

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Messrs Mackrill & Co
c/o Stupples
18 High Street
High Wycombe
Bucks

Project Design
25 West Wycombe Road
High Wycombe
Bucks

4 flats, change of use of office to flat and flat to office,
provision of vehicular access and car parking area
at 320/322 High Street, Berkhamsted

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 28 November 1988 and received with sufficient particulars on 19 December 1988 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 limited separation of the proposed two storey building from the windows of the adjoining flats to the north would be detrimental to the amenity of the existing development by reason of its oppressive impact.
2. The proposed two storey building would by reason of its size and position create a poor visual relationship with surrounding buildings to the north-western side of St Johns Well Lane and car parking immediately adjacent to the highway would be visually intrusive to the detriment of the overall character of the north-western edge of Berkhamsted Conservation Area.
3. The proposed relocated vehicular access and associated sight lines would require the removal of boundary hedging fronting St Johns Well Lane to the detriment of the overall character of the north-western edge of Berkhamsted Conservation Area.

Dated day of 19

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

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.

PLANNING APPLICATION No. 4/2327/88

Reasons Continued:-

4. The Scheme does not specify the retention of boundary trees between the proposed rear garden and the adjoining flats. The removal of the trees, which lie outside Berkhamsted Conservation Area and are not the subject of a Tree Preservation Order, would result in overlooking from the existing flats into the proposed rear garden to the detriment of privacy and amenity.

Dated Eighteenth day of May 1989

Signed



Designation CHIEF PLANNING OFFICER



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

~~1) JDA~~
~~2) JCB~~

Project Planning Partnership 55 West Street MARLOW Buckinghamshire SL7 2LZ	PLANNING DEPARTMENT					Your reference	
	DACORUM BOROUGH COUNCIL					P590	
	Ref.					Ack.	Our reference
	G.P.O.	T.O.P.M.	D.P.	D.C.	D.C.	Admin.	File T/APP/A/1910/A/89/129679/P4 Date
19 MAR 1990					16 MAR 90		
Comments							

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MESSRS MACKRILL AND COMPANY
 APPLICATION NO: 4/2327/88

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the rearrangement of existing accommodation and erection of 4 new starter flats at 320/322 High Street, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by Berkhamsted Town Council. I inspected the site on 15 January 1990.
- From my inspection of the site and surroundings and examination of the representations I consider the main issues in this appeal are firstly, the effect of the proposed development on the Berkhamsted Conservation Area and whether it would preserve or enhance its character or appearance and, secondly, the effect on the amenities of neighbours in terms of their privacy and living conditions.
- The appeal site comprises 2 former semi-detached houses currently used as offices and flats. Land to the side of these buildings, but not the buildings themselves nor the land directly to the rear, is included within the Berkhamsted Conservation Area. This land fronting St John's Well Lane is partly garden and partly car parking and forms the north-western edge of the Conservation Area. The Conservation Area covers an extensive area, including Berkhamsted town centre, and in the vicinity of the appeal site is primarily commercial with buildings of widely different ages and styles. On the opposite side of St John's Well Lane is a modern telephone exchange. Adjoining the site to the north-east is a modern 3-storey block of flats.
- The appeal site forms an open area, with lawns, trees and car parking spaces, bounded along St John's Well Lane by a deciduous hedge. It therefore contrasts with the more densely clustered buildings to the east along High Street. The proposed development would, in my opinion, significantly reduce the open area within the appeal site and result in the loss of a number of trees on the site, which although outside the Conservation Area contribute to its appearance. Furthermore the new access and visibility splay would entail the loss of part of the hedge. This is overgrown but I see no reason why it should not be rejuvenated and continue as

an attractive feature. The additional car parking would also considerably increase the area of hard-surfacing within the site. I have considered your submission that landscaping would improve the appearance of the site and that the new building would reflect the better features of the Conservation Area, but in my view this does not outweigh the loss of greenery and openness. The appeal site is conspicuous when approached along High Street from the south-east and the development would be prominent, thus detracting further from this open character. I conclude on this issue that the proposals would seriously harm the character and appearance of the Conservation Area.

5. Turning to the second issue the proposed building would be about 7 m from the flank wall of the adjoining block of flats. There are 2 windows in each floor of the latter but any views of the proposed building would be limited by a row of young evergreen trees which form an effective screen up to first floor level. The proposed block of flats would be set-back behind the front wall and be only 2-storeys in height, so that although not completely screened it would not appear unduly obtrusive viewed from those windows.

6. With regard to overlooking of the area that would form the rear garden, the flats and offices proposed for 320/322 High Street would be about 14 m away and the windows in the 3-storey flats would be about 12 m. The existing conifer tree screen extends along the boundary with the latter property restricting views of much of the proposed garden. In my opinion these distances together with the tree screen would ensure an acceptable level of privacy for occupiers of the proposed flats. There are insufficient grounds on this issue, therefore, to dismiss this appeal.

7. In summary, I find that whereas the proposals would not unduly harm the amenities of neighbours they would, however, seriously detract from the character and appearance of the Berkhamsted Conservation Area, and the appeal fails for this reason. In coming to this decision I have taken account of the benefits that you consider would result from rearranging the offices and flats within 320/322 High Street, which the Council accepts, but these do not outweigh the strong planning objections to the development as a whole.

8. I have also taken into account all the other matters raised in the representations but they do not alter my conclusions on the main planning issues.

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

I am Gentlemen
Your obedient Servant

S.A.T. Holder

S A T HOLDER BA MSc MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



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Dated day of 19

Signed *Wm Barnard*

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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55 West Street		T/APP/A1910/A/89/129679/P4
MARLOW		Date
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I am Gentlemen
Your obedient Servant

S.A.T. Holder

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Inspector