



The Planning Inspectorate

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

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David Lane Associates 3 College Street	Your Ref: 94/044
St Albans Herts AL3 4PW	Our Ref: T/APP/A1910/A/95/253387/P5 Date: -8 FEB 1996
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Dear Mr Lane TOWN AND COUNTRY PLANNING ACT 199 APPEAL BY MR & MRS KINSELLA APPLICATION NO: 4/1613/94	Received -9 FEB 1996 0 SECTION 78 AND SCHEDULE 6

- 1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of Dacorum Borough Council to refuse outline planning permission for the erection of 2 dwellings on 0.19 hectares of land at the rear of Four Oaks, 17 Tring Road, Berkhamsted. I conducted a hearing into the appeal at the Civic Centre, Hemel Hempstead, on 9 January 1996.
- 2. The Development Plan for this appeal is the Hertfordshire County Structure Plan Review incorporating Approved Alterations 1991, which was approved in July 1992, and the Dacorum Borough Local Plan, adopted in April 1995. Local Plan Policy 8 is concerned with the quality of development proposals and is particularly relevant to this appeal which involves a proposal for development of a "backland" site within the urban area of Berkhamsted.
- 3. On the basis of the representations made to me and of my site visit, I consider that the main issues in this appeal are the effect of the proposed development on the residential amenities of neighbouring occupiers, especially of properties in Lyme Avenue backing on to the site, and the road safety implications of serving the proposed development directly from Tring Road. These two issues reflect concerns that are covered by criteria (d), (e) and (f) of Local Plan Policy 8.
- 4. The main issues that I have identified are in essence the same 2 main issues that were identified in a 1988 appeal decision relating to a proposal for 3 dwellings at the appeal site. In examining the merits of your appeal, I have paid particular attention to the materiality of changes that have occurred both in the proposal itself and in the circumstances surrounding this appeal. I have also had regard to relevant advice in paragraph 26 of PPG3 and in Section 6 and Annex D of PPG13.
- 5. Paragraph 26 of PPG3 refers to the importance of sensitive design and good landscaping if new buildings are to be fitted successfully into small vacant sites in established residential areas. The appeal site is long and narrow and its long side is flanked to the south



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east by 15 Tring Road and by the rear gardens of eight dwellings fronting Lyme Avenue. The gardens of the Lyme Avenue dwellings are relatively short but currently experience high standards of privacy and of peace and quiet. The only means of achieving vehicular access to the appeal site is between 15 and 17 Tring Road and, as the illustrative layout demonstrates, site development is likely to involve an access road close to the rear boundaries of up to 5 of the Lyme Road properties. An access arrangement of this kind was envisaged in the 1988 appeal.

- 6. The proposal before me involves 2 rather than 3 dwellings which can be expected to generate fewer vehicle movements. However reducing vehicle movements is not in my view the critical factor determining whether there would be significant disturbance to and loss of amenity for the occupiers of the Lyme Avenue properties. Use of the access even for only one dwelling would be a source of disturbance and the knowledge that an access to domestic properties might be used at any time would take away the sense of peace and quiet that these properties currently experience.
- 7. You suggest that a close boarded fence and a thickset hedge would in combination provide sufficient noise attenuation, especially if the width of the narrow driveway were to be restricted and vehicle speeds reduced. A close boarded fence could readily have been a feature of the 1988 scheme and I do not consider that the other measures which might now be included would materially alter the situation in relation to noise and disturbance from that considered in 1988. In my view in terms of the effect on the amenities of neighbouring occupiers there would be little difference between the current proposal and the 1988 proposal. Provision of a vehicular access close to the rear of the Lyme Avenue properties would be a source of noise and disturbance causing harm to the amenities of the occupiers of these nearby dwellings and this leads me to conclude as did the Inspector for the 1988 appeal that the form of development proposed would be unneighbourly.
- 8. Following construction of the Tring By-pass, Tring Road is no longer a Trunk Road and traffic flows have fallen by some 50%. Measures have been introduced to achieve a degree of traffic calming, with the 30 mph limit extended to a point north of the appeal site and a 40 mph limit introduced. There have therefore clearly been important changes in traffic conditions since 1988.
- 9. However the physical configuration of the highway remains the same. The road rises westward to a crest some 65m from the appeal site and then drops away quite steeply. This vertical alignment results in interrupted westward visibility from the only potential point for access to the appeal site. The precise sightline distance will vary depending on the height of a driver's viewpoint and the height of an oncoming vehicle. However, I could see that at an eye level 1.05m above the carriageway, the crest of the hill is a serious restriction on westward visibility. I note the advice in the first paragraph of Annex D to PPG13 that new accesses "should not be near to the crest of a hill".
- 10. As the major approach to Berkhamsted from the north-west, Tring Road continues to carry substantial volumes of traffic and because traffic flows are now lower than before the by-pass, the speed of traffic may have increased despite the introduction of some traffic calming measures. Your traffic consultant records 85 percentile speeds of about 40 mph. In the above circumstances, I consider that the proposal to serve the appeal site from the Tring Road still gives rise to concern for highway safety despite the changes flowing from construction of the Tring By-pass.

- 11. The potential vehicular access is at a point where there are already long established accesses to 15 and 17 Tring Road. Works to provide an enlarged access and to lower the high verge could be secured by a Grampian condition and might improve safety for existing users, which under a planning permission that is personal to Mrs Kinsella include operation of 2 hire cars. However a junction improvement would not resolve the problem with westward visibility. A local lowering of the verge might indeed make the visibility worse. Even if western visibility were not impaired, any improvement in safety for existing users would in my view be outweighed by the extra risk arising from vehicle movements from 2 additional dwellings. In coming to this assessment I have taken account of your offer to enter an agreement surrendering the planning permission for operation of the hire cars, but the significance of such a concession is reduced by the inherently time-limited character of that permission.
- 12. The County Council are opposed in principle to development of the appeal site by means of a direct access to a main distributor road and because they seek to retain a safe spacing of junctions are concerned by its proximity to the junction with Lyme Avenue. Given the existence of existing direct access to 15 and 17 Tring Road, the application of such arguments in this case might be considered an unduly strict adherence to principle, however, I saw that such direct access is the exception rather than the rule along this stretch of Tring Road. The limits of the built up area lie a short way to the north-west of the appeal site, and in that direction junctions with and accesses to Tring Road are few in number and well spaced. There is merit in seeking to retain this feature of Tring Road since it should contribute to maintaining safe conditions on the highway. However it is particularly because of the poor standard of visibility westward from the proposed junction that I consider that the proposed development would give rise to a significant safety hazard.
- 13. I have considered all the other matters raised but they do not raise weighty arguments in favour of the proposal nor affect my conclusions that the proposal would harm the amenities of neighbouring occupiers and give rise to a significant highway safety hazard. Having identified that there would be material harm on both these points, I consider that through conflict with criteria (d), (e) and (f) of Local Plan Policy 8, the proposal would be contrary to the provisions of the Development Plan.
- 14. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

SIMON E GIBBS MA MSocSc MRTPI

Simon E Gills

Inspector

T/APP/A1910/A/95/253387/P5

APPEARANCES

FOR THE APPELLANT

Mr David Lane

- David Lane Associates

FOR THE LOCAL PLANNING AUTHORITY

Mrs H Higenbottam - Senior Planning Officer

Mr N Goddard

- Hertfordshire County Council

INTERESTED PERSONS

Mr J G Roberts

15 Tring Road, Berkhamsted

DOCUMENTS

Document 1 List of Persons Present at the Inquiry

Document 2 Notice of Inquiry and list of persons notified

Document 3 Letters in response to Notice of Inquiry

Document 4 Statement on Traffic Considerations submitted by Mr P Field on behalf of the Appellant

Document 5 Appeal Decision T/APP/A1910/A/88/97792/P4 Document 6 Appeal Decision and Report APP/5252/C/81/464,5

Document 7 Extracts from Hertfordshire County Structure Plan Review 1991

Document 8 Extracts from Dacorum Borough Local Plan, 1995

Document 9 Extract from Dacorum's "Residential Land Commitments"

PLANS

Plan A The Appeal Plan Plan B Illustrative Lay Out

Plans C Plans related to Personal Permission for Car Hire

TOWN AND COUNTRY PLANNING ACT 1990 DACORUM BOROUGH COUNCIL



Application Ref No. 4/1613/94

Mr & Mrs Kinsella Four Oaks 17 Tring Road Berkhamsted HERTS David Lane Associates 3 College Street St Albans Herts AL3 4PW

DEVELOPMENT ADDRESS AND DESCRIPTION

Rear of 17 Tring Road, Northchurch, Herts

CONSTRUCTION OF TWO DETACHED DWELLINGS AND ALTERATION TO ACCESS

Your application for *outline planning permission* dated 16.12.1994 and received on 20.12.1994 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

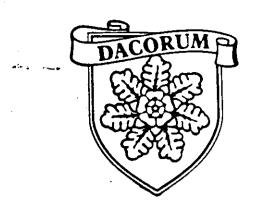
Date of Decision: 13.02.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL

OF APPLICATION: 4/1613/94

Date of Decision: 13.02.1995



- 1. The proposed represents an undesirable form of backland development which would be served by a long private vehicular access abutting the rear gardens of dwellings located within Lyme Avenue. Vehicular movements associated with the access would be likely to be unneighbourly and detrimental to the amenity of adjoining dwellings by reason of noise and general disturbance.
- 2. The junction spacing between Lyme Avenue and the proposed access is substandard and is likely to give rise to conditions prejudicial to highway safety.
- 3. The proposal is contrary to Policy 83 of the Hertfordshire County Structure Plan and policies contained within Transport Policies & Programmes 1994/95, which seek to restrict access to this class of road in the interest of the free and safe flow of traffic.