

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Thornberry Property Services
23 High Street
Tring
Herts.

Martin O'Rourke Associates
The Barn
Elms Farm
Barkway
Royston
Herts. SG8 8EK

Erection of twelve dwellings, garages, access
road, etc. (Outline)
at 'Woodrising' and 'Balcary', Shootersway,
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 10. June 1988 and received with sufficient particulars on 23. June 1988 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 proposal as submitted (does not provide for a satisfactory means of access and does not meet current highway engineering requirements.
2. The site is the subject of a Tree Preservation Order, including many trees of high amenity value as individual trees and groups. In the absence of a detailed tree survey and a more detailed site layout it is not possible to assess adequately the effect of the proposal on particular trees and to establish that a development of twelve houses can be accommodated satisfactorily on the site:
 - a. without undue detriment to trees worthy of retention, and
 - b. to achieve the sort of spacious layout and low density of housing considered appropriate in this high amenity area on the southern edge of the built up area of Berkhamsted.

Dated 1st day of December 1988

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.



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DACORUM BOROUGH COUNCIL IN 1374		<i>2 Feb</i>
Ref.	Pack	
C/O TO	Your reference	
CHIEF EXECUTIVE OFFICER	Admin. File	
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Refer to		
Cleared		

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY THORNBERRY PROPERTY SERVICES
APPLICATION NO:- 4/1206/88

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the construction of 12 dwellings, garages and an access road at 'Woodrising' and 'Balcary', Shootersway, Berkhamstead, Herts. I have considered the written representations made by you and by the Council and also those made by Berkhamstead Town Council, Richard Page MP and interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 15 August 1989.
2. Shootersway is a pleasant tree lined road on the edge of Berkhamstead, characterised by low density housing development and established gardens. The curtilages of 'Woodrising' and 'Balcary' extend to about 1.25 ha in total. To the rear of these houses, the ground slopes down towards open farmland which is the line for the future Berkhamstead bypass. On the north-western side of the appeal site is a detached house 'Blegberry' in a very large plot while to the south-east is a modern cul-de-sac of detached houses known as 'The Hemmings'.
3. Your clients originally proposed to demolish the existing 2 houses 'Woodrising' and 'Balcary' and to develop the land with an access road and 16 detached houses but this was later modified to 12. Both house plots are the subject of an area Tree Preservation Order. There are mature trees of varying species along the perimeter of both gardens which are open to public view from Shootersway itself and a footpath crossing fields to the rear.
4. From my site observations and the representations submitted I find that the main issue in this appeal is whether the site could be developed with 12 houses having a satisfactory standard of access to Shootersway and without harming the character of the area.
5. A wedge of land on the westernmost tip of the site is included within the Metropolitan Green Belt but the remainder is within the urban area of Berkhamstead. The Structure Plan Review 1986 provides in Policy 72 for redevelopment for housing purposes of a low rise character, but at as high a density as can be achieved compatible with a high standard of design (including the maintenance and enhancement of any existing landscape and heritage features on the site) and with the creation of a good environment for specialist and family housing. Policy 57 states that the



compared with adjoining properties but the visual effect of these houses is ameliorated by the informal layout and the partial screening afforded by the substantial retained house on the frontage.

10. However, I believe that there would be little space for providing an attractive and informal layout for 12 houses and garages on the appeal site. Although your application is in outline only, your sketch layout No 8841.1c indicates how the general arrangement would be constrained by the amount of development proposed. The houses on plots 4 and 5 would also be cramped in outlook and undesirably close to the boundary with 'Blegberry'. Because of the fall of the land, the development would be visible at the rear from a track leading into the Green Belt and from the future Berkhamstead bypass. This part of the town is attractive in character because of its spacious and well wooded nature and I consider that this would be harmed if the appeal proposal were to take place.

11. I have had regard to the desirability of using land in existing residential areas to best advantage. Nevertheless, I consider that the appeal scheme provides for more development than could be achieved on this particular site consistent with achieving a high standard of design and a good environment as required by Structure Plan policies. The Annex A to Circular 22/80 makes it clear that, for residential development to be acceptable, its density needs to respect the character of the site and its surroundings and I find this a sound reason for the refusal of planning permission in this case.

12. I have taken into account all the representations but there are no matters which outweigh those leading to my decision.

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

I am Gentlemen
Your obedient Servant

J. Jones

MRS J JONES MA DipTP MRTPI
Inspector

maximum possible contribution to the housing programme will be sought from opportunities within existing towns and other specified settlements excluded from the Green Belt and consistent with other policy provisions. The Dacorum District Plan 1984 makes more detailed application of these policies. It is clear to me that the principle of redeveloping these plots for new houses is acceptable in terms of planning policies although the loss of the existing characterful houses would be regrettable.

6. Objections to the appeal scheme have been made by the Berkhamstead Town Council and a large number of local residents and have been supported by Richard Page MP. The objections relate to overdevelopment, loss of trees and of character generally, demolition of the existing houses, overlooking, additional traffic and drainage problems.

7. As far as access is concerned, the District Council normally applies the County Council adoption standards as given in 'Residential Roads in Hertfordshire 1982'. In terms of this document, the Council has identified Shootersway as a "local distributor road" and the proposed new cul-de-sac as a "local spur road". The spacing requirements for "local spurs" onto "local distributors" are 90 m on the same side of the road and 45 m on the opposite side. The new cul-de-sac would be expected to have a minimum width of 4.8 m with a single 1.8 m wide footway or at least a 1 m wide service strip. 2.4 x 70 m visibility splays would be required in both directions with at least the first 15 m from Shootersway being straight and at right angles. The sketch layout of 12 houses having a double access from Shootersway does not comply with these standards and in my opinion could lead to confusion for drivers. However, you have demonstrated in your Appendices D and E that they could be fulfilled by a new access road situated approximately in the centre of the frontage of 'Balcary'.

8. I have concluded that it would be physically possible to provide access into this site to the County Council's adoptable standards. However, the need to ensure that any new development respects the character of the area is, in my view, a material consideration of particular importance because of the large number of protected trees on this and adjoining land. I regard it as essential that the generally wooded appearance of this part of Shootersway is maintained by the retention of a substantial tree screen on the road frontage of the site. However, I consider that a new access of the dimensions outlined above could be accommodated at the approximate position shown in your Appendices D and E without leading to a significant net loss of tree cover provided that additional planting takes place at the sites of the 2 existing gateways. The provision of visibility splays should involve the loss of additional trees because the splays can be achieved within the highway verge. When an accurate tree survey has been carried out, the exact position of the new access could be chosen so as to avoid endangering the mature oak and beech trees at either end of 'Balcary's' frontage. If this would result in a slight shortfall on the County Council's highway standards, I consider that this would be outweighed by the importance of retaining these particular trees.

9. Although I have been able to accept the principle of some form of redevelopment of this land, including a new access as described, I find that the 12 houses proposed in your client's application would be too great a number for it to accommodate without causing substantial harm to the character of this area. In particular, it would be likely to result in the loss of all trees except those along the outer boundaries of the site and there is a possibility that some of these may be found to be too close to the houses in the future, resulting in damage or pressure for their removal. The District Council has calculated that the average plot size for the appeal development would be somewhat smaller than that of 'The Hemmings'. I consider that the density of development in the latter road is high