

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

A S White  
7 Egerton Place  
London SW3 2EF

To A T White  
Farnborough Downs Farm  
Farnborough  
Wantage  
Oxon

A E King BA (Hons) BPI MRTPI  
Dovecot Barn  
Alderpark Meadows  
Long Marston  
Nr Tring  
Herts HP23 4RB

Four dwellings and formation of new access

at 'Burghfield'  
Shootersway, Berkhamsted

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 20 August 1989 and received with sufficient particulars on 29 August 1989 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposal involves the loss of a large house, 'Burghfield', set in a large plot, which contributes to the spacious and open character of Shootersway. This house affords an important degree of partial screening to the adjacent modern development known as 'The Hemmings', and as such has a role in maintaining the character of Shootersway. Its replacement with a group of four detached dwellings of comparable plot size to 'The Hemmings' would, in the opinion of the local planning authority, detract from and prove injurious to the spacious and open character of Shootersway.

Dated 9th day of November 1989

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.



# Planning Inspectorate

Department of the Environment

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PLANNING DEPARTMENT						GTN 1374	
DACORUM BOROUGH COUNCIL							
Ref. BP1 MRTPI				Ack.			
C.P.O.	I.C.P.M.	O.P.	D.C.	B.C.	Admin.	File	
Received				23 JUL 1990			
Comments				DATE 20 JUL 90			

A E King BA(Hons)  
Dovecote Barn  
Alder Park Meadows  
Long Marston  
TRING  
Herts. HP23 4RE

YOUR REFERENCE

OUR REFERENCE

/APP/A1910/A/90/147019/P7

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MESSRS A S AND A T WHITE  
APPLICATION NO: 4/1446/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for 4 houses at 'Burghfield', Shooters Way, Berkhamsted, Herts. I held a hearing into the appeal on 4th July 1990.
2. The proposal is to replace an existing 3 storey detached house set in grounds of about 0.38ha. with 4 detached houses. The Council accept that the site lies in an area where there is no objection in principle to residential development and also, have no objection on grounds of design, highway safety or effect on trees, including those covered by a tree preservation order. Therefore, after considering all the representations made and from what I saw at my visit to the site and the surroundings, I conclude that the main issue in this case is whether the proposal would seriously harm the character of the locality.
3. The site is located on the southern edge of the built up area of Berkhamsted in a mainly low density residential area where there has been modern infill development of detached houses. This includes 'The Hemmings', a small cul-de-sac estate of 7 detached houses to the side and rear of the appeal site. The general character of the locality is of a semi-rural nature due to the abundant hedgerow and tree planting that is established along Shooters Way and in the grounds of existing houses. The site itself is enclosed by substantial trees and hedgerows. These effectively screen the existing house from view except for glimpses of the roof and side elevation when viewed from Shooters Way across the entrance to 'The Hemmings' estate. To the southwest of 'The Hemmings' are woodlands and fields rising gently into open countryside where the proposed Berkhamsted by-pass is planned to run from west to east.
4. Briefly, the Council takes the view that because the locality has a spacious and semi-rural character, created by the presence of large detached houses and trees, the introduction of 4 houses to replace one large house would be harmful. The proposal would, in comparison to existing development, be at a higher density and appear cramped thereby adversely affecting the



appearance of the area and detracting from a softening of the transition of the urban area into open countryside. It is also considered that an unwelcome precedent could be created and reference was made to previous appeal decisions relating to nearby houses known as 'Woodrising' and 'Balcary' and also to Bancroft Road.

5. I believe the principle rural feature in the appearance of the locality, and thereby fundamental to its character, is provided by the dense and well established roadside planting along Shooters Way. Whilst this wooded effect is carried over into the gardens of houses adjoining the road, I did not gain the impression that building density (that is, houses in very large grounds) are necessarily essential to the maintenance of this character. What is important, in my view, is to avoid any unnecessary breaks in the continuity of this wooded appearance by indiscriminate building.

6. I saw that there has been more than one small estate of modern houses inserted into gaps behind the Shooters Road frontage which have not imposed their presence unduly and as a consequence the semi-rural feeling to the area has not been damaged. The Hemmings development, in the main, achieves this aim because the land falls away from Shooters Road and the abundant foliage around the appeal site screens most of the house from view. It seems to me this is the point the Inspector was making in commenting on 'The Hemmings' in relation to the 'Woodrising' appeal. Contrary to the Council's interpretation of the appeal, I do not believe the Inspector was just referring to Burghfield house as clearly without the surrounding trees it would not be an effective screen to the estate.

7. The proposal introduces 4 plots, which are comparable in size to other recent developments in the locality, into the space currently occupied by 'Burghfield' house. The buildings would be no higher than the existing house and the tree and hedgerow surrounds would not be affected apart from access drives, of which two already exist as breaks in the boundaries. Given these circumstances, I am satisfied that the semi-rural character of the locality would not be seriously affected as the view of the site from Shooters Road would not be appreciably changed and the effectiveness of the established trees and hedgerows would remain undiminished. Consequently, I conclude that the effect of the proposed development would not be sufficiently harmful to the appearance and character of the area to justify withholding permission.

8. In reaching this conclusion I have noted the Council's point about views from the proposed by-pass, but as it is some distance away and the 4 house would be seen against a generally built up background, I do not give this objection great weight. Similarly I see no conflict with previous appeal decisions, for the reasons given above and because the appearance of the Shooters Road frontage would not change materially.

9. With regard to the Council's suggested conditions, which we discussed at the hearing, I have given these consideration bearing in mind Circular 1/85. In view of the lack of some details on the plans regarding materials I accept the need for samples to be submitted for approval in the interests of amenity. For the same reason I propose to attach to the permission a model landscaping condition to ensure the protection of trees and provide for replanting if necessary. However, I do not believe access road conditions are necessary as only driveways are proposed and circumstances do not justify the withdrawing of permitted development rights.

10. I have taken into account all other matters raised including the letters of objection from local residents and also, Mr Richard Page MP the Local Member of Parliament, but find nothing of sufficient weight to influence the considerations that have led me to my decision.

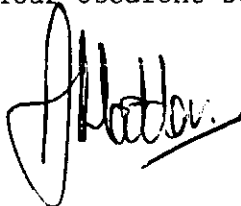
11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for 4 houses at 'Burghfield', Shooters Way, Berkhamsted, Herts. in accordance with the terms of the application (No.4/1446/89) dated 20th August 1989 and the plans submitted therewith, 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. before development is commenced samples of the external materials to be used in the buildings shall be submitted to and approved by the local planning authority.
3. 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;
4. 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.

12. 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.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir  
Your obedient Servant



A W HODDER FRICS  
Inspector

## APPEARANCES

### FOR THE APPELLANT

Mr A E King BA(Hons) BPl.MRTPI.

Planning Consultant  
Long Marston  
Tring

### FOR THE PLANNING AUTHORITY

Mr J R Doe BSc(Hons) MRTPI.

Senior Planning Officer  
Dacorum Borough Council

### INTERESTED PERSONS

Mr D Vaughan  
(for himself and Mr Rimmer)

3 The Hemmings  
Shooters Way  
Berkhamsted

## DOCUMENTS

- Document 1 List of persons present at the hearing
- 2 Letter of notification and persons notified
  - 3 Letter from Mr Rimmer
  - 4 Letter from Capt. A K Cassels

## PLANS

Plan A Application plans - HS70A,71,72,73 plus 1:1250 location plan