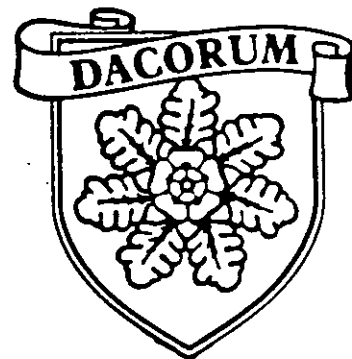


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1464/92

Mr A R Batchelor  
2 Ashmount Cottages  
Swing Gate Lane  
Berkhamsted  
Herts

M Hunt  
35 Upper Hall Park  
Berkhamsted  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

2 Ashmount Cottages, Swing Gate Lane, Berkhamsted.

FORMATION OF ACCESS AND ERECTION OF DETACHED GARAGE

Your application for *full planning permission (householder)* dated 13.11.1992 and received on 17.11.1992 has been **REFUSED**, for the reasons set out on the attached sheet.

Director of Planning

Date of Decision: 18.02.1993

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/1464/92

Date of Decision: 18.02.1993

The site is visually prominent and makes a marked contribution to the appearance of the street scene. The double garage would be out of character and would have a seriously detrimental impact on the appearance of the street scene.



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
Tollgate House  
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Bristol BS2 9D

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PLANNING DEPARTMENT						GTR	
DACORUM BOROUGH COUNCIL							
Ref.						Ack.	
DoP	T.C.P.M.	D.P.	D.C.	B.C.	Adm.	File	
Received	9 NOV 1993					Our Ref: T/APP/A1010/A/93/227294/P2	
Comments						- 8 NOV 1993	

Mr A R Batchelor  
2 Ashmount Cottages  
Swing Gate Lane  
BERKHAMSTED  
Herts

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO : 4/1464/92

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal, which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of detached garage and formation of new access on land at 2 Ashmount Cottages, Swing Gate Lane, Berkhamsted. I have considered the written representations made by you and the Council, and also those made by the Berkhamsted Town Council and an interested person directly to the Council and forwarded to me. I inspected the site on 25 October 1993.
2. In this pleasant residential area, the protection and enhancement of the built environment is the policy aim under the adopted 1984 District Plan, and is reemphasised in the well advanced Deposit Draft Local Plan. Accordingly, from what I have read and seen I consider the main issue to be whether or not the proposed garage would have an unacceptable effect on the street scene.
3. The proposal would be sited on an open disused area behind the rear gardens of 1 and 2 Ashmount Cottages. This area and the gardens provide an important gap in the otherwise continuous built development on the west side of Swing Gate Lane.
4. The proposed garage would interrupt this gap, but would take up less than half the area's frontage width to Swing Gate Lane. A strip some 4m wide on the higher part next to 28 Swing Gate Lane would remain open and also a narrower strip against the rear gardens. In my opinion this limited loss of openness would not be sufficient to have a marked effect on the contribution which the gap makes to the locality.
5. The garage would clearly be noticeable from Swing Gate Lane, but it would be well set back from the road and partly screened by the maple tree in the verge, by the garden fence and by the proposed planting along this fence and the

frontage. The site excavations, by removing some of the slope, would result in the pitched roof ridge being no higher than the flat roof of the garage of 28 Swing Gate Lane, and the eaves would be level with the top of the garden fence. In my opinion this height would not make the garage unduly intrusive against the background of buildings and trees, nor would it affect any significant long distance views.

6. The Council contend that the freestanding garage would be out of character in an area where most houses have side garages. This is not strictly the case, as there is at least one well secluded detached garage nearly opposite; in any event I do not see that this by itself would be a reason to reject the proposal.

7. In these circumstances, I conclude that the garage would not unacceptably affect the street scene. I am aware that 2 outline schemes for building on the site have been rejected on appeal. However, both involved a dwelling as well and were found to be cramped and out of place, and the extent of building would necessarily have had a far more marked effect on the open gap. The 1987 scheme would also have resulted in the loss of the maple tree. I find therefore nothing in these appeal decisions to conflict with my conclusions.

8. As regards conditions, none were suggested by the Council, but I consider that approval of the external materials, not precisely specified in the application, is justified by the location. As the garage will be separated from 2 Ashmount Cottages, its use for the purposes of this house, as the scheme indicates, needs to be ensured.

9. I have noted a neighbour's concern about traffic hazard from the new access, but this is not supported in any other representations nor borne out by what I saw. This neighbour is also concerned by the proposed loss of parking spaces in front of 2 Ashmount Cottage, which would be replaced by the garage and its drive. These spaces were found to be acceptable in another appeal decision, and due to their screening and layout I do not share your view of the benefits of returning them to garden use. I have taken into account all the other matters in the representations, but find nothing to outweigh the factors which have led me to my decision.

10. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of detached garage and formation of new access on land at 2 Ashmount Cottages, Swing Gate Lane, Berkhamsted in accordance with the terms of the above application (No 4/1464/92) dated 13 November 1992 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of five years from the date of this letter;

2. the garage hereby permitted shall be used only for purposes connected with the residential occupation of 2 Ashmount Cottages;

3. development shall not begin until details of the external materials to be used have been submitted to and approved in writing by the local planning authority.

11. 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 planning decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John F. Hayward', written in a cursive style.

JOHN F HAYWARD BA Solicitor  
Inspector