



# The Planning Inspectorate

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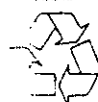
24 AUG 1998

Your Ref: GJS/GS/1020  
Our Ref: T/APP/A1910/A/98/294679/P7  
Date: 21 AUG 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6**  
**APPEAL BY MR J YOUNG**  
**APPLICATION NO: 4/018171/97/FHA**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for alterations to front garden to form off-street parking at 43 High Street, Berkhamsted. I have considered all the written representations together with all other material submitted to me. I inspected the site on 4 August 1998.
2. From my inspection of the appeal site and its surroundings and the written representations made, I consider that the main issue in this appeal is the effect of the proposal on the character and appearance of the Berkhamsted Conservation Area (BCA).
3. Policy 1 of the adopted Hertfordshire County Structure Plan Review 1991-2011 (SP) seeks, among other matters, the preservation of the built heritage. In the adopted Dacorum Borough Local Plan (LP), policy 110 reflects the requirement contained in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy 111 seeks to promote this objective by appropriate management measures. The Council has sought to establish a Conservation Action Plan (CAP) for Berkhamsted in association with English Heritage.
4. The BCA covers an extensive part of the town and includes a wide range of different types of land use including residential, commercial and open space. The appeal site is part of a group of houses located to the east of the start of the commercial element of the town centre. You argue that the proposal, which would involve removing a section of wall along the site frontage, would have an insignificant impact on the overall area. Although it is not clear what you mean by "area", I accept that the character of this eastern part of High Street is varied and includes residential properties, small retail businesses typical of those found on the fringe of town centres, a motor vehicle showroom and, opposite the appeal site, a large factory complex which is vacant. I also agree that within this part of the BCA there are some undistinguished buildings. In the context of the area I appreciate that the removal of a short section of wall may seem inconsequential. However, detailed design elements such as garden walls can, in my judgement, have an impact on the character and appearance of an



area that is out of proportion to their scale in the overall built environment. This I believe is particularly true in conservation areas.

5. The residential properties in the vicinity of the appeal site include houses to the west that are built against the back edge of the pavement and therefore have no front gardens. The dwelling on the appeal site and a number of the dwellings to the east, while set back from the pavement, have their frontages defined by low walls. It seems to me that these walls act as both retaining walls and as a visual link with the houses to the west. Furthermore, I consider that the houses and the walls provide a sense of enclosure that is characteristic of the south side of the High Street in this vicinity. I acknowledge your point that the three properties to the east of the appeal site now have car access and parking areas that appear to have been created by the removal, to a greater or lesser extent, of sections of the original walling. However, I judge that the formation of gaps for vehicular access and the car parking in the front gardens has had a detrimental impact on the visual integration of the row of residential properties in this part of High Street. It has also, in my view, reduced the sense of enclosure that I consider to be a positive element in the urban character of this part of the BCA. Thus these changes are, to my mind, a matter of regret from the point of view of the character and appearance of the BCA rather than an example to be followed. I consider that the wall along the front of the appeal site is a design feature which should be retained in its entirety because it is an attractive feature that provides a visual link with the houses to the west and contributes to the sense of enclosure. In making this assessment I appreciate that the proposal would have the benefit of providing off-street parking for your client. In my opinion this benefit does not outweigh the disadvantage that I have identified.

6. There is disagreement regarding the condition of the wall. The wall seems to me to be in a reasonable condition with little evidence of excessive bowing or other defects that would prejudice its structural integrity. I conclude that the proposal would harm the character and appearance of the BCA in conflict with policy 110 of the LP and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. I have taken into account all of the other matters raised in the representations but none is of sufficient weight to overrule my conclusion on the main issue.

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

Yours faithfully



KEITH HOLLAND BA(Hons)DipTP MRTPI ARICS  
Inspector



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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01871/97/FHA

43 HIGH STREET, BERKHAMSTED, HERTS, HP4 2BX  
ALTERATIONS TO FRONT GARDEN TO FORM OFF STREET PARKING

Your application for full planning permission (householder) dated 28 November 1997 and received on 01 December 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 04 March 1998

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01871/97/FHA**

Date of Decision: 04 March 1998

**. The proposal would result in the partial loss of a boundary wall that contributes to and enhances the character of this part of the Berkhamsted Conservation Area. The removal of the wall would have a detrimental effect on the character and appearance of the Conservation Area.**