



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811					
PLANNING DEPARTMENT 1374					
DACORUM BOROUGH COUNCIL					
Project Planning Partnerships			Your Reference		
55 West St	55	West	St	P639	File
Marlow	Marlow	Marlow	Marlow	Admin	File
Buckinghamshire	Buckinghamshire	Buckinghamshire	Buckinghamshire	T/APP/A1910/A/89/142393/P2	
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Project Planning Partnerships
55 West St
Marlow
Buckinghamshire
SL7 2LZ

Madam and Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY ALEC WHITE AND CO
APPLICATION NO: 4/1534/89

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. It is against the failure of the Dacorum Borough Council to give notice of their decision within the appropriate period on an application for outline planning permission for residential development comprising 12 flats at 48 Cross Oak Rd, Berkhamsted. I held a local inquiry into the appeal on 2nd October 1990.
- The appeal site is part of a larger plot at the corner of Cross Oak Rd and Shrublands Rd. On the remaining land permission has been granted for two three-storey blocks of flats, one of which has been built. Outline planning permission exists on the appeal site for a three storey block of 9 flats and, although subsequent details have not yet been approved, the Council raised no objections to the illustrative plans which accompanied the application. The subject of the present appeal was similarly in outline with all matters reserved, and accompanied by fairly detailed illustrative drawings showing a three-storey building containing 12 flats, including five for elderly persons. I have taken these plans into account in considering this appeal.
- From what I have seen, heard and read I consider that there are three main issues in determining this appeal. The first is whether the proposal would lead to increased parking upon Cross Oak Rd to the detriment of traffic safety. The second is whether the proposal would allow enough amenity space to adequately serve the needs of future residents. The third is whether a building large enough to provide the accommodation proposed would unacceptably affect the character and appearance of its surroundings.
- The County Structure Plan was most recently approved in 1988 and the Dacorum District Plan in 1984. Both are currently under review, but I am aware of no intention to alter their general support for residential development, including flats, in Berkhamsted, nor their objective that such development should be in keeping with its surroundings and without serious detriment to the local environment. In the present case the Council have accepted the principle of a three storey block of flats upon the site, but consider that twelve flats would result in a visually unsatisfactory building and would not allow for adequate parking or amenity areas.

5. The development already approved on this site met the Council's parking standards, as set out in guidelines which had been in use since 1984. On the basis of the same standards, the present proposal would not require further space because, whilst the total number of flats would be greater, the occupation of some would be restricted to elderly persons for which a lower parking standard is applicable. However, in October 1989 the Council adopted, as interim guidelines for development control purposes, new requirements for parking provision. On the basis of these, the 53 spaces proposed by your clients would fall about 6 short of the number derived from the guidelines.

6. The new guidelines are included within the review of the local plan which has not, as yet, been examined at a public inquiry. Nor was there any public consultation prior to their adoption as interim guidelines. Nevertheless, the data which led to the old ones was collected in about 1979, and it is likely that by 1989 they were, to some degree, out of date. I have not been appraised of any surveys to support the new standards, but the increase they give rise to in this case seem to me to be a reasonable reflection of increases in car ownership over the last decade. I have therefore attached some weight to them in dealing with this appeal, and I think it likely that the proposal would, from time to time, be likely to give rise to additional parking on Cross Oak Rd.

7. Many of the houses on this part of Cross Oak Rd do not have garages or parking space and I was told at the Inquiry that this causes a high level of road-side parking in the area. I saw nothing during my site visit which leads me to doubt that view, or the suggestion that Cross Oak Rd is fairly heavily trafficked for a road of its type. In view of these factors in combination I consider that any additional roadside parking in the area would increase the possibility of inconvenience, and possibly danger, to passing vehicles. I conclude that the proposal would lead to increased parking upon Cross Oak Rd which would be materially harmful to levels of traffic safety.

8. The Council do not rely upon quantifiable standards in assessing amenity space, but other development in the area give some evidence as to their practice in previous instances. For example, in relation to your clients' approved development on this site, the only private sitting-out areas available to residents of Blocks 1 and 2 would be next to parking areas and overshadowed for much of the day. Moreover, in size and outlook such areas appear to be fairly typical of other blocks of flats in Berkhamsted which were drawn to my attention. On the basis of the illustrative plans the intended sitting-out area for the present proposal would not be markedly below the standards revealed by such examples. Bearing in mind, too, national advice upon such matters I am not prepared to conclude that the present proposal would involve deficiencies in the provision of amenity space sufficient to justify the dismissal of your clients' appeal.

9. In this part of Shrublands Rd there is, in addition to modest sized houses, a substantial church and several large houses in generous plots. Both are reflected, to some extent, in the design and scale of the approved Blocks 1 and 2. Houses on Cross Oak Rd to the south of the crossroads are, in the main, considerably smaller, even though the apparent bulk of a number of them is increased by their being set above road level. I accept that the design of the present proposal should pay some regard to the remainder of your clients' development. However, there would be a substantial gap between the proposed building and Blocks 1 and 2 and I believe it is of equivalent importance that the design of the former should pay regard to the appearance of existing houses adjacent to, and across the road from, the appeal site.

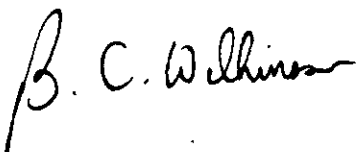
10. The illustrative plans show a building whose ridgeline would be no higher than the house to the south but whose front elevation would be very much wider and closer to the road. In addition it would have a north-east elevation of considerable height and depth which would be in prominent view from the road to the north, which slopes up from its junction with Shrublands Rd. In my view the dominating size and appearance of the proposed building would be markedly at odds with nearby houses and I believe that it would be an incongruous and prominent element of the street scene. Whilst landscaping might soften its appearance it would not substantially reduce its visual impact. I feel that in this instance the similarities in design and scale between the proposal and Blocks 1 and 2 would be less important than its divergence from the general character of the housing on Cross Oak Rd. I conclude that the proposal would affect the character and appearance of its surroundings to an unacceptable degree.

11. In considering this proposal I have attached considerable weight to the illustrative plans submitted. On the basis of those plans I am satisfied that the proposal would be likely to add to existing parking problems in the area, and that the proposed building would be seriously damaging to the appearance and character of its surroundings. I consider that these effects, in combination, would be unacceptably damaging to interests of acknowledged importance. Furthermore the building illustrated, along with the necessary car parking, would take up the bulk of the site and, on the basis of the evidence presented to me, I am not convinced that that an alternative design exists which could overcome the interlocking problems I have identified. It is therefore my intention to dismiss this appeal.

12. In reaching this decision I have borne in mind national advice over the need to optimise the use of land in urban areas, and also the nature of the existing permission for nine flats on the appeal site. I have also taken into account all of the other matters raised. I am aware of nothing sufficient to outweigh the considerations that led to my decision.

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

I am Madam and Gentlemen
Your Obedient Servant



B C WILKINSON B Eng(Hons) DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr D Holgate

Of Counsel, Instructed By
Harrowell and Atkins, Boxwell House
275 High St, Berkhamsted

He called

Ms P B Day BA DipTP MRTPI

Partner
Project Planning Partnership

Mr G Bushby BA BArch

Partner
CGB Partnership

FOR THE PLANNING AUTHORITY

Mr S Baker

Solicitor
Dacorum Borough Council

He called

Ms A Bochnacki BSc DipTP MRTPI

Principal Planning Officer
Dacorum Borough Council

INTERESTED PERSONS

Mr G Harris

Cross Oak Residents Association
95 Cross Oak Rd Berkhamsted

Mr and Mrs McLaren

Local Residents
50 Cross Oak Rd Berkhamsted

Mrs E Walker

Local Resident
63 Cross Oak Rd Berkhamsted

Mr T Domogala

Local Resident
77 Cross Oak Rd Berkhamsted