



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Messrs Boddingtons

Westfield House

31 Shirburn Street

Watlington, Oxon

OX9 5BU

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
Your Ref: 97/26					Ack
Our Ref: T/APP/A1910/A/97/280232/P8					
DoP		D.P.	D.C.	B.C.	Asmt/APP/A1910/A/97/283740/P8
received - 1 DEC 1997					Date: 28 NOV 1997
Comments					

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY FAIRCLOUGH HOMES LTD
APPLICATION NOS: 4/01663/96/FUL & 4/00671/97/FUL

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the decisions of the Dacorum Borough Council to refuse planning permission in respect of applications for demolition of school buildings, erection of 4 storey building of 12 flats and 3 storey building of 3 flats (application 1 as amended) and for demolition of existing buildings and replacement with 4 storey block of 12 flats and 3 storey block of 2 flats and provision of parking (application 2) at Churchill, Graemsdyke Road, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by Berkhamsted Town Council and by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 22 October 1997.
2. The main issues before me in each of these appeals are (1) whether the development would constitute unacceptable overdevelopment of the site and (2) whether it would have an unacceptably harmful effect on the character of the surrounding area and on the amenities which those living nearby can reasonably expect to enjoy.
3. The development plan for the area consists of the Hertfordshire County Structure Plan Review (Alterations 1991) ("SP") and the Dacorum Borough Local Plan ("LP"). Of the plan policies to which I have referred, the most relevant seem to be SP Policies 27, 48, 49 and 60 and LP Policies 1, 7, 13 and 15, the effect of which may be summarised for the purposes of these appeals as favouring the use of suitable land in Berkhamsted for appropriate housing schemes; SP Policy 47, which provides that Local Planning Authorities will protect and enhance the existing settlements and the essential character of the County's urban areas; LP Policy 8, which deals with quality of development and sets out a detailed list of criteria to be met by developers; LP Policy 101, which deals with density of developments in residential areas; and LP Policy 102, which covers the height of buildings. Reference was also made to the Council's Environmental Guidelines, to which LP Policy 9 refers. Section

54A of the 1990 Act requires me to determine this appeal in accordance with the development plan unless material considerations indicate otherwise.

The first application

4. On the first issue, the Council accepts that this land is suitable for flatted development. This seems to me fully in accordance with the development plan housing policies to which I refer above. Government advice in paragraph 15 of Planning Policy Guidance 3 - Housing emphasises the importance of making full and effective use for housing of land within existing urban areas.

5. The requirement in LP Policy 101 that in a conservation area the site density of new development will be expected to conform strongly to that which characterises that area does not apply here. Given the housing policy background, and bearing in mind that Policy 101 sets no specific residential density standards, numerical comparisons between the density of the proposed development and that of the surrounding area seem to me of less relevance than the effects of that density on the amenity and character of the surrounding area in respect of matters (a) to (h) set out in Policy 101.

6. There is a considerable overlap between those matters and the criteria for new development set out in LP Policy 8; matters such as design, visual intrusion, loss of privacy and traffic generation are best considered in the context of the second issue before me. The Local Planning Authority does not suggest that serious noise nuisance would result from the development; and there seems to be agreement that matters concerning landscaping and trees could be dealt with adequately through the imposition of conditions. The main matters to be considered under this issue are, it seems to me, the height of the larger proposed block of flats ("Block A") and the extent of site coverage.

7. LP Policy 102 provides that within towns buildings up to three storeys may be permitted subject to various considerations. Special regard is to be paid to the effect of site levels. Block A would have 4 storeys, although the top storey would be within the roof space. The resulting building would, as many local residents point out, look dominant in this setting, particularly when viewed from houses to the south of Graemsdyke Road which are at a considerably lower level than the appeal site. The building now on the site, however, is of very similar height and bulk and has a similarly dominant effect. The replacement of the present building by Block A could not fairly be said, in my opinion, to harm the character of the area or the site's surroundings merely by reason of Block A's height.

8. With regard to site coverage, the proposal is for the erection of the sizable Block A containing 12 flats, the erection of a smaller three storey block ("Block B") containing 3 flats and the provision of 36 parking spaces in compliance with the Council's parking standards. There would be three amenity areas, one in front of Block B, one behind it and one behind Block A. Viewed from Graemsdyke Road it does not seem to me that the two blocks of flats would look unduly cramped; Block A would be no closer to Champions Court than the existing building; Blocks A and B would be well separated and well set back from the road frontage; and there would be adequate separation between Block B and the house to the west.

9. The Council's Environmental Guidelines, however, require that there should be a private communal amenity area to the rear of residential development designed for multiple occupancy at least equal to the footprint of the building for two storey blocks, and increasing with building height. It seems to me that the proposal falls well short of this standard. The extent to which the private communal amenity area should be increased with building height is not made unambiguously clear in the Guidelines; but the site layout plan makes it that the amenity area to the rear of the four storey Block A, considered on its own, would be well below the extent required. It would be hemmed in and restricted by parking and manoeuvring areas which would separate it from the private area to the rear of Block B; I agree with the Local Planning Authority that this separation would make the latter area unattractive as a private amenity to the occupants of Block A. While I saw during my visit that the amenity area to the rear of Champions Court is even more limited, the erection of the latter was permitted before the present Local Plan requirements came into effect. To my mind the present proposal's deficiency in amenity space would make it unacceptable.

10. With regard to the second issue, it seems to me that in many respects the development would be acceptable, bearing in mind both the requirements of the amenity policies to which I have referred and also the importance of making full use of urban land for housing. While some local residents value the appearance of the existing building, it is not listed, nor is it within a conservation area; it does not seem to me to be of such value to the character of the area as to require its preservation. In terms of scale, bulk and height the proposed development is not in my view unacceptably inappropriate. Although I note what the Local Planning Authority says about the effect of Block B on the street scene, the proposed development as a whole seems to me broadly to respect the townscape and general character of the surrounding area, relating adequately to Champions Court and to the detached houses to the west. Some of the criteria set out in LP Policy 8, such as materials, landscaping and the preservation of trees could be covered by conditions. Parking standards would be met. Although some local residents are worried by the effect of the traffic that would be generated, this concern is not taken up by the Local Planning Authority; in the absence of traffic flow data I would not think it right to withhold planning permission on this account.

11. Privacy and visual intrusion remain to be considered. In my view the effect of the proposed development on Cranham and The Pines to the north would not be unacceptable. These properties would be at a considerable distance from the proposed new development, and there is no planning right to a view; there is good tree cover on the northern boundary of the site. The effect on Cranham of the proposed parking area in the north western corner could be adequately contained by screening. I am, however, concerned by the design of Block A in so far as it would be seen from houses to the south of Graemsdyke Road. While there would be a good separation distance between it and the properties opposite, and while I have concluded that in terms of height and bulk it would be no more obtrusive than the existing building, the size of the windows in the proposed front elevation is such that the building would be unacceptably visually intrusive; the *perceived* effect on privacy would be unreasonably great. This is a further reason for withholding planning permission from the first application.

The second application

12. This is in many respects similar to the first application, and much of what I have said above applies equally to it. There are, however, significant improvements over the first scheme. The number of flats in Block B is reduced to two, leading to a reduction in the number of parking spaces required. This makes possible an altered parking layout which would leave Block A with a considerably improved amenity area behind it. Although the Council does not consider the amenity space sufficient for the amount of development proposed, it is conceded in the committee report that the total space meets the bare minimum requirement; in view of the need to make effective use of housing land I would not in these circumstances think it right to withhold planning permission on amenity space grounds.

13. There are also changes in the design of Block A. The most significant change when looked at from the properties to the south of Graemsdyke Road is in the size of the windows in the front elevation: they are considerably smaller than in the first proposal, and the perception of being overlooked from them would in my view be reduced to an acceptable level. A hipped roof is also proposed, lessening the impression of bulk.

14. In my view, therefore, the second application meets the objections which I have identified to the first proposal, and I will allow the appeal relating to it.

15. I have considered all the other matters raised in the representations before me, but these do not outweigh the considerations that have led me to my decision.

16. The Local Planning Authority suggests the imposition of six conditions on any planning permission, in addition to the statutory "time" condition. These seem necessary respectively for the purpose of ensuring that the appearance of the buildings is satisfactory; to ensure that trees on the site are adequately protected during construction work; to ensure the adequate landscaping of the site; to ensure that boundary treatment and hard landscaping details are satisfactory; and to enable the proper assessment of the archaeological significance of the site. It seems necessary to make it clear that the boundary treatment should provide for the screening of the boundary between the appeal site and Cranham (paragraph 11 above). My wording of the conditions will be guided by the advice and examples set out in Circular 11/95.

17. For the above reasons and in exercise of powers transferred to me, I hereby dismiss the appeal against the refusal of planning application 4/01663/96/FUL dated 3 December 1996. I allow the appeal against the second refusal and grant planning permission for demolition of existing buildings and replacement with 4 storey block of 12 flats and 3 storey block of 2 flats and provision of parking at Churchill, Graemsdyke Road, Berkhamsted in accordance with the terms of application 4/00671/97/FUL dated 30 April 1997 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings the erection of which

is hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. No development shall take place until a plan showing the location of fencing to be erected for the purpose of protecting trees indicated on the approved layout plan as intended to be retained has been submitted to and approved in writing by the Local Planning Authority. Before development commences protective fencing in the locations so approved shall be erected in accordance with Section B of BS 5837: 1991; it shall be 2.4m high close-boarded (sterling board) and mounted on a scaffold framework.
 4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 6. No development shall take place until details of all boundary treatment (which shall include provision for screening along the boundary of the site with the adjoining property known as Cranham) and hard landscaping details (which shall include details of the proposed pergolas and ground surfacing materials) have been submitted to and approved in writing by the Local Planning Authority; and the boundary treatment and hard landscaping shall be carried out in accordance with the details so approved.
 7. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which shall have been submitted by the developer to and approved in writing by the Local Planning Authority.
18. 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 fails to give notice of its decision within the prescribed period.

19. 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. N. Marshall

A N Marshall MA (Oxon) Solicitor
Inspector