



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  
Inspector

**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).

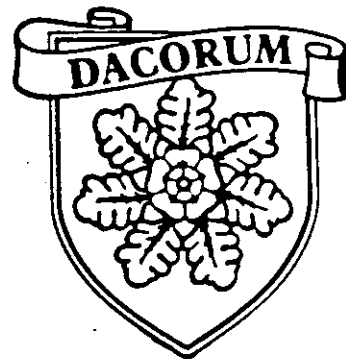
Director of Planning

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.