached garage next to "Malabar", adding 35 sq.m., but not other more temporary domestic structures.

8. In terms of the replacement of buildings, the commercial buildings are in a dilapidated state and have proved to be unsaleable, for either the original purpose or for an alternative light industrial use. There is no objection in principle to the redevelopment of the commercial garage. It was agreed between the parties that the existing commercial floorspace is 275 sq.m. as shown on Document 8. I am aware of a previous grant of planning permission for a substantial extension, of approximately 38% floor area, to the workshop. However, as such an extension could only meet with criteria in DBLP Policy 4 if it provided local facilities needed in the village, it would not necessarily be permitted now. Therefore I consider that the Council is correct in accepting only the existing commercial floorspace for replacement purposes.

9. Taking the above agreed figures, the total eligible floorspace is 621 sq.m. Using the figures for new dwellings in Document 8, which were accepted by the Council, I calculate that the proposed total floorspace of 7 new dwellings, not including the low cost units Nos 3 and 5, would be around 762 sq.m. This would be 140 sq.m. more floorspace than the existing, equating approximately to 2 two bedroom houses, which corroborates the Council's view that a maximum of 5 dwellings could be provided on the site. DBLP Policy 4 does not allow infilling other than for low cost units for local needs. I therefore consider that, with the exception of the low cost units, the proposed development, which goes beyond the agreed replacement floorspace of 621 sq.m., would constitute inappropriate development in the Green Belt. It would, by definition, be harmful and in conflict with Policy 4 of the Local Plan.

10. DBLP Policy 23 allows for low cost housing in the Green Belt, on land not appropriate for general housing development. In this case I consider that local needs have been established in accordance with the policy, through a survey by the Nettleden with Potten

End Parish Council. I note that the Council accepts the findings of the County Rural Housing Adviser, of a need for one and two bedroom units of affordable housing, and is not aware of any other sites in Potten End which could meet this need. You state that the appellants propose to sell the 2 units to a Registered Social Landlord for letting, subject to an assured tenancy agreement. I am satisfied that the draft unilateral undertaking, offered on behalf of your clients, could, subject to further amendments, be used to ensure that the specified units, Nos 3 and 5, would remain available in perpetuity for this purpose. Therefore I consider that the 2 proposed low cost units would not be inappropriate in this location, in line with DBLP Policy 4, as an addition to any other dwellings allowed in replacement of the existing buildings on site.

11. With regard to any special circumstances which could overcome the general presumption against inappropriate development in the Green Belt, you drew my attention to the lack of any harm to the reasons for including land in Green Belts. I agree that the proposal, within an established village, would not have any harmful impact on the reasons for including land in the Green Belt. It would, positively, result in the regeneration of the vacant site, in line with Policy 7 of the Structure Plan. In principle I consider that it is desirable for this "brownfield" site to be redeveloped, to make efficient use of land within the village. I accept that the removal of the vacant garage workshop might be regarded as a visual improvement.

12. In terms of your assertion that there would be no discernible material impact on the openness of the Green Belt, I have taken account of agreed figures recorded in your table, Document 8, of footprints and volumes of buildings. The total existing footprint, including an agreed 72% extension to "Malabar", is shown to be around 573 sq.m. From the schedule, I note that the total footprint of the 9 proposed dwellings, not including detached garages but including the 2 low cost units, would be about 485 sq.m. This would be approximately 85% of the existing, although the massing and disposition of buildings would be different. At present the siting of the garage building at the frontage leaves the large garden at the rear of the site relatively open, but the proposed layout would produce a greater spread of buildings along the narrow site. The total volume of buildings would be increased from approximately 1659 cu.m. as shown on your table, Document 8, to around 2947 cu.m. I therefore consider that the proposal would to some extent reduce the openness of the site, in this Green Belt location, contrary to national guidance.

13. I am aware that the Parish Council is very strongly in favour of redevelopment of the appeal site for residential use. Many local residents have expressed their support for the proposal, in terms of the small scale and low cost of the dwellings proposed, which would be ideal for young and elderly people who want to stay in the village. My own observations on site confirm your assertion that there is a disproportionate number of large detached dwellings in the local area, but no financial evidence was put to me that the release of land, additional to the replacement of existing floorspace, would be necessary to allow low cost units to be built. I agree that the smaller types of houses proposed would, in principle, be acceptable in this village location, and that this would, to some extent, reduce the need for the release of greenfield sites elsewhere. However, I do not consider that these matters provide sufficiently compelling special circumstances to overcome the fundamental policy objections to the proposal.

14. Turning to the second issue, the effect of the proposal on the character and appearance of the area, I note that Potten End is not within the Chilterns Area of Outstanding Natural Beauty, and that the appeal site is not within the Potten End Conservation Area. The village is predominantly residential, and properties display a wide variety of ages, styles and materials, with generous planting in mature gardens. The appeal site is close to the village centre, but its visibility from within the Conservation Area is limited, because of intervening buildings and trees. From those few locations where a view is available, the development would be seen against a backdrop of mature trees all along the skyline and set amongst other built forms, including the nearby industrial premises.

15. Local Plan Policy 8 requires a high quality of development to be achieved by all proposals. In terms of siting, the semi-detached units 1 and 2 would be approximately 8 m. forward of the line of the existing workshop building, partly screened by existing trees and hedges on the east boundary. I think that they would appear quite prominent in the street scene, as other nearby dwellings are mostly screened by shrubs and trees. However I do not consider that their siting would be unacceptable in this part of the village, as the 2 storey industrial building adjoining the site dominates most views from the road and the hard surfaced garage forecourt would be softened by the proposed front gardens and low hedge at the roadside. I consider that adequate functional garden spaces could be provided and privacy in the rear gardens would be maintained by the existing laurel hedge along the boundary. In terms of the Council's advisory distances between the back walls of houses, the minimum of 23 m. could be achieved. I am also satisfied that, because of the relative land levels and existing tree screens, the proposed dwellings would cause no loss of privacy nor overbearing effect for nearby residents.

16. The proposed design includes pairs of houses constructed of red brick, with some rendered panels. They would have varied roof lines, of grey artificial slates with red ridge tiles. The building materials have been agreed between the parties, with the exception of the quality and colours of roof materials. There are no notable features common to the older buildings in the Conservation Area so, in my view, the designs of dwellings would be acceptable. I accept your evidence that the development would not encroach onto the adjoining public footpath and that there would be no obstruction to the public right of way. Improvement works to the path, as agreed between the parties, and other specific concerns about details, including the protection of existing trees during construction, could be dealt with by way of conditions on any grant of planning permission.

17. In principle, I consider that a relatively high density of development on the site would not be harmful to the character of the village. Unlike other more suburban parts of Potten End, the nearby village centre displays a compact form, with a high level of site coverage. The proposed layout on the appeal site would not be out of context, as the industrial buildings of the nearby Aircraft Electrical site are ranged back at right angles to the road on a narrow site, and other houses in the village are similarly juxtaposed. However, in my view, the proposed row of semi detached houses would produce the appearance of a terrace. The arrangement of dwellings would leave inadequate space between them to provide tree planting sufficient to break up the expanse of roofs and gables and to soften the hard lines of built development. I am of the opinion that, in the limited views available into the site, it would be this massing of buildings which would be prominent. I therefore consider that the proposal would be incompatible with the mature rural character of the local landscape and

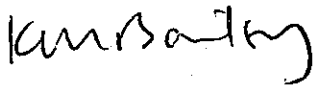
unsympathetic to the well-treed appearance of the village.

18. I have taken into account all other matters raised in the representations, including the suggested conditions and draft unilateral undertaking discussed at the Inquiry. You drew my attention to the potential problem of land contamination from petroleum products, but restoration of the site would be a normal part of any redevelopment scheme. None of these matters is sufficiently compelling to cause me to alter my conclusions in this case.

19. I conclude that the proposal would be in conflict with local and national policies to protect the Green Belt and that there are no very special circumstances to overcome the general presumption against inappropriate development in the Green Belt. I also conclude that the development would be incompatible with the character and appearance of the surrounding residential area, by reason of the massing of buildings on the site, in conflict with criteria in Policies 4 and 8 of the Local Plan.

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

Yours faithfully



Mrs K M Bailey DipTP MRTPI MA(LD) MLI  
Inspector

**APPEARANCES**

**FOR THE APPELLANT**

Mr Thomas Hill of Counsel - Instructed by Messrs Derek Rogers Associates

He called:

Mr Christopher Higenbottam, BA(Hons), - Derek Rogers Associates  
BArch(Hons), DipBCons(AA), RegArchIHBC,  
RIBA

Mr Brian White, FRICS MRTPI - Brian White Associates

**FOR THE LOCAL PLANNING AUTHORITY**

Mr Andrew Fraser-Urquhart of Counsel - Instructed by the Director of Law and  
Administration, Dacorum Borough  
Council

He called:

Ms Fiona Moloney, BA(Hons), DUPI, MRTPI Senior Planning Officer, Dacorum  
Borough Council

Mr Kingsley Fulbrook, BA DipTP, - Head of Conservation, Dacorum  
DipArchCons, BTH(Hons), MRTPI, MIHBC, Borough Council

**FOR THE PARISH COUNCIL**

Mrs Barbara Hart - Chairman, Nettleton with Potten End  
Parish Council

**INTERESTED PERSONS**

Mr David Burfot - "Malabar", Potten End, owner of Potten  
End Motors



## DOCUMENTS

- Document 1 - Lists of persons present at the inquiry, 17 and 26 June 1998
- Document 2 - Dacorum Borough Council (DBC) notification letter and list of persons notified
- Document 3 - Appendices to proof of Mr Higenbottam for the appellants
- Document 4 - Appendices to proof of Mr White for the appellants
- Document 5 - Appendices to proof of Ms Moloney for the Council
- Document 6 - Appendices to proof of Mr Fulbrook for the Council
- Document 7 - Letter dated 15 June 1998 from Hertfordshire Rural Housing Adviser to DBC
- Document 8 - Existing and proposed footprint and floorspace figures submitted by the appellants
- Document 9 - DBC Policy Committee reports 24/9/96 and 25/3/97 re. Potten End Conservation Area
- Document 10 - Extracts Local Plan Policy 9 Environmental Guidelines - garden spaces, parking requirements
- Document 11 - Extract PPG2 version January 1988 submitted by the appellants
- Document 12 - DBC submissions on the need for a planning obligation
- Document 13 - Copy of DBC S.106 planning agreement in respect of site at Trowley Hill Road, Flamstead
- Document 14 - Appellant's suggested conditions
- Document 15 - DBC revised suggested conditions
- Document 16 - DBC submissions in respect of permutations of the appeal proposals
- Document 17 - Correspondence post-inquiry from both parties concerning draft unilateral undertaking

## PLANS

- Plans A - Bundle of 10 no plans submitted in support of the planning application
- Plan B - Plan CJH1 submitted by appellants of proposed visibility splay at Water End Road
- Plan C - Plan CJH/2 - 1877 OS map of Potten End submitted by appellants
- Plan D - Plan BW/1 submitted by appellants, 1:500 OS extract showing site boundary at public footpath
- Plan E - Plan BW/2 submitted by appellants showing details of fence lines along footpath