



The Planning Inspectorate

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Your Ref:

Des Dunlop

Our Ref:

T/APP/A1910/A/97/279882/P7

Date: - 3 SEP 1997

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY CREST HOMES (EASTERN) LTD
APPLICATION NO: 4/01223/96

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the demolition of the existing office building, erection of six detached dwellings together with associated garages and parking at Beech Grove, Station Road, Tring. I have considered the written representations made by you and those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I have not received an appeal statement from the Council despite requests that it be submitted. However, I have paid due regard to copies of the application documentation as submitted. I inspected the site on 5 August 1997.

2. The proposal has been the subject of revision to submitted drawings, and for clarification purposes I confirm that the application plans are those listed below.

CH 272/001	Site survey plan
CH 272/01 Revision E	Proposed layout
CH 272/11 Revision B	Plot 5 house type
CH 272/12 Revision A	Plots 1 & 2 house type
CH 272/13 Revision B	Plot 3 house type
CH 272/16 (Malvern)	Plot 6 house type
CH 272/16 (Cheviot)	Plot 4 house type
CH 272/17	tree protection detail (also numbered Crest 13582/01 Revision A)

3. From the written representations submitted and from my inspection of the site and its surroundings I consider that the main issue in this appeal is the impact of the proposal on the character and appearance of the locality, with particular reference to whether the proposal constitutes overdevelopment of the site.

4. The development plan is the Hertfordshire Structure Plan Review incorporating approved alterations 1991, and the Dacorum Borough Local Plan which was adopted in April 1995. The most relevant policies to which my attention has been drawn are Policies 47, 48, 49, 70, 71 and 72 of the Structure Plan, and Policies 1, 7, 8, 15, 94 and 101 of the Local Plan. Amongst other things, these policies generally have the following aims:

- to protect and enhance the character and quality of existing settlements and to make full use of opportunities for recycling urban land;
- to concentrate development in, amongst other places, Tring;
- to encourage appropriate residential development in existing residential areas;
- to ensure that development is of a high standard and compatible in design and density with its surroundings;
- to ensure that development has adequate access and parking provision;
- to protect and enhance existing trees and woodland;
- to ensure adequate housing land supply, partially by permitting development on windfall sites.

5. The appeal site is located within a residential area on the eastern side of Tring. It contains a large building formerly used as offices, which is partially surrounded by mature trees, some of which are protected by a tree preservation order. The fact that the character of the surrounding area is residential means that there is no disagreement between you and the Council that development of the appeal site is acceptable in principle, and in accordance with the relevant policies of the development plan.

6. It is proposed that the six dwellings the subject of this appeal be arranged in two areas. Four dwellings would be located to the north of the site, directly facing and with access taken from Hazely, a short cul-de-sac which abuts the western boundary. The remaining two dwellings would front onto Station Road, with access taken from that road. The dwellings in the surrounding area are mainly detached, with a lesser number of semi-detached in Hazely. It seems to me therefore, that the erection of detached houses on the appeal site would respect the character of the locality.

7. Many of the dwellings along Station Road, and along The Beeches to the east of the site, are detached properties of similar size to those proposed by your client. Those located in Harcourt Road to the north tend to be similar if a little smaller. The spacings between flank walls of dwellings in the area tend to be restricted to a few metres, and in this respect the proposed development is similar in its arrangement. The space between the rear walls of dwellings and their rear boundaries in The Beeches and Harcourt Road is generally greater than proposed on the appeal site, but I note that the minimum distances for back gardens as required by the Council are generally achieved in the scheme. It is my view, therefore, that although the garden sizes in your client's proposal are if anything more restricted than similar

properties in the immediate locality, the proposed levels of space provision are adequate and would help to achieve the aim of making the best use of urban land.

8. I have examined the relationship of the proposed dwellings to the adjacent houses and their gardens. However, the submitted scheme would not, in my opinion, lead to direct overlooking of any adjacent dwellings or gardens because the design of the proposed buildings does not include windows of habitable rooms in close proximity to boundaries. Although the dwelling proposed for Plot 1 would be close to the rear boundary of No 17 Harcourt Road, this boundary is currently formed by a wall about 2.2m in height. Consequently, only the upper part of the proposed dwelling would be visible from No 17, and in my view this would not lead to a loss of outlook which would be such that your client's proposal should be refused.

9. I note that the Highway Authority has no objection to the access and parking provision proposed, despite some local concern about the proposed use of Hazely to gain access to four dwellings. In my view the levels of traffic likely to be associated with the proposed development would not be such as to unacceptably affect highway safety in that street, especially in view of its short length, which would lead to low vehicle speeds. The creation of an access from Hazely would necessitate the removal of a large part of the brick wall which delineates the site boundary, and although this wall has some visual attraction, it has no statutory protection and could be removed at any time. I therefore consider that the loss of this part of the wall to form the proposed access would not be unacceptably harmful to the appearance of the locality.

10. My overall conclusion, therefore, is that the proposal generally accords with the aims of the development plan policies which I identified earlier in that it would respect its surroundings, would make best use of urban land and would make a contribution to housing land supply. I consider that the scheme would make satisfactory provision for access and parking, and I note that measures for the protection of trees on site have been proposed to which the Woodlands Officer of the Council has no objection. The trees the subject of the preservation order would therefore be adequately catered for in the scheme. Consequently, I take the view that the proposal, if implemented, would not constitute overdevelopment of the site and I will allow the appeal.

11. It would be necessary and reasonable to apply conditions concerning various matters, and I have had regard to the conditions recommended in the Council's report to Committee. In order to ensure a satisfactory appearance of the dwellings details of external materials should be approved. To ensure the provision of a satisfactory external environment a landscaping scheme should be approved and implemented, which would include measures for protecting retained trees during construction works. Additionally I consider that it is necessary to ensure that access, parking and turning is made available prior to occupation of the dwellings, and that parking is retained for that use. In order to preclude undue disturbance to nearby residents I also consider it reasonable and necessary to restrict access to the site during construction to the Station Road access.

12. Circular 11/95 gives advice on the use of conditions and indicates that permitted development rights should only be restricted in exceptional circumstances, and I am not aware that such circumstances exist in this case. I do not, therefore, propose to impose a condition of that type. I also will not impose a condition protecting any currently unprotected trees on the site which are to be retained. Separate legislation exists for their protection should the

Council wish to use it. I do not propose to impose a condition requiring the provision of visibility splays at the Hazely access as these are indicated on the plans.

13. In reaching my conclusions on this appeal I have had regard to all other matters raised but none is sufficient to outweigh the considerations which have led me to my decision.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the demolition of the existing office building, erection of six detached dwellings together with associated garages and parking at Beech Grove, Station Road, Tring in accordance with the terms of the application No 4/01223/96 dated 20 September 1996 and the plans submitted therewith, as amended by the plans listed in paragraph 2 above, 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. no development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;
3. no dwelling shall be occupied until that part of the service road which provides access to it has been constructed, and parking, garaging and turning areas have been provided in accordance with the approved plans. The parking, garaging and turning areas shall be retained for that purpose;
4. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
5. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;
6. means of vehicular access to the site during construction work shall be from Station Road only.

15. 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.

16. 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.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Major', written in a cursive style.

Philip Major BA(Hons) DipTP MRTPI
Inspector