

C/140/22.12



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CHIEF EXECUTIVE

- 3 FEB 1978

Mr and Mrs J M Jones
5 Kilncroft
Leverstock Green
HEMEL HEMPSTEAD
Herts
HP3 8HH

Your reference

Our reference

T/APP/5252/A/77/5585/G9

Date

2 FEB 1978

008456

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 1922/76D

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the formation of a vehicular access off Thorncroft, Hemel Hempstead, at the rear of 5 Kilncroft, involving the relaxation of a landscaping condition (No 4) in planning permission dated 29 May 1973 granted to Tolley Estates Ltd for the erection of 5 detached houses of which your dwelling is one. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 19 December 1977.
2. From my inspection of the appeal site and the surrounding area, and the representations made, I am of the opinion that the decision turns on the question of whether or not the formation of the vehicular access would have an unacceptably detrimental effect on the amenities and character of the locality.
3. I note that the condition in question was intended to "allow for the retention of existing trees, shrubs and hedges and particularly the boundary hedging to the satisfaction of the local planning authority". The boundary hedge runs at the rear of Nos 3, 5 and 7 Kilncroft and, as you pointed out, continues its line on the other side of the estate road known as Thorncroft. The hedge appears not to have been cut or trimmed for some time and accordingly has considerable vertical growth with a straggling appearance and fairly bare stems for the first 6 ft or so of growth. I noted that some attempt had been made to grow shrubs or bushes in the smaller gaps between the main stems of the hedge growth, but that there appeared to be only grass growing in a gap some 6-8 ft wide towards the south-western end of the rear boundary of your property, with no such planting to fill this gap.
4. The hedge is set about 3-4 ft in from the kerb along the south-eastern side of Thorncroft and there is a narrow grass verge along which runs a low chain link fence apparently marking the rear boundary of your property. Your garden falls slightly from Thorncroft towards your house and the dwellings of No 1, 2 and 3 Thorncroft are on a slightly higher level than your property.
5. I understand that the 6 ft close boarded fence for which you have recently received planning permission will follow the line of the existing chain link fence and that the pedestrian access and access for a boat included in that permission will be


located where I observed the 6-8 ft gap in the hedgerow. I note also that a planning permission has been granted for the formation of a vehicular access and the erection of a garage to the rear of No 15 Kilncroft. I do not, however, accept that this latter case, where there is no hedge but a brick wall and a short length of wooden fence marking the boundary along The Dells to one side and the rear of this property, is substantially similar to the circumstances of your present appeal.

6. It seems to me that the hedge and grass verge at the rear of your garden make a significant contribution to the landscape in this locality, having regard to the particular siting and density of housing in the neighbourhood. Although planning permission has been granted for the erection of a close boarded fence along the boundary, this would be of a height that would provide screening at the lower level of the existing hedge where the nature of the hedge is such that only rudimentary screening exists and to that extent the erection of the fence would in my opinion increase the privacy of your garden and does not have a bearing on the future of the hedge. It seems to me, too, that an access through the fence for a boat is substantially different from a proposal to form a vehicular access which would result in a lowered kerb and the removal of a length of the existing grass verge along Thorncroft. In my opinion there is a significant difference also between an access to park a boat in your back garden and a vehicular access which would apparently be used regularly by you or members of your family, and I consider that a vehicular access by reason of its effect on the appearance of this part of your rear boundary and the associated activity would be unacceptably detrimental in its effect on the amenities and character of the locality.

7. In reaching this decision I have taken into account the fact that although your existing garage has already been extended forward to the building line along Kilncroft, you have given up a certain amount of garage space to make additional domestic room in that part of your house. Consequently you are unable to garage more than one car. I have also considered all the other matters raised, but in my opinion they are not strong enough to outweigh the considerations that have led me to my decision.

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

I am Sir and Madam
Your obedient Servant


A H GIBB MBIM
Inspector