



# The Planning Inspectorate

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28 JAN 1998

Reynolds Porter Chamberlain<sup>nts</sup>  
Chichester House  
278/282 High Holborn  
London  
WC1V 7HA

Your ref:  
SEC/CRE.17-11

Our ref:  
T/APP/A1910/A/97/287507/P4

Date: 27 JAN 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY CREST HOMES (EASTERN) LTD.  
APPLICATION NO: 4/01402/97/FUL

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the failure of the Dacorum Borough Council to give within the prescribed period notice of their decision in respect of an application for the demolition of 2 no. existing dwellings and the erection of 10 no. detached dwellings and associated private road, on land at 59-61 Covert Road, Northchurch, Berkhamsted. I have considered the written representations made by you, by the Council and 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 12 January 1998.

2. The development plan comprises the Hertfordshire County Structure Plan Review, incorporating approved alterations, 1991 and the Dacorum Borough Local Plan, adopted 1995. The latter accords with the Structure Plan in directing housing development towards the principal towns, such as Berkhamsted. The site is located within the urban area of Berkhamstead and there is therefore no objection to the principle of residential redevelopment here. In line with national policy, the recycling of urban land is encouraged in both the Structure and the Local Plan.

3. Both plans also contain policies which seek to protect the character of existing settlements and the amenities of the area. Local Plan Policy 8 lists the criteria necessary to produce a high standard of development and Policy 101 sets out the criteria for assessing whether the density of housing development is appropriate with particular regard to its effect on the amenity and character on the surrounding residential area; high urban densities are to be avoided at the edge of the urban area to achieve a soft edge to the countryside. This is of particular relevance here as the rear boundary of the site abuts the Metropolitan Green Belt and the Chilterns AONB. In recent correspondence, the Council states that the appeal site encroaches into the Green Belt but this does not appear to be borne out by my examination of the extract supplied from the Local Plan Proposals Map, allowing for its small scale.

100%



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4. Local Plan Policy 94 seeks to protect trees and woodland and this is reinforced by the as yet unconfirmed Tree Preservation Order (TPO) which covers a single beech tree at the front of the site and a group of trees along the rear boundary. I note that an objection has been lodged against this order but until such time as this has been resolved, I shall treat the TPO as being in force.

5. From my reading of the representations and from my inspection of the appeal site and its surroundings, I consider the main issue in this case to be the impact of the proposal on the character and appearance of the area.

6. Covert Road is at the west end of the built up area of Berkhamsted and Northchurch. The area has been the subject of a Residential Areas Character Study by the Council, which has been the subject of public participation; this is intended in due course to be published as supplementary planning guidance and to form the basis for the review of the Local Plan. This is a material consideration, although it lacks the status of a development plan. The Study indicates the character of Northchurch as being that of a residential area of medium sized dwellings set in a mainly ordered, formal layout with regular spacing and building lines with both suburban and semi-rural qualities. To my mind, this last phrase applies particularly to Covert Road; to the eastern end it is formal suburban in character; to the western end, in which the appeal site lies, it is far more informal and semi-rural in character, until it eventually reaches the mobile home park known as "The Limit".

7. The above Study indicates that redevelopment may be acceptable on some sites in Northchurch but that the density should not exceed 15 dwellings per ha. Whilst density alone is not always a reliable indicator of character, the proposed development would be some 24 dwellings per ha. which is well above that for this part of Covert Road. The proposal would result in a closely built up frontage of 3 dwellings which would introduce inappropriate formality to this part of Covert Road. The proposed layout has been designed to meet the Council's published minimum guidelines. However, this is a steeply sloping site, containing a number of trees and I am concerned that the submitted house plans fail to reflect the steep slope and neither is there a cross sectional drawing. Even interpreting the scheme cautiously leads me to have reservations about a number of important details.

8. First, the beech tree (T1) on the frontage, which is protected by the TPO, is an important tree to the semi-rural character of Covert Road. However, the proposed access road would encroach into its root system. Although your client's tree consultants consider this can be achieved with little damage, this opinion does not appear to be enlightened by a detailed sectional drawing showing the extent of the road and drainage works. This specific concern of mine extends more generally to the impact of the proposed road construction on other adjacent trees.

9. Second, although the proposed dwellings on Plots 2 and 3 would pose no direct threat to tree T1, they would be sited so close that the future occupiers would experience a substantial reduction in daylight; this would be likely to lead to pressure to remove or thin the tree. Either of these courses of action would diminish the character of the street scene. Because of the steep slope, the rear gardens of Plots 8-10 would be likely to be overshadowed by the group of TPO trees along the rear boundary of the site, which have the potential for substantial further growth. Pressure from future occupiers for the removal of some or all of these trees would in my view seriously diminish the important contribution that these trees make to the softness of the rural fringe, which Local Plan Policy 101 seeks to maintain.

10. Third, the proposed house on Plot 4 would appear unduly overbearing when viewed from Plots 2 and 3 by dint of its large massing close to the boundary and its elevation.

11. My overall conclusion is that the proposed development would conflict with the aims of the development plan by being inappropriately dense for this site, having regard to the semi-rural character of the area. It would unduly place at risk a number of trees which are important to the appearance of Covert Road and to the setting of the Metropolitan Green Belt and the Chilterns AONB.

12. I have taken account of all other matters raised in this case but have found nothing of greater significance than those material considerations which have led me to my conclusion that this proposal is unacceptable.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal, and refuse planning permission for the development described in paragraph 1 above.

Yours faithfully

*B.S. Rogers*

B.S. Rogers BA, DipTP, MRTPI  
Inspector