

**Dacorum Borough Council
Planning Department**

Civic Centre Marlowes
Hemel Hempstead
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MR J PROCTOR
24 EGERTON ROAD
BERKHAMSTED
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HP4 1DU

MR R E MARGRAVE
LOUISE WALK STABLES
LOUISE WALK GREEN LANE
BOVINGDON
HERTS
HP3 0JZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/02022/00/FUL

LAND AT LOUISE WALK, ADJ. 57, GREEN LANE, BOVINGDON, HEMEL
HEMPSTEAD, HERTS, HP3 0JZ
DETACHED DWELLING

Your application for full planning permission dated 10 November 2000 and received on 10 November 2000 has been **REFUSED**, for the reasons set out overleaf.

David Noble

Development Control Manager

Date of Decision: 26 January 2001

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/02022/00/FUL

Date of Decision: 26 January 2001

- 1. Due to its location on part of an area of land which currently comprises a soft edge to the village area, forming a grass and treed strip adjacent to Louise Walk, the proposed development would be harmful to the character and appearance of the area, contrary to Policy 8 of the Dacorum Borough Local Plan and Policy 9 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft. Furthermore, the proposed development would result in the loss of part of this landscaped area, including the loss of trees and hedgerow, and, in addition, the siting, layout, orientation and design of the proposed development would add to the detrimental impact on the general character of the area.**
- 2. Due to its proximity and relationship to Foxmeadow, Louise Walk, the proposed development would have a seriously detrimental effect on the privacy and amenities of this property.**
- 3. The proposed car parking provision within the curtilage of the adjoining stables would be located in the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan and the Dacorum Borough Local Plan 1991-2011 Deposit Draft. Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in Department of the Environment Planning Policy Guidance Note 2 - Green Belts, Policy 3 of the adopted Dacorum Borough Local Plan and Policy 3 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft. This element of the proposal represents inappropriate development and no very special circumstances have been advanced to show why planning permission should be granted. This element of the proposal is therefore contrary to national and local planning policies for the area.**



Appeal Decision

Site visit made on 30 April 2001

by **Richard J Maile** BSc FRICS

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

ST	GP	DC	BC	SE
Rec'd 04 JUN 2001				File
Comments:				

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Date

1 - JUN 2001

Appeal Ref: APP/A1910/A/01/1059324

Land at Louise Walk adjoining 57 Green Lane, Bovington, Hemel Hempstead, Herts.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R E Margrave against the decision of Dacorum Borough Council.
- The application ref: 4/02022/00FUL, dated 10 November 2000, was refused by notice dated 26 January 2001.
- The development proposed is the erection of a detached dwelling..

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. This appeal follows a full application made to the Local Authority for the erection of a detached bungalow to be constructed of traditional materials. The application was accompanied by detailed plans showing the proposed dwelling and its siting upon an irregular shaped parcel of land, part of which previously formed the access to Louise Walk Stables. The access has been repositioned to create a small plot of land, which falls within the defined settlement boundary of Bovington.
2. The appeal site is of restricted size, such that the parking facilities associated with the bungalow would be located on land beyond the settlement boundary and within the defined Green Belt. The parking area is currently hard surfaced and used in conjunction with the adjoining stables. Both the appeal site and the adjacent stables, outbuildings, barn, paddocks and ménage are within the same ownership.
3. I have been provided with a Unilateral Undertaking by the Appellant dated 10 April 2001, which covenants that the stables and land shall at all future times be sold, let or otherwise disposed of only in conjunction with and as an adjunct to the land the subject of this appeal. I have also been referred to the planning history of the site, including the Lawful Use Certificate granted on 21 June 1999 in respect of the adjoining land for various buildings and structures associated with the stables.

Main Issues

4. From my inspection of the appeal site and surrounding area and consideration of the representations, I am of the opinion that the principal issues in this case are: firstly, the likely impact of the proposed development upon the character and appearance of the surrounding area; secondly, the effect of the scheme upon the amenities of nearby residents; and, thirdly, whether the use of part of the adjacent site for parking associated with the development comprises inappropriate development within the Green Belt and,

if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.

Development Plan and other Planning Policies

5. That part of the scheme associated with the proposed development and currently forming part of the stables is located within the Green Belt. Guidance at PPG 2 (Green Belts) sets out the presumption against inappropriate development within such areas. Paragraph 3.12 includes the making of any material change in the use of land within the definition of inappropriate development. Paragraph 3.15 seeks to protect the visual amenities of the Green Belt, which should not be injured by proposals for development within or conspicuous from the Green Belt, which might be visually detrimental by reason of their siting, materials or design.
6. The Development Plan comprises the Hertfordshire Structure Plan Review 1991-2011 and the adopted Dacorum Borough Local Plan. My attention has also been drawn to policies of the Dacorum Borough Local Plan 1991-2011, which was placed on Deposit in 1999 and has been the subject of a Local Plan Inquiry. The amended policies of the emerging Local Plan have the same objectives as the policies of the currently adopted Local Plan so far as they relate to the proposals before me.
7. Policy 3 of the Local Plan indicates that there is a presumption against built development in the Green Belt and that a very limited number of uses are generally acceptable, including agriculture and other uses appropriate to a rural area. Policy 8 of the Local Plan (Policy 9 of the Deposit Draft) seeks a high standard in all development proposals. The criteria set out in the policy include requirements that dwellings be appropriate in terms of layout to the site and in relation to adjoining property, and that they respect the density and general character of the area. Criterion [d] requires that development avoids harm to the surrounding neighbourhood and adjoining properties through visual intrusion or loss of privacy.
8. Policy 8 of the emerging Local Plan Review is in line with guidance in PPG 3 (Housing), which seeks to optimise the use of urban land. However, PPG 3 makes it clear that this should not be at the expense of good quality design and layout. New housing developments should not be viewed in isolation. Considerations of design and layout must be informed by the wider context (Paragraphs 56 and 57 of PPG 3).

Inspector's Reasoning

The likely impact of the proposed development upon the character and appearance of the surrounding area

9. The appeal site is of very limited size. Great care has been taken to make effective use of the available space. However, the amenity area to the dwelling would be of very limited size and the bungalow would be set back a maximum of 3.6m behind the kerb line of the roadway. At one point the dwelling would project to within only 2.7m of Louise Walk. This would contrast sharply with the houses opposite, which are set in substantial plots. The bungalow would be set only 1m from the boundary with No 57 Green Lane. It would be closely adjacent to the fence line between the appeal site and the adjacent land in the Appellant's ownership.

10. Development as proposed would, to my mind, be wholly out of character with that of the surrounding area. The size of the plot and, in particular, its very limited depth make it difficult to meet the requirements of Policy 8 of the Local Plan, which seeks to ensure that new development is appropriate in terms of layout by reference to the site itself and the surrounding area. In order to create a satisfactory layout it is necessary for the bungalow to be located close to the boundary fence with the stables, thereby severely restricting the outlook from the proposed living room window, which would be located 1m from the fence.
11. The bungalow would appear somewhat incongruous given its close relationship with Louise Walk, which has been realigned in order to create the appeal site. It would not relate in terms of its scale, design or layout with Foxmeadow opposite, which is a substantial house set back behind a building line of some 8m in line with the other two houses fronting Louise Walk. It would also be at odds with No 57 Green Lane given its close proximity to the boundary with that property in a somewhat backland location adjacent to the flank rear garden fence.

The effect of the scheme upon the amenities of nearby residents

12. In my opinion the living conditions of residents of Foxmeadow opposite would not be affected by the proposed development to such an extent that planning permission should be withheld. In this regard, I have noted that there are three bedroom windows to first floor level and habitable room windows to the ground floor which directly face the appeal site. Although they would overlook the new structure at a distance of some 15-16m, the scale of the bungalow and its detailed layout and design are such that there is unlikely to be any loss of outlook or privacy to the occupiers of that property. The rear private garden area of Foxmeadow would be unaffected by the proposals.
13. The proposed bungalow would be sited close to the boundary fence to the rear garden of No 57 Green Lane. However, given the distance between the rear-facing windows of that bungalow and the appeal site, I have concluded that there would be no loss of outlook. Furthermore, given the orientation of the bungalow relative to the private garden area of No 57 there is unlikely to be any loss of sunlight or daylight, nor would any overlooking of the garden of No 57 be possible from the windows of the proposed bungalow.

The implications of the parking arrangements upon Green Belt Policy

14. It is, to my mind, necessary to consider the proposed development as a whole and to take account of the utilisation of part of the contiguous land for the purposes of car parking associated with the bungalow. Although not part of the appeal site, that land is within the same ownership. Furthermore, the submitted plans make specific reference to the proposed car parking use. No parking provision is shown within the curtilage of the appeal site. For these reasons, and given the definition of inappropriate development in Paragraph 3.12 of PPG 2, I consider that the use of this land for the parking of vehicles associated with a residential dwelling would comprise inappropriate development.
15. In my opinion there are no very special circumstances that would justify making an exception to Green Belt policy had the scheme before me been acceptable in other

respects. I have noted that the area of land to be used for the parking of vehicles associated with the bungalow is already hard surfaced and used for the stationing of vehicles, including cars and other vehicles. It is screened from the south by stables and from the west by fencing and the adjoining development in Louise Walk. Its use for the parking of cars could be made more acceptable by the planting of screen hedging to the north along the edge of the hard surfaced area. The visual amenities of the Green Belt would, by that token, be enhanced. Nevertheless, any vehicles currently parked on this area would be displaced onto land that is also within the Green Belt and likely to be equally, or more, damaging to the appearance of the designated area.

16. The relatively small part of the new bungalow that would be visible from the Green Belt above the existing 1.8m high close-boarded fence would not, to my mind, be harmful to the visual amenities of the Green Belt given the close relationship of other buildings to the Green Belt boundary in the vicinity of the appeal site. In this regard, I have noted the relationship of the two storey house, Foxmeadow, to the boundary. However, these observations, which relate to Paragraph 3.15 of PPG 2, do not make the scheme before me acceptable by reference to Green Belt policy and do not override my conclusions that the reliance upon parking to serve the dwelling on land within the Green Belt is inappropriate development.

Conclusions

17. In my opinion, the appeal site is of insufficient dimensions to permit the erection of a bungalow as proposed without adverse effects upon the character and appearance of the surrounding area, contrary to Policy 8 of the Local Plan and Policy 9 of the Deposit Draft. Furthermore, for the reasons I have detailed above, use of the adjoining site within the Green Belt for parking purposes would be likely to displace other vehicles which currently utilise that land for parking. The existence of a hard surfaced area does not, to my mind, provide the very special circumstances to set aside the presumption against inappropriate development.
18. I have concluded on the Green Belt issue that the small area of the bungalow that would protrude above the existing fence would not be likely to harm the visual amenities of the designated area given the pattern of development in the locality.
19. I have also come to the conclusion that the amenities of nearby residents would not be unacceptably harmed by the scheme before me. However, my conclusions on these two topics are insufficient to override my decision on the principal main issue, and upon the inappropriateness of providing parking facilities for additional vehicles within the Green Belt.
20. During my site visit I inspected a number of other developments nearby to which my attention was directed. A number of these comprise infill development within the defined settlement boundary, whilst others are located on more conventional plots that relate more to their immediate surroundings.
21. I have had regard to the other matters raised in the representations, but none is of sufficient strength to outweigh the considerations that have led to my decision.

Formal Decision

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

Amale

INSPECTOR