



The Planning Inspectorate

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Your Ref:

DAC/1/BW

Our Ref:

T/APP/A1910/A/95/247485/P7

Date: 15 JUN 1995

PLANNING DEPARTMENT			
DACORUM BOROUGH COUNCIL			
Ref.			
DOP	T.C.P.M.	BY	9
Received 16 JUN 1995			
Comments			

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR M J BROWN
APPLICATION NO: 4/1324/94OL

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 outline planning permission for the proposed erection of 3 detached houses and garages on land at 'Old Cottage', London Road, Bourne End, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 9 May 1995.

2. The application is for outline planning consent, but the 1:500 scale site plan, which showed the siting of the proposed dwellings and the means of access to the site was not stated to be for illustrative purposes. 2 'typical' elevations were submitted to indicate the general character of the proposed development. I have therefore treated the application as one for outline consent with all matters except siting and means of access reserved.

3. The appeal site lies within the Metropolitan Green Belt, within which there is a strong presumption against inappropriate development, except in very special circumstances. This is in accordance with national policy, as expressed in Planning Policy Guidance 2 [PPG2], and reflected in the approved Hertfordshire County Structure Plan 1992 [HCSP] and the adopted Dacorum District Plan 1984 [DDP]. The Dacorum Borough Local Plan [DBLP], due for adoption in June 1995, carries forward and reinforces these Green Belt policies. As a local plan very close to adoption, I accord the DBLP considerable weight.

4. The site also forms part of the Winkwell Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention in such cases to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is also within an area designated as a Landscape Development Area subject to DBLP Policy 91.

5. The site comprises the major part of the garden of 'The Old Cottage', a Grade II listed building. In considering this appeal I have therefore borne in mind the duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed building.

6. From the representations and my inspection of the site and its surroundings, I consider that there are 4 main issues in this appeal. The first is whether the proposal is an appropriate form of development in the Green Belt and, if not, whether there are any very special circumstances which justify it being allowed as an exception to the presumption against inappropriate development. The second is the impact of the proposed new houses on the character and appearance of the conservation area and on the setting of the listed building. The third issue is whether the proposed development would adversely affect the amenities of adjoining residents to an unacceptable degree, by reason of loss of privacy. The last issue relates to the adequacy of the proposed vehicular access to the site in terms of highway safety.

7. Paragraphs 2.11 and 3.4 of the revised Planning Policy Guidance 2 [PPG2] deal with proposals for residential infill development in existing villages within the approved Green Belt boundaries. It is for local plans to define individual settlements where small scale residential infill development will be permitted or where severe constraints apply. Policy 4 of the DBLP identifies Bourne End as a settlement subject to no opportunities beyond agriculture, forestry, essential outdoor facilities and limited extensions and alterations to existing dwellings. As it is not identified as a settlement where small scale infill residential development will be permitted, I consider that your client's proposal would constitute inappropriate development in the Green Belt.

8. You argue that there are very special circumstances in this case. Although Bourne End is not so identified, its character and the nature of the appeal site are such that it should be treated as a settlement suitable for limited infill. You do not consider that the development would cause any material harm to the purposes of the Green Belt. Moreover you consider that an exception should be made to the presumption against inappropriate residential development in this case by reason of Policy 4 of the DDP. Together with Policy 4 of the DBLP this allows for some development to meet the housing needs of the rural part of the District. You also point to the costs of maintaining the listed building, and indicate that the proceeds of the proposed development would serve to secure its future.

9. I am satisfied that in the preparation of the DBLP, which has been subjected to 2 Public Local Inquiries and is now only weeks from adoption, the status of Bourne End has been fully considered. It seems to me that a positive decision has been taken to restrain development, even on a small scale, and it would be quite inappropriate to import criteria applicable to other areas to this case. Nor do I agree that the criteria set out in DDP Policy 5 for infill development would be satisfied by your client's proposals, even if it was appropriate for them to be applied. In particular, the site is not a small gap in the frontage and, in my opinion, the development would represent a considerable consolidation and intensification of the built-up area of Bourne End.

10. I recognise that the proposed development would produce an additional 3 dwellings in the District. However, judging from the illustrative material supplied, I do not consider that their likely size, cost or type would be appropriate to meet local housing needs of the rural parts of the District, as identified by the local plan. In relation to the financial support that might be provided for the listed building, from my inspection 'The Old Cottage' appeared to be in no immediate danger of deterioration. In any case there is no guarantee that funds would be applied to this purpose if planning permission was forthcoming.

11. PPG2 makes it clear that inappropriate development is, by definition, harmful to the Green Belt, and that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I am not persuaded by your representations that there are any such very special circumstances in this case to overcome the presumption against inappropriate development. In my opinion this constitutes a sound and clear cut reason for the refusal of planning permission.

12. Turning to the second issue, the appeal site is particularly sensitive, due to its location in the conservation area and its relationship with the listed building. The range of DBLP policies, intended to protect the existing environment of the Borough and to ensure that new development is sympathetic to its character, apply with particular force in this case. The site comprises the major part of the partially walled garden and pleasant setting of 'The Old Cottage' and is an important part of the Winkwell Conservation Area, centred around the swing bridge, pub and lock on the Grand Union canal. At this point the canal, together with the parallel watercourse to the south is most attractive, being lined by mature trees, varied traditional buildings, open meadows, lakes and old watercress beds. The formal gardens on the appeal site can be seen through a partial screen of willows and shrubs, facing directly over the canal towpath and the pub. It is thus a prominent and semi-rural feature of the canalside. Although the conservation area boundary is drawn to include the whole of the appeal site, it also includes parts of the long gardens of the bungalows along London Road.

13. The proposed development would consist of 3 2-storey houses, one of which would be located in the existing gap in development on the London Road frontage, between 'The Old Cottage' and the bungalows to the west. This house would be largely screened from the road by the retained existing high brick boundary wall and the substantial trees on the frontage. As it is also intended to retain the existing access gates as a shared entrance to both the existing and proposed houses, I consider that the development would have only a limited visual impact when seen from London Road.

14. Seen from viewpoints along the canalside, however, the 2 houses proposed for the northern part of the site would be clearly visible and would have a very significant impact on the appearance of the conservation area. The existing bungalows and 'The Old Cottage' are sited a considerable distance from the canal, to the extent that their long gardens appear as a continuous semi-rural green corridor along its southern side. This essential visual feature of the Winkworth Conservation Area, is clearly reflected by its defined southern boundary. The 2 dwellings proposed on the north part of the appeal site would be sited significantly closer to the canal than any existing development and within the continuous green swathe. Although it is intended to retain the existing trees on the canal frontage, I do not consider that they would provide an effective screen for the new houses. It seems to me, therefore, that the proposed development would appear as an intrusive extension of the built-up area, which would effectively break the continuous semi-rural corridor of the canalside. In my opinion this would be in conflict with the relevant policies of the DBLP, and would not preserve or enhance the character or appearance of the conservation area.

15. Moreover, from the indicative elevations submitted, I consider that 3 full height 2-storey detached houses on this site would cause particularly significant harm to the character of this area, where most dwellings take the form of cottages or bungalows. In particular they would appear to crowd and dominate the listed building, which is relatively modest in scale.

The present attractive setting for 'The Old Cottage', created by the combination of walled gardens with a wide expanse of open canalside frontage would be replaced by a small estate development, whose suburban appearance would be entirely out of character with the semi-rural atmosphere of the site. I consider that this would adversely affect the setting of the listed building to an unacceptable degree. Taken with my conclusions as to the effect of the proposed development on the conservation area, this represents another sound reason for the refusal of planning permission.

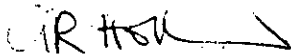
16. Turning now to the third issue I recognise that, in view of the overall size of the site, a substantial area of garden would remain around 'The Old Cottage. However, I consider that the separation between it and the new houses, particularly Nos 1 and 3, would be barely adequate to maintain acceptable levels of privacy, bearing in mind the high quality of the existing environment. The same is true of the relationship between houses Nos 1 and 2 and the adjoining bungalow to the west. Visual separation within this site would also depend upon the long term survival of existing large trees, and I share the Council's concern that their proximity to the new houses could in due course lead to pressure for their removal. Thus, although the limited separation and screening between dwellings would not alone, in my opinion, justify the refusal of planning permission, taken with my other findings it confirms my view that this appeal should not succeed.

17. The Council's reasons for refusal made reference to their view that the existing access to the site would be inadequate for use by the new development. This concern stemmed from consultations with the County Council. I saw that the appeal site adjoins the junction between London Road and the narrow lane which rises steeply from the canal bridge. Here the road levels, the inadequate width of carriage way and very limited visibility renders this junction hazardous for vehicles emerging on to the main road. By contrast, the appeal site entrance, some distance to the west, appeared to me to have significantly greater visibility splays due to the curve of the road and the existing form of the site entrance. Moreover it provides a level entry to the site, which can be seen from a considerable distance in both directions. It also seemed to me that, with the recent completion of the A41[T] by-pass south of Bourne End, traffic levels have significantly decreased past the site entrance. Even allowing for its proximity to the road junction, I consider that the existing access would not be unacceptable in terms of its capacity and layout to serve the proposed development. In these circumstances I do not consider that the additional traffic likely to be generated by your client's proposed development would be likely to cause an unacceptable increase in traffic hazards on London Road. In my opinion, therefore, the refusal of planning permission would not be justified on this ground.

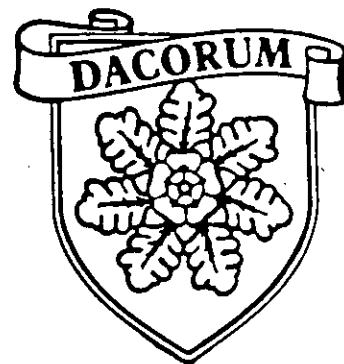
18. I have considered all the other matters raised in this appeal, but find nothing of sufficient weight to persuade me that planning permission should be granted.

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

Yours faithfully



G R HOLLAND OBE Barch MCD MRTPI
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1324/94

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RH2 7B

DEVELOPMENT ADDRESS AND DESCRIPTION

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Adjacent to "The Old Cottage", London Road, Bourne End, Hemel Hempstead

THREE DETACHED DWELLINGS (OUTLINE)

Your application for *outline planning permission* dated 03.10.1994 and received on 12.10.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

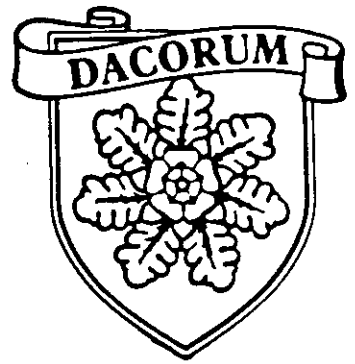
Director of Planning

Date of Decision: 02.12.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1324/94

Date of Decision: 02.12.1994



1. The site is located within the Green Belt which must remain as essentially open land. Policies of the Development Plan and national policy are consequently aimed to strictly control new development within the Green Belt. There is a presumption against building development, and only agriculture, forestry, mineral extraction and open air recreation uses are generally acceptable uses as specified through Policy 3 of Dacorum Borough Local Plan Deposit Draft & Proposed Modifications and Further Modifications. The proposal is in conflict with Green Belt policy as the scheme is not an appropriate development.
2. The site occupies a relatively prominent canalside position within both the Green Belt and Winkwell Conservation Area, and adjoins a Grade II listed dwellinghouse and more recent residential development. Policies of the Development Plan aim to protect the environment of the Borough and ensure that highway safety is not prejudiced. Applications will be refused which conflict with these policies. The proposal will prejudice the policies as it will be detrimental to both the visual and residential amenity of the area and the access is substandard, given the relationship between the site and the layout to the existing environment.