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PLANNING DEPARTMENT						
Messrs Davies & Sons 271 High Street Berkhamsted Herts				DACORUM BOROUGH COUNCIL		Your Reference: 90/118
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	Ack. 90/118
						Council Reference: 90/118
						Our Reference: T/APP/C/90/A1910/000007/P6
Received 21 NOV 1991				T/APP/A/1910/A/90/173393/P6		
Comments				Date: 19 NOV 91		

**CHIEF EXECUTIVE OFFICER**  
20 NOV 1991  
File no. ....  
Refer to DP  
Cleared 20/11

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 174 AND 78 AND SCHEDULE 6  
APPEALS BY MR P W J MORGAN  
LAND AND BUILDINGS AT 10 CROMER CLOSE, LITTLE GADDESSEN, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against an enforcement notice issued by the Dacorum Borough Council, and against a refusal of planning permission by that council, concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council, and I inspected the site on 14 October 1991.

2.
  - a The date of the notice is 7 September 1990.
  - b The breach of planning control alleged in the notice is "Partial erection of a garage structure shown edged blue on the attached plan".
  - c The requirements of the notice are "Removal of the said garage structure".
  - d The period for compliance with the notice is four months.
  - e The appeal was made on the grounds set out in Section 174(2)(a) of the 1990 Act.
3. The development for which planning permission was refused is "Erection of detached double garage".

The appeal site and surroundings

4. The appeal site lies to the west side of Nettleton Road, a C-Class highway. The road runs for several miles through areas which are predominantly countryside, with many trees and woodlands. The road is,



RECYCLED PAPER

however, flanked by a good many houses. The appeal site comprises the curtilage of one of a pair of semi-detached dwellings near the mouth of a small cul-de-sac. The house is set back some 16 metres from the carriageway edge, and some 10 metres behind the curtilage boundary. To the south lie several detached dwellings, with larger curtilages. The nearest is set back some 22 metres from the carriageway.

Ground (a), the deemed application, and the Section 78 appeal

5. The Council have referred to the Hertfordshire County Structure Plan approved in 1988, and to the following policies as applying to the appeal site; Policy 2, Chilterns area of Outstanding Natural Beauty; Policies 47 and 48, Character and Structure of Hertfordshire and Form and Fabric of Settlements; Policy 52, Rural Settlements beyond the Green Belt. The Dacorum District Plan as adopted in 1984, and as proposed to be changed, appear to me to have the general effect of reinforcing these policies as they apply to the circumstances of this case.

6. I consider that the provision of a garage is in principle a very reasonable development in the context of a dwelling of this kind. In the context, of dwellings set in a predominantly rural area recognised of being of outstanding beauty, it appears to me that the project should stand or fall on its individual merits. Whether or not it is acceptable having regard to its height, mass, design, and position thus provide, in my opinion, the issue on which the case turns.

7. I note that the ground on which planning permission for a garage in this position was refused in August 1989 was that it was visually unacceptable, being considerably higher than the roadside fence and planting, and that the materials were unacceptable in the rural area and the AONB. A further application was submitted, incorporating a flat, felted, roof and timber cladding. This was again refused, however, and is the subject of the Section 78 appeal.

8. I do not consider that a flat-roofed, timber-clad building as proposed would be an attractive feature of this locality, though I do recognise that these salient features have been introduced in attempt to meet objections raised by the Council. Your client has indicated that reduction in height, from 2.7 metres to 2.3 metres, would be acceptable if that would make the crucial difference, and further modifications could be required by condition. However, I do not regard mass and design as raising the crucial objection; to my mind the garage is in an unacceptable position, for reasons which I explain below.

9. The building in question would be well to the front of the house. If permission for it was granted it would be more difficult to resist similar projects in the future. A permission would in my opinion be likely actually to encourage such development. I consider that the character of the area gains much from the relatively secluded nature of many of the houses, which they enjoy by reason of their set-back. Thus the completion and retention of this garage as an authorised structure could eventually lead to very substantial and adverse effects.

11. I accept that the individual development would be localised and limited in effect. It would not in context be a dominant or even a very prominent feature of the locality when seen from public footpaths or from the road. It would however either remain visible, or be hidden by

a screen of conifers not itself an attractive or appropriate feature in this locality. At all events these matters are not the crucial ones any more than design; the basic objection that the position is inappropriate must always remain.

12. I have taken into account all other matters raised in the written representations but none has the weight to affect my decision. Accordingly the ground (a) appeal fails and I do not consider it appropriate to grant planning permission on the application deemed to have been made or in the case of the Section 78 appeal.

FORMAL DECISION

The appeal against the enforcement notice, reference  
T/APP/C/90/A1910/000007/P6:

13. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal, uphold the enforcement notice, and refuse to grant planning permission in accordance with the application deemed to have been made under Section 177(5) of the 1990 Act.

The appeal against refusal of planning permission  
T/APP/A/1910/A/90/173393/P6:

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

RIGHT OF APPEAL AGAINST DECISION

15. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal to the High Court are enclosed for those concerned.

I am Gentlemen  
Your obedient Servant



E K Seymour BA MRTPI  
Inspector