



Planning Inspectorate Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL

Brian Branwhite, Surveyors

Barclays Bank Chambers

65 High Street

TRING

Herts

HP23 4AD

Ack.

Your reference

BB 3306

Our reference

T/APP/A1910/A/90/149455/P8

T/APP/A1910/A/90/153585/P8

Date

26 JUL 90

27 JUL 1990

Received

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEALS BY WRIGHT AND WRIGHT (TRING) LTD

APPLICATION NO: 1. 4/0577/89 11. 4/1881/89

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals which are against the decisions of the Dacorum Borough Council to refuse full planning permission for i. the demolition of 104 Western Road and the change of use for display and parking of cars ii. change of use from residential garden to commercial at 104 Western Road, Tring. I have considered the written representations made by you, the Council and interested persons, some made direct to the Council at the time the applications were being considered. I inspected the site together with the adjoining site fronting Cobbetts Ride in respect of your client's 2 appeals concerning that land, on which I write separately, on 3 July 1990.

2. The appeal site in respect of appeal i. is that of the whole of the curtilage of 104 Western Road, and in respect of appeal ii. is part of the rear garden and a narrow strip of land between the house and western boundary of No 104. From my inspection of the site and surroundings, and consideration of the representations made, it seems to me the main issue to be determined in both appeals is the effect on the conservation area and additionally in respect of appeal ii. its effect for residents living nearby.

3. No 104, on the north side of Western Road, is a detached Victorian house that marks the end of the residential properties before your client's commercial garage. Located within a conservation area the main policy consideration of the appeal is stated in Section 277(8) of the 1971 Act (as amended) which provides that in designated conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

4. From what I saw, the unoccupied No 104 is clearly in need of renovation but is capable of becoming a family house with good room sizes etc, so that its demolition would not be justified on the grounds of its 'rundown' state or that it had outlived its useful function.

5. It seems to me that the character of the area is that of a pleasant residential area where No 104, in its prominent position, makes a significant contribution to the appearance of the street scene. In my opinion, the demolition of No 104 to extend car parking over the whole of the appeal site would cause positive harm to the appearance of the area. In failing to enhance or preserve the conservation area your client's project would conflict with the national objectives that are restated also in Policy 14 of the Local Plan.

6. Turning next to consider the second appeal. Whilst the house itself would be retained in this project, it is proposed to include the strip of land adjacent to No 104 in the car parking area at the front of your client's garage, and the car parking area would then extend to the flank wall of No 104. In my opinion this would cause positive harm to the setting of the house, the contribution it makes to the street scene and the conservation area. Similarly, the severance of a large part of the rear garden to provide additional car parking, to my mind, would create an intrusive feature which would cause harm to the more open character of the conservation area at the rear of the residential properties fronting Western Road. In my opinion, therefore, this project also would fail to enhance or preserve the conservation area and warrant its rejection.

7. Considering next the effect of your client's project for people living nearby. It seems to me that in the project in which No 104 would be retained, a future occupier of that house would be affected by noise and fumes arising from the movement of cars in close proximity to the house. The occupiers of No 102, in my view, would also suffer similar disturbance from cars parking close to the boundary they share with No 104. Therefore, it is my opinion that your client's project would be unneighbourly for people living nearby and should be rejected for that reason also.

8. I have come to the conclusion that the projects envisaged in both appeals would fail to enhance or preserve the pleasant conservation area at the western approach to Tring. Furthermore the severance of part of the rear garden and the side strip for the purposes of car parking would lead to unneighbourly conditions for the occupiers of the 2 properties nearby, therefore your client's appeals should not succeed.

9. I have taken into account all the matters raised in the representations, including the alternative projects envisaged on your client's adjoining site and that a favourable decision for the provision of residential accommodation in respect of that land may not be implemented in the event of neither appeal succeeding on the Western Road site, but do not find them of such strength as to affect my decision.

10. For the above reasons and in exercise of the powers transferred to me I hereby dismiss both appeals.

I am Gentlemen.

Your obedient Servant

T R W Roberts

T R W ROBERTS RIBA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Wright & Wright (Tring) Ltd
110 Western Road
Tring
Hertfordshire

Brian Branwhite, Surveyors
Barclays Bank Chambers
65 High Street
Tring
Hertfordshire

..... Change of Use of Residential Garden to Display
..... and Parking of Cars
at Land Rear of 104 Western Road Tring

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 14.11.89 and received with sufficient particulars on 17.11.89 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 site is situated within a designated Conservation Area wherein it is the duty of the local planning authority to have regard to the preservation and enhancement of features of architectural or historic interest. In the opinion of the local planning authority the enlargement of the garage forecourt to abut No. 104 Western Road would have a seriously detrimental effect on the general character and amenity and the overall street picture in this part of the Tring Conservation Area.
2. The proximity of the car parking and display area to Nos. 102 and 104 Western Road would result in the unacceptable loss of residential amenities.

Dated ... First day of ... February 1990

Signed *Wm Branwhite*

SEE NOTES OVERLEAF

P/D.15

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 the date 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.