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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Ref.					Ack.		
DP	T.C.P.M.	DP.	D.C.	B.C.	Admin.	File	
Received					27 JUL 1993		
Comments							

Your reference
GJS/333

Our reference
T/APP/A1910/A/93/222457/P9

Date
26 JUL 1993

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR J W STOW
APPLICATION NO 4/1191/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the failure of the Dacorum Borough Council to give within the prescribed period notice of their decision on your application for planning permission for the erection of a six car domestic garage on land at The Saddlery, Water End, near Hemel Hempstead. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council by interested parties, including the Great Gaddesden Parish Council, which have been forwarded to me. I inspected the site on 28 June 1993.
2. The appeal site is situated in the northernmost corner of a 0.27ha paddock which lies between the hamlet of Water End on the southern side of the Leighton Buzzard Road, A4146, and the River Gade. The site is presently occupied by a 8.2m by 3.7m red-brick stable/garage with tile roof. It is proposed that this be replaced by a larger L-shaped weatherboard structure on a brick plinth with a plain tile roof. Pedestrian and vehicular access to the site is by means of a private drive off the A4146 which also provides access to other nearby domestic garages and gardens. Immediately to the north is a weatherboard and tile barn used as a garage serving a row of combined cottages fronting the Leighton Buzzard Road.
3. The appeal site is situated immediately beyond the southern boundary of the Water End Conservation Area, and lies within the Chilterns Area of Outstanding Natural Beauty and within the rural part of the Borough beyond the Metropolitan Green Belt. Policies contained in the approved Hertfordshire Structure Plan, incorporating Approved Alterations 1991, the Dacorum District Plan 1984, and the deposit draft of the Dacorum Borough Local Plan, which has reached an advanced stage in its progress towards statutory status, seek to restrict development within rural areas to that requisite for the purposes of

agriculture, forestry, mineral extraction, and open air recreation; to preserve and enhance designated Conservation Areas, including their setting; and to protect the landscape character of the Area of Outstanding Natural Beauty.

4. In light of the above, from my consideration of the representations received, having inspected the site and its surroundings, and having regard to the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am of the opinion that the principal issues in this case are, firstly, whether the proposed development will materially conflict with the objectives of approved and emerging Plan policies for the rural part of the Borough; secondly, whether the development will adversely effect the setting of the Water End Conservation Area; and finally, whether the proposal will harm the landscape quality of the Chilterns Area of Outstanding Natural Beauty.

5. I am satisfied that it is essential to exercise strict control over new development in the rural parts of the Borough beyond the Green Belt in order to preclude sporadic and other forms of undesirable development. However, in my view the appeal proposal would not constitute sporadic development given that, in locational terms and having regard to presence of an existing building on the site, the appeal site may reasonably be construed as forming part of the settlement, rather than lying within the countryside beyond. Furthermore, it seems to me that, while it is likewise necessary to exercise strict control over the scale and location of new development, it would be unreasonable to resist on principle proposals for development ancillary to existing dwellings, particularly those within established settlements. Thus, in view of the fact that the proposed building is required as an adjunct to The Saddlery and will not result in the encroachment of built development into the surrounding countryside, I am satisfied that the appeal proposal will not materially conflict with the objectives of approved and emerging Plan policies.

5. I turn now to the second issue. During my site inspection I formed the view that the character of the Water End Conservation Area in the vicinity of the appeal site is formed by the intimate juxtaposition of attractive small scale predominantly red-brick cottages and other dwellings along the Leighton Buzzard Road. The setting of the Conservation Area is enhanced by its situation at the interface between the water meadows north of the River Gade and the steeply rising land north of the A4146 towards Gaddesden Place.

6. In my view the scale and design of the proposed garage, including proposed materials, are such that it will be in character with other nearby outbuildings, while its location at the rear of and screened by frontage dwellings will not adversely effect the character of the Conservation Area as perceived from the A4146. I have also had regard to the fact that, being situated on the southern edge of the hamlet, the proposed garage will be visible from footpaths south of the River and will be seen against the backcloth of the established settlement and Conservation Area. However, as noted above, I am satisfied that, by reason of its scale and design, the proposed building will not be visually intrusive, and thus will be readily assimilated into views of the hamlet and beyond. Accordingly the appeal proposal will preserve the character and setting of the Conservation Area.

7. Finally, turning to the third issue and in view of the site location within the Chilterns Area of Outstanding Natural Beauty, I have given due consideration to the need to preserve the quality of the existing landscape.

As concluded above I am satisfied that the proposed garage will not be visually intrusive, and for like reasons am satisfied that it will not disturb the attractive relationship between the settlement and surrounding landscape. Thus, the quality of the landscape will not be harmed.

8. I have taken into account all other matters raised in the representations, together with comments submitted by Great Gaddesden Parish Council and local residents, but find none to be of sufficient strength to outweigh the considerations which have led to my decision in this case. I note that the Parish Council have expressed concern that the garage may be used for some form of commercial use, and the Council have requested that, should I be minded to grant consent, a condition be attached precluding such use. Notwithstanding the fact that there is no evidence before me that may conceivably justify such fears, any unauthorised use would, of course, be subject to the Local Planning Authority's enforcement powers. Accordingly I consider such a condition to be both unreasonable and unnecessary, and thereby contrary to the advice concerning the use of conditions in Circular 1/85. I do, however, agree that a condition requiring the submission to and approval by the Local Planning Authority of samples of all external materials is necessary in this case.

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 six car domestic garage on land at The Saddlery, Water End, near Hemel Hempstead, in accordance with the terms of application no.4/1191/92 dated 18 September 1992 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. details and samples of all external materials to be used in construction shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site.

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, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990. Your attention is also 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 any building in a conservation area.

Yours faithfully



P I Beasley DipTP DipLD MRTPI
Inspector