



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1262/90

Mr Kirton
Highlands, Gravel Path
Berkhamsted
Herts

M Leyland
138 Cemetery Road
Houghton Regis
Beds
LU5 5DE

DEVELOPMENT ADDRESS AND DESCRIPTION
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Highlands, Gravel Path, Berkhamsted, Herts

CHALET BUNGALOW

Your application for *full planning permission* dated 15.04.1990 and received on 10.09.1990 has been **REFUSED**, for the reasons set out on the attached sheet(s).

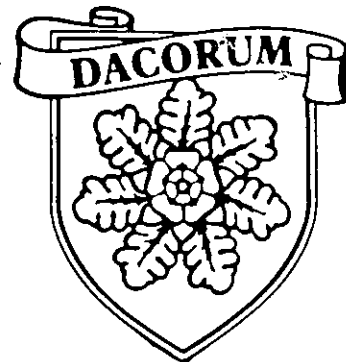
Director of Planning.

Date of Decision: 31.10.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1262/90

Date of Decision: 31.10.1990



The proposal represents an overdevelopment of the site which will create harm in the following respects:

- (a) The parking and turning area is of insufficient size to enable vehicles to enter and leave the site in a forward direction at all times.
- (b) The proposal will result in overshadowing of and loss of outlook to Whitehill Cottage, which is situated to the north of the site.
- (c) The site features and levels are such as to prevent satisfactory landscaping and screening of the development, and it will therefore appear unduly cramped in this area of semi rural character.



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B/865/SM/P

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Mr M Leyland
138 Cemetery Road
HOUGHTON REGIS
Bedfordshire
LU5 5DE

Ack.						
CPM	DP	DO	BO	Admin.	File	Your reference
Received						Our reference
22 AUG 1991						T/APP/A1910/A/91/181914
Comments						Date
						21 AUG 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR KIRTON
APPLICATION NO:- 4/1262/90

1. 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 District Council to refuse planning permission for the erection of one chalet bungalow at land adjoining 'Highlands', Gravel Path, Berkhamstead. I have considered the written representations made by you and by the council and also those made by other parties. I have also considered those representations made directly by other parties to the council which have been forwarded to me. I inspected the site on 2 July 1991.
2. At the site inspection the differences in respect of the site layout, relating mostly to the parking and turning area, between the application plan and the appeal plan were identified. I now have copies of the application plans, and it is on this basis that the appeal decision is considered because neither the Secretary of State nor his Inspectors have powers to vary the details of a planning application subject to appeal. The location plan submitted with the application indicates the appellant's ownership of a small triangle of land to the north of the appeal site, including a footpath, all of which the appellant himself advised me lay beyond his property. This apparent discrepancy has no material effect upon my decision.
3. From my consideration of all the written representations, and from my inspection of the site, I conclude that the main issues in this appeal are firstly, whether the proposal will result in overshadowing of and loss of outlook to Whitehill Cottage, secondly whether the parking and turning area is of sufficient size, and thirdly whether the proposal would have an adverse effect upon the character and appearance of the area.
4. Because the appeal before me includes no accurate sectional drawings to demonstrate the relationships in height between the proposed bungalow and adjacent features, most particularly Highlands and Whitehill Cottage, I paid special attention to this aspect on site. Whitehill Cottage is indeed well screened from the appeal site by existing trees and greenery on top of the retaining wall along the northern site boundary of the site. However, I believe that a considerable retaining structure for the new bungalow would be needed to support it at this high level above Whitehill Cottage and, were this not so, I still do not consider that the proposed planted screen apparent on plan could be translated into reality. Another type of foundation would probably encroach into the space available for planting between the house wall and the boundary, which seems to achieve a width, at best, of little more than 2 m. This space must also accommodate the width of the



existing retaining wall, which is likely to be about 0.45 m not far below ground level. I estimate the nett width available for root growth to be 1.5 m maximum at one point, and much less elsewhere along the boundary. The planting required for the type of screening suggested here must have considerably more space to avoid the possibility of damage to structures arising from branches above ground (which is generally controllable) and root growth below ground (which is more serious and much more difficult to control). Plants placed in restricted conditions would fail to achieve the amount of growth needed to provide the screening which you deem satisfactory. I also consider that the construction activity necessary to realise the proposal would destroy the existing hedge.

5. As the appeal site is so much higher than Whitehill Cottage, itself so close to the lane between them, and because the new house to the south east would be much taller and more solid than existing trees on the site, I believe that Whitehill Cottage would suffer considerably from overshadowing. With no effective screening along the north boundary resulting in little to see but the back of the new house, Whitehill Cottage would suffer loss of outlook, and there would be a mutual loss of privacy. Alternative locations for the bungalow on the site seem likely to have an impact upon the parking and turning area, a fact which highlights the difficulties of satisfactorily developing this site.

6. Tandem car parking spaces are generally an inconvenience because of the time consuming manoeuvres required, even with 2 drivers cooperating, but such problems are insufficient reason in themselves to dismiss this appeal so long as the manoeuvres can take place within the confines of the site. This does not seem possible here. What is also important for safety reasons is that vehicles should be able to turn and leave the site in a forward gear, and to move onto the highway without needing to cross the centre line when turning left, in this case to proceed in a northerly direction. I have examined the diagram in the council's statement derived from DB 32, with which I am familiar, and I am not convinced that this left turn can be achieved satisfactorily by vehicles leaving parking spaces 1 or 2. When spaces 1 and 2 are occupied it then seems to me that a vehicle in space 3 could not turn on site at all, and the temptation to reverse onto the highway (having pulled onto the site in a forward direction) would be irresistible. Either of the 2 scenarios described would be extremely hazardous. I observed that there was little warning of fast approaching traffic from either direction due to the wooded bends reducing visibility and hearing. If evasive action were needed by one or more vehicles in an emergency there is no safe refuge on the north side of Gravel Path for pedestrians. I find entirely credible the statements from inhabitants of Gilpin's Ride who, from experience, find it too risky to turn right into Gravel Path driving a vehicle. I consider that the position of the proposed access just a few metres away from a position directly opposite to this junction serving about 20 houses would be an additional hazard to highway safety.

7. Gravel Path rises steeply northwards from the town below, and with cuttings and embankments surmounted by mature shrubs and trees is more accurately described as semi rural than suburban, as sight of a map alone would suggest. Few of the houses on either side are very open to view, and in this area they stand in generous sized gardens befitting their scale. It seems to me that the considerable presence of Highlands would suffer from a reduction of its setting to the degree proposed, and as a result of the unavoidable proximity of the bungalow should this appeal be allowed. Because the site is an awkward shape, complicated by the steeply rising ground levels, and because of the (albeit inadequate) space devoted to vehicles, and space devoted to visibility along Gravel Path, there remains little left in which to accommodate a degree of planting commensurate with the local character. Whether the design is agreed to be attractive or not, the very exposed nature of a house in this

setting would be alien, and would thus adversely affect the character and appearance of the area.

8. I have therefore come to the conclusion that this appeal should be dismissed because the proposal would lead to overshadowing of and loss of outlook to Whitehill Cottage, because the parking and turning area is of insufficient size, and because it would have an adverse effect upon the character and appearance of the area.

9. I have taken careful account of these, and all other matters raised in the written representations, but nothing carries sufficient weight to override the compelling reasons for my decision. Although the site is an unused area of garden, I do not consider that that condition contributes a great deal to an argument for development. I agree that the area of the site, taken by itself, appears to be adequate for one house, but it is the constraints of this particular site and its surroundings which make such development here unrealistic.

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

I am Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'F D K Readhead' with a stylized flourish at the end.

F D K READHEAD DipArch RIBA
Inspector