



PLANNING

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SAVAGE & PARTNERS
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Applicant:

W E BLACK LTD
C/O SAVAGE & PARTNERS
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AMERSHAM
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HP6 6AA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01459/97/FUL

ADJ 5, CASTLE HILL CLOSE, BERKHAMSTED, HERTS, HP4 1HR
CAR PARK

Your application for full planning permission dated 12 September 1997 and received on 18 September 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 12 February 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01459/97/FUL

Date of Decision: 12 February 1998

- 1. The proposed development would have a seriously detrimental effect on the trees on the site, many of which will have to be removed for the construction of the car park. Furthermore, the health of several trees will be undermined because of the difference in levels on the site, the provision of a retaining wall and the proximity of the trees to the proposed hard surfacing.**
- 2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.**



The Planning Inspectorate

TJ

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Received

19 OCT 1998

Your Ref:

Savage and Partners

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Comments

Our Ref:

T/APP/A1910/A/98/297715/P8

Date:

16 OCT 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY W E BLACK LTD
APPLICATION NO: 4/01459/97/FUL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for a proposed car park on land adjoining Castle Hill Close, Berkhamsted, Hertfordshire. I have considered all the written representations together with all other material submitted to me and I inspected the site on 21 September 1998.

2. The site is part of a strip of land which lies to the north of the car park for Berkhamsted Station. This strip can best be described as a long wooded east-west bank, around 4-5m above the level of the car park. Horse chestnuts apparently over 120 years old, and around 20m high, form the predominant vegetation type. Some 33 of the trees on this bank, mostly chestnuts, are the subject of a tree preservation order (TPO) dating from 1989. Your client's part of this strip contains TPO trees numbered 1-7 which are an ash (T1), five horse chestnuts (T2, T3, T4, T6, T7) and a cedar (T5). The proposal is to provide an access from the north-west corner of the station car park, remove most of the bank and the trees (but leaving T1 and T7 behind retaining walls) and create around 33 parking spaces. A previous application for a detached house and garage on the site was refused planning permission and a subsequent appeal was dismissed in April 1998. (Our ref T/APP/A1910/A/97/288092/P4).

3. The development plan comprises the Hertfordshire Structure Plan and the Dacorum Borough Local Plan. Policies which I consider have most direct relevance in this appeal are Nos 60 and 94 of the local plan. Policy 60 encourages improvements to public transport services and facilities. Land for public transport operations will normally be retained for this purpose. Safeguarding of specific sites for continued public transport use is indicated in a schedule and the plan itself shows the appeal site, together with remainder of the wooded bank and a narrow trackside strip to the west of the existing station car park as site T24 - existing station interchange facilities to be safeguarded for this use. Policy 94 encourages the preservation of trees and woodlands. Where new development is proposed a high priority

will be given to the retention of existing trees and woodlands and to their protection during development.

4. From the above and from all I have seen and read in this case, I consider there to be 2 main issues which I deal with in turn. First is the degree of importance that should be attached to the notation in the development plan and second is the effect of the proposal on the character and appearance of the surrounding locality by reason of the loss of trees and banking.

5. On the first main issue, Section 54A of the Act requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise. You make the point that using the site for car parking, presumably for drivers and passengers who are continuing their journey by train, is in accordance with the development plan, and hence the scheme should be allowed. However this matter was considered by the previous Inspector dealing with the appeal in April 1998. In posing the issue whether there would be an unacceptable loss of potential public transport facility by developing the site for a house, that Inspector noted that the land was sold to the appellants (the same company as now) by British Rail and that Railtrack - the successor to British Rail as far as fixed property is concerned - regarded the site as surplus to its requirements. He considered that policy 60 of the local plan was no longer relevant to the proposal.

6. There is nothing before me to indicate that matters have changed since April this year and I therefore see no reason to depart from the previous Inspector's conclusion on this matter. I note also that the defined site T24 seems to include much of the remaining 250m of wooded bank to the east of the appeal site, that the Council say they will amend the boundaries of the site at the next review of the local plan as there is no longer a need to safeguard the appeal site, and that the existing station car park is at present not used to anything like capacity. In the circumstances I consider that the development plan notation is no longer relevant to the appeal site.

7. As regards the second main issue I see no reason to disagree with the previous Inspector who considered the trees on the appeal site to provide an important visual amenity for residents of Castle Hill Close and Bridgewater Road (to the north of the station car park) and for persons using Berkhamsted Station. That indicative scheme would have required the removal of fewer protected trees than in the car park proposal before me, and removal of much less of the bank. This latter in my opinion effects an important reduction in the transference of noise from passing trains (particularly the fast Intercity ones on what is the West Coast Main Line from Euston) as well as from activities within the station car park. I was invited to view the belt of trees from lower down in the town, near the canal, and it was obvious to me that they also formed a significant feature in the wider landscape and that the removal of the western 55m or so would be very apparent.

8. You say the test is whether the trees are so special that an unacceptable loss of amenity would arise if they were to be felled. Once more I see no reason to disagree with the previous Inspector that the loss of trees would be significant and contrary to the objective of, in this case, local plan policy 94. I am not aware of any further representations concerning the alleged poor state of health of the trees, which was disputed by the Council in the previous appeal, and I therefore accept the conclusion of the previous Inspector that

in the absence of clear evidence to the contrary, the retention of the trees would be in the public interest.

9. I conclude on the second main issue that the proposal would harm the character and appearance of the surrounding locality by reason of the loss of trees and banking, and my conclusion on the first main issue adds weight to what I consider is the unacceptability of the scheme.

10. I have taken account of all other matters put to me including other policies mentioned, the other appeal decision you append, the possible impact of the scheme on wildlife and the general need to make good use of urban land in a town tightly constrained by surrounding Green Belt, but none has sufficient weight to alter my conclusions.

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

Yours faithfully

M. J. Thomson

M J THOMSON BA (Hons) DipTP
Inspector