

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To  
Fairclough Homes Ltd.,  
Church Street,  
Ware,  
Herts. SG12 9EF.

..... Seventeen dwellings .....
.....
at .... 21, 23, 25, 27 and 29 .....
..... Ashlyns Road, Berkhamsted, Herts. ....

Brief  
description  
and location  
of proposed  
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated ..... 17 November 1987 ..... and received with sufficient particulars on ..... 16 December 1987 (amended) ..... and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. The density of development proposed is excessive and unwarranted in this location and would if permitted prove severely injurious to the general character and amenity of the area.
2. In the opinion of the local planning authority the network of roads in the vicinity of the application site particularly the junctions with Kings Road are inadequate to carry the additional traffic likely to be generated by the proposed development. The proposal would, in addition, be prejudicing the flow and safety of traffic on existing roads, adversely affecting the character of the area.

Dated ..... 4th ..... day of ... February ..... 19 .. 88 .

Signed .....

*W. B. B. B. B.*

Chief Planning Officer

#### NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.

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Dated 4th day of February 1983

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

#### NOTE

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**Planning Inspectorate**  
**Department of the Environment**

Room 140 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
ENV	TOP	DP	DC	DD	Admin.	File
Direct Line 0272-218927						
Switchboard 0272-218811					10 FEB 1989	
GTN 2074						
Comments						

28202

Fairclough Homes Ltd  
Fairclough House  
Church Street  
WARE  
Herts  
SG12 9EF

cf 0 10/2

Date: 8 FEB 89

Our reference:  
T/APP/A1910/A/88/94814/P3

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
AS AMENDED BY THE HOUSING AND PLANNING ACT 1986  
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)  
APPLICATION NO: 4/1773/87

1. 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 17 houses at 21-29 Ashlyns Road, Berkhamsted. I held a local inquiry into the appeal on 8-9 November 1988. At the inquiry an application for costs against the authority was made on your behalf, and I deal with this separately below.

**APPEAL**

2. The appeal site, which was agreed at the inquiry to have an area of about 2.24 acres, covers the land currently occupied by nos 21 to 29 Ashlyns Road. Ashlyns Road is in the form of a loop with 2 junctions onto Kings Road (A416), a radial route leading to Berkhamsted town centre on its southern side. The western arm of Ashlyns Road is joined by Upper Ashlyns Road, a lengthy cul-de-sac. All the properties in both roads are residential, most being 2-storey detached houses fronting the roads. Some, including those on the appeal site, stand in substantial gardens. There are 2 small modern cul-de-sac developments off Ashlyns Road, Ashlyns Court immediately to the north of the appeal site and Gresham Court close to the western junction between Ashlyns Road and Kings Road. A further similar development, Ballinger Court, lies off the western end of Upper Ashlyns Road. In total there are 80 houses using the 2 arms of Ashlyns Road for access onto Kings Road.

3. Both arms of Ashlyns Road slope up from Kings Road; the steepest gradients are on those sections close to the junctions with Kings Road (around 1 in 9) and along the appeal site frontage (about 1 in 8). The highest part of Ashlyns Road is close to the southern end of the appeal site frontage, at a point where the road bends sharply. There is a similar sharp bend in the road further to the north, close to the point where the Ashlyns Court highway joins Ashlyns Road. The width of the carriageway in Ashlyns Road is generally about 5.0m. Footways are not continuous along the length of the road; where they exist, they are generally 1.5m or just over in width. Ashlyns Road is subject to a 30 mph speed limit, and a low standard of street lighting is provided.

4. Nos 21-29 are all good-sized detached properties. 21, 23 and 29 have frontages to Ashlyns Road, while 25 and 27 are set back from the road and approached via a private drive between 23 and 29. The large gardens of these properties are mature with a good tree cover; 8 of the on-site trees, together with those on the southern boundary of the site, are protected by a tree preservation order. This latter row of trees is just within the school playing fields on the southern side of the site. This boundary also marks the northern limit of the Green Belt. To the east lies the rear of a small new housing development, Acacia Grove, which runs off Chesham Road. The site slopes down from the playing fields to Ashlyns Court; the difference in levels between the south-eastern and north-western corners of the site is some 12m.

5. From the evidence at the inquiry, the written representations received, including the letters of 20 June and 29 November 1988 from Richard Page MP, and my observations during the site inspection, I am of the opinion that this appeal turns on 3 principal issues. These are:-

- i. whether the proposal would cause any harm to the appearance or character of the area;
- ii. whether it would prejudice road safety and convenience; and
- iii. whether the occupiers of adjoining dwellings would be adversely affected by the proposal.

6. At the start of the inquiry I made it clear that my formal determination of this appeal does not extend to consideration of proposals submitted since the Council's decision on the application. I have therefore taken into account plans AK, AL, AM and AN as illustrative supporting material only.

7. In my view, there are 2 main aspects to the first issue: the immediate and longer term consequences of the physical changes to the site brought about by its development, and the environmental effects of introducing additional traffic onto Ashlyns Road.

8. The physical changes to the site stem partly from the significant increase in the number of houses on the land. In terms of the proposed density of development, and in comparison with the general character of the surrounding area, I am not convinced that the appeal scheme would be inappropriate. In the recent past the Council has accepted the principle of developing small residential estates in similar situations in this area; in the absence of other planning constraints, such sites make a valuable contribution to the overall housing requirement of the Borough. In this particular case, whilst it has to be accepted that the appeal proposal would change the appearance of this part of Ashlyns Road, I see no reason why an increase in the number of houses on the site would, in itself, be harmful.

9. Of more concern to me, however, is the long term effect of this proposal on the trees. It is clear to me that the existing tree cover on the site makes an important contribution to the pleasant and mature character of this corner of Ashlyns Road, and that every effort should therefore be made to ensure that any development of the site allows this contribution to continue. I accept that the appeal scheme has been designed to retain a significant number of the existing trees, including all those covered by the preservation order, and that a landscaping scheme could enhance the existing planting. However, from the evidence at the inquiry, supplemented by my inspection of the site, I concluded that the number of houses proposed by this scheme was inconsistent with the long-term wellbeing of some of the more important trees on the site. In particular, I regard the trees along the southern boundary of the site as being at risk from future potential harm, due to their close proximity to the sites of the 4 proposed houses on this side of the layout. The possibility of future harm to these trees is increased by their position on the south side of these house plots and the degree of overshadowing that they would cause. I acknowledge that any works

to these trees would have to be the subject of application to the Council, since they are included within the preservation order; however, it seems to me that the layout of a site such as this should take into account the need to prevent trees which are to remain from causing unreasonable inconvenience to future occupiers, a situation which often leads to requests for consent to fell or modify the trees.

10. Whilst I accept that it would be the company's intention to retain other trees on the site, there remains some uncertainty about the longer-term effects of the development on several of the other high amenity trees on the site. For example, trees nos T13, T15, T17, T18 and T19 are all included within the preservation order, and have a significant visual impact. In each case the appeal scheme would involve works close to these trees, but the exact finished levels and positioning of these works is not fully determined in the appeal proposals. I consider that these uncertainties reinforce my concern about the long-term welfare of the trees on the site.

11. In relation to the first issue, I have also considered the effect on the character of the area of the introduction of additional traffic as a result of this proposal. It was stated in evidence that the amount of traffic currently using Ashlyns Road is well below the capacity of the highway; as far as crude traffic capacity is concerned, I accept this view. However, I am of the opinion that this judgment does not necessarily relate to the amount of traffic able to use Ashlyns Road consistent with the maintenance of reasonable environmental conditions. In terms of this criterion, I believe that the development of this site with an additional 12 substantial dwellings would produce an immediate and noticeable impact on the area. Much of the pleasant character of Ashlyns Road derives from the informality of the highway system, including the restricted carriageway width and the intermittent footways, and the present relatively low levels of vehicular movement. A development of the scale proposed would, in my view, add sufficient extra traffic movements to irrevocably alter this character. Moreover, in the longer term such an increase in traffic could lead to pressure for upgrading of Ashlyns Road, an eventuality which I believe would again harm its character.

12. For these reasons, I have concluded that the appeal proposal would cause material harm to the present character of the area.

13. In my opinion, consideration of the second issue, that of highway safety, centres on the ability of the 2 Ashlyns Road/Kings Road junctions to cater safely for the additional traffic likely to be generated by this scheme. In the vicinity of Ashlyns Road the A416 is a 2-lane road with a single carriageway of between 7 and 8m width. It is subject to a 30 mph speed limit, although I was told in evidence that vehicle speeds often exceed this figure. There are no road markings at either junction, apart from hazard centrelines on Kings Road.

14. Visibility for the drivers of vehicles emerging from either section of Ashlyns Road is substandard in both directions in comparison with the standards of Department of Transport Advice Note TA 20/84. I estimate that from a point 4.5m into the western arm of Ashlyns Road, the driver of an emerging vehicle would have clear visibility over some 22m in a westerly direction and only 8m towards the east. At the eastern junction, a driver in the same position would be able to see about 7m to the west and 15m or so to the east. These figures compare with the recommended distance of 90m specified by TA 20/84 for a lightly trafficked junction.

15. I have formed the impression that the absence of accidents at these junctions is due not only to the local knowledge of residents but also to the low volumes of traffic currently using Ashlyns Road. In circumstances such as these where the visibility at the junctions falls so significantly below that recommended, it seems

to me insupportable to allow a development scheme of the scale proposed. Whilst a nominal increase in traffic flows emerging from Ashlyns Road might have no discernable effect on either safety or convenience at these junctions, I am not convinced that the movements associated with a net increase of 12 houses would be so harmless.

16. I heard evidence to the effect that significant improvements to the available visibility at the 2 junctions could be carried relatively easily, and that such improvements would necessitate an agreement between your company and the highway authority under section 52 of the Town and Country Planning Act 1971. However, from the terms of the letter from Hertfordshire County Council dated 5 September 1988 (document 16) it is clear to me that only the principle of such an agreement has been accepted by that authority. The absence of a signed document providing full details of the works to be carried out prevents me from concluding that the deficiencies of the junctions could be fully overcome, especially in view of the extent to which they currently fall short of the recommended standards and the uncertainties over future traffic flows on Kings Road associated with the forthcoming construction of the A41 by-pass.

17. Turning to the third issue, I have considered carefully the relationship between the proposed development and the existing houses adjacent to the site. As I mentioned earlier, the site slopes considerably from the south-east down to the north-west. This slope continues across Ashlyns Court, which is consequently at a lower level than the appeal site. Moreover, there is a sharp drop in land levels on the boundary between the two; the difference between the level of the existing garden of no 21 and that of no 19A is about 2.5m.

18. This fact, together with the close proximity of the proposed houses on plots 1, 5 and 6, leads me to the view that the appeal scheme would have an adverse effect on the occupiers of Ashlyns Court in 2 respects. First, although the proposed house on plot 5 is angled slightly away from Ashlyns Court, I would expect the appeal scheme to produce an unreasonable potential for overlooking from the rear of that house, including the garden, into the rear garden and rooms of no 19A. Secondly, when seen from Ashlyns Court the new houses would be of a size that would dominate and overbear the existing properties, thereby detracting from the outlook currently enjoyed by the occupiers of these houses. I have therefore concluded that the scheme is also unsatisfactory in these respects.

19. In my determination of this appeal I have taken into account all the other matters raised at the inquiry but find nothing to override my conclusion that the scale of this proposal is unacceptable in terms of the 3 principal issues identified in this letter. I acknowledge that this is an area of high demand for houses, and that this pressure is reflected in the housing policies of both the current Structure Plan and the Dacorum District Plan, which specify Berkhamsted as a growth settlement. I also acknowledge the general tenor of current government advice, which emphasises the need to make the best use of land in urban areas. However, in my view neither of these is sufficient to outweigh the specific objections to this particular proposal outlined above.

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

#### APPLICATION FOR COSTS

21. At the inquiry I heard a submission on your behalf that costs should be awarded against the Council. It was argued that the Council had failed to produce evidence at the inquiry to substantiate the reasons for refusal, particularly in respect of the



arguments relating to trees and highway safety. In contrast to your case, which was based on careful survey and analysis, the Council had merely based their evidence on opinion. Paragraph 7 of circular 2/87 makes it clear that this constitutes unreasonable behaviour. The report to the Council Committee which considered the planning application contained a fundamental error, in that the area of the appeal site was wrongly quoted. Upon subsequent discovery of the error, the Council officers did not take the matter back to the Committee for reconsideration. In the light of the objection to the proposal on the grounds of excessive density, this behaviour was also unreasonable. Finally, although consultants acting for your company had produced a detailed report on the highway implications of the proposal, including suggestions for improvements at the 2 junctions, the Council officers failed to discuss the report with your representatives. Even though such discussions might have been fruitless, the Council's failure to respond to requests for meetings at this stage was unreasonable.

22. In response it was said that the Council had produced a substantial amount of evidence at the inquiry on those matters most pertinent to the appeal. The evidence had been well researched and carefully considered, and was sufficient for a decision to be made on the appeal. Although a more detailed tree survey had been produced at the inquiry by the appellants, the Council officers had given an equal amount of consideration to this aspect of the scheme. As far as the highways aspect of the proposal was concerned, officers had carried out negotiations with the appellant's representatives at an early stage. Subsequent difficulties over arranging meetings has arisen only because of commitments to the A41 by-pass inquiry, although alternative officers had met the appellant's representatives. Finally, the error in the Committee report had no significant bearing on the Council's consideration of the application. Even if the appeal was allowed, the behaviour of the Council had not been unreasonable.

## CONCLUSIONS

23. In determining the application for costs, I have borne in mind that in planning appeals the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeal, and that costs are only awarded on grounds of unreasonable behaviour. Accordingly, I have considered the application for costs in the light of circular 2/87, the appeal papers, the evidence submitted by the parties, and all the relevant circumstances in this appeal. In respect of the scope and volume of evidence relating to the tree and highway aspects produced at the inquiry by the Council, I find no reason to conclude that it did not meet the standards set out in paragraph 7 of circular 2/87. Although less documentation was produced at the inquiry by the Council than on your behalf, it seems to me from the evidence that the Council officers had given full and proper consideration to these issues, thereby providing sufficient substantiation of these parts of the Council's case. In view also of the officers' evident heavy involvement in the A41 by-pass inquiry and their attempts to make alternative staff available for discussions with your representatives, I do not consider that the Council's restricted ability to negotiate on the highway aspects of the appeal proposal amounted to unreasonable behaviour.

24. I am, however, less satisfied about the way in which the application was treated at the decision stage in view of the erroneous site area stated in the Committee report. The section of the report setting out the considerations on which the application should be decided makes extensive reference to density, and is immediately followed by a recommendation that the application should be refused (inter alia) because of excessive density of development. In my view, the error in the site area would have been misleading to even an experienced Committee member, suggesting a higher density of development than was actually proposed. The Committee was given no

subsequent opportunity to reconsider this reason for refusal, despite the officers being made aware of the error. I cannot know whether such reconsideration would have affected the Committee's decision on the content of the reasons for refusal, but I consider that the determination of the application was prejudiced by the fact that no such opportunity was allowed. Moreover, I consider that the evidence at the inquiry to substantiate this aspect of the Council's case was insufficient, and provided no justification for refusal of the application on density grounds. In the light of the advice of circular 2/87, I have concluded that the Council's behaviour in relation to this part of their case was not reasonable, and justifies a partial award of costs against them. The amount that I have awarded is thus limited to the costs incurred in refuting reason no 1.

#### FORMAL DECISION ON COSTS

25. Accordingly, a copy of the formal order, which I have made in exercise of my powers under section 250(5) of the Local Government Act 1972 and section 36 of, and paragraph 5 of schedule 9 to, the Town and Country Planning Act 1971 as amended by the Housing and Planning Act 1986, is enclosed with this letter. You are now invited to submit to the Chief Executive of the Council, to whom a copy of this letter and order has been sent, details of the costs referred to, with a view to reaching agreement on the amount. A copy of the guidance note on taxation procedure, referred to in circular 2/87 (paragraph 28), is also enclosed.

I am Gentlemen  
Your obedient Servant



M M BINGLEY BSc (Est Man) ARICS  
Inspector

APPEARANCES

FOR THE APPELLANTS

Miss E Appleby

- Queen's Counsel, instructed by Laytons Solicitors, 76 Bridge Road, Hampton Court, East Molesey, Surrey

She called:

Miss P Haigh BA(Hons) DipTP  
MRTPI

- Director, Oldfield King Planning, 21 Gold Street, Northampton

Mr A Swaby

- Regional Director, Fairclough Homes Ltd, Fairclough House, Church Street, Ware, Herts

Mr A Edwards DipArch DipLA  
MRIBA ALI AFAS ACIA

- Director, Brian Clouston and Partners, 1 Stamford Street, London

Mr A Park CEng MICE MIHT

- Senior Partner, Rennie Park Associates, Roslyn House, Sun Street, Hitchin, Herts

FOR THE PLANNING AUTHORITY

Mrs A Walker

- Senior Solicitor, Dacorum Borough Council

She called:

Mr N Gibbs BA(Hons) BTP  
MRTPI

- Assistant Planner, Dacorum Borough Council

Miss R Chapman BSc(EnvSc)  
MSc(Oxon)

- Woodlands Officer, Dacorum Borough Council

Mr R Scott BSc CEng MICE

- Chief Engineer, Dacorum Borough Council

FOR THE RESIDENTS' ASSOCIATION

Mr N Dee

- 3 Ashlyns Court, Berkhamsted

Mr R Greig

- 8 Ashlyns Road, Berkhamsted

APPEARANCES (continued)

OTHER INTERESTED PERSONS

Mr N Agate	- 21 Upper Ashlyns Road, Berkhamsted
Mrs M Wynne-Jones	- 6 Upper Ashlyns Road, Berkhamsted
Mrs D Van Heems	- 20 Ashlyns Road, Berkhamsted
Mrs J Dunbavand	- Little Oaks, Darrs Lane, Berkhamsted
Mrs C Partridge	- 1 Upper Ashlyns Road, Berkhamsted
Mr A Connerty	- 22 Ashlyns Road, Berkhamsted
Mr C Plumb	- 19A Ashlyns Road, Berkhamsted
Mr A Oddy	- 6 Ashlyns Road, Berkhamsted
Mr J Whittaker	- 4 Ashlyns Road, Berkhamsted

DOCUMENTS

Document 1 - Lists of persons present at the inquiry

Document 2 - Letter of notification and circulation list

Document 3 - Bundle of letters of objection

Document 4 - Council Committee report on application 4/1773/87

Document 5 - Planning history of appeal site and surroundings (including notices of decision)

Document 6 - Extracts from Hertfordshire Structure Plan 1984

Document 7 - Extracts from Hertfordshire Structure Plan Review 1986

Document 8 - Extracts from Dacorum District Plan

Document 9 - Comparative densities of sites: appeal site, Acacia Grove and Ashlyns Court

Document 10 - Extracts from Residential Roads in Hertfordshire

Document 11 - Extracts from Hertfordshire County Council TPP 1988-89

Document 12 - Letter from County Surveyor re precautionary salting, 15 June 1987

Document 13 - Diagram of route distances and times, Ashlyns Road/Kings Road

DOCUMENTS (continued)

- Document 14 - Table of existing visibility splays, Ashlyns Road/Kings Road
- Document 15 - Problem identification and typical solutions, junctions of Ashlyns Road with Kings Road
- Document 16 - Letter from County Surveyor re S52 agreement, 5 September 1988
- Document 17 - Schedule of trees on appeal site:
  - A. by appellant
  - B. by Council
- Document 18 - British Standard Code of Practice: trees in relation to construction (BS 5837:1980)
- Document 19 - Draft British Standard Recommendations: trees in relation to construction, dated 17 December 1987
- Document 20 - Bundle of correspondence between appellant and Council
- Document 21 - Survey of car/garage ownership and population by residents' association
- Document 22 - Press cutting, The Times 8 October 1988
- Document 23 - Bundle of appeal decision letters
- Document 24 - Conditions suggested by Council should permission be granted

PLANS

- Plan AA - Site location plan
- Plan AB - Plan for application 4/1773/87: site layout, 57/01D
- Plan AC - Plan for application 4/1773/87: house type A, 57/02
- Plan AD - Plan for application 4/1773/87: house type B, 57/03
- Plan AE - Plan for application 4/1773/87: house type C, 57/04
- Plan AF - Plan for application 4/1773/87: house type D, 57/05
- Plan AG - Plan for application 4/1773/87: site survey, 57/100
- Plan AH - Pre-application site layout (21 houses), 57/01A
- Plan AJ - Pre-application site layout (18 houses), 57/01B
- Plan AK - Redrawn site layout plan (17 houses), 57/01D

PLANS (continued)

- Plan AL - Site layout plan (15 houses), 57/01E
- Plan AM - Redrawn site layout plan (15 houses), 57/01E
- Plan AN - Redrawn house type D, 57/05A
- Plan AP - Planning history of Ashlyns Road area
- Plan AQ - Dacorum District Plan Proposals Map
- Plan AR - Extract from Hertfordshire Structure Plan Review 1986 Key Diagram
- Plan AS - Boundary of Green Belt in vicinity of appeal site
- Plan AT - Areas of high/low density development, Ashlyns Road area
- Plan AU - Typical peak traffic flows, Ashlyns Road area
- Plan AV - Carriageway centreline gradients, Ashlyns Road
- Plan AW - Carriageway/footway widths and off-street parking provision, Ashlyns Road
- Plan AX - Visibility envelopes, Ashlyns Road
- Plan AY1-2 - Line of proposed Berkhamsted bypass
- Plan AZ - Survey of trees on appeal site
- Plan BA - Tree Preservation Order 1988 - TPO no 182
- Plan BB - Position of tree survey photographs

PHOTOGRAPHS

- Photos 1-13 - Views of Ashlyns Road (by Mr N Agate)
- Photos 14-26 - Views of Ashlyns Road and Kings Road (by the Residents' Association)
- Photos 26-63 - Tree survey photographs (by appellant)

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1971 AS AMENDED BY THE HOUSING AND PLANNING ACT 1986

ORDER AS TO COSTS

THE BOROUGH OF DACORUM

I, Martyn Mark Bingley, in exercise of my powers under section 250(5) of the Local Government Act 1972 and section 36 of, and paragraph 5 of schedule 9 to, the Town and Country Planning Act 1971, as amended by section 49 of, and paragraph 8 of schedule 11 to, the Housing and Planning Act 1986 and of all other enabling powers, HEREBY ORDER that the Council of the Borough of Dacorum (hereinafter called "the council") shall pay to Fairclough Homes Limited their costs of the inquiry, limited to their costs incurred in refuting reason number 1 for refusal of planning permission set out hereunder, such costs to be taxed in default of agreement as to the amount thereof.

Subject of the inquiry

An appeal under section 36 of the said Act of 1971 against the decision of the council to refuse planning permission for the erection of 17 houses on land situate at and known as 21 to 29 Ashlyns Road, Berkhamsted, Hertfordshire.

Reasons for refusal of planning permission

1. The density of development proposed is excessive and unwarranted in this location and would if permitted prove severely injurious to the general character and amenity of the area.

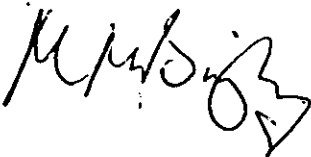
2. In the opinion of the local planning authority the network of roads in the vicinity of the application site particularly the junctions with Kings Road are inadequate to carry the additional traffic likely to be generated by the proposed development. The proposal would, in addition, be prejudicing the flow and safety of traffic on existing roads, adversely affecting the character of the area.

Inquiry

8 and 9 November 1988

Signed:

Date: -8 FEB 89



INSPECTOR