

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

Whitehall,      London S.W.1.

Your Ref. P2/839/219/5

Our Ref. W/582-65

7th February, 1966.



Gentlemen,

Town and Country Planning Act 1962

Section 22

Land at Marlin End, Shootersway, Berkhamsted

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. N.E. Heijne, B.Sc., A.R.I.C.S., who held a local inquiry into the application dated 22nd February 1965 on behalf of your client Mr. H. J. Buckle for planning permission to develop 0.86 acre of land adjoining "Marlin End", Shootersway, Berkhamsted.
2. The application was referred to the Minister for decision in accordance with his direction under section 22 of the Town and Country Planning Act 1962.
3. A copy of the Inspector's report is enclosed.
4. The Inspector reported that the site was within an area of no notation on the approved Town Map for Berkhamsted and was zoned for metropolitan green belt extension in the first review of the development plan. The site was part of the curtilage of a large house "Marlin End" and was screened from the south and west by a substantial belt of trees. To the north-west was a row of large houses fronting Shootersway with a residential area extending north-east from the road. A considerable amount of infilling and subdivision of larger plots had been permitted in this area. The application, which is in outline relates to the erection of 3 houses on the site, two with plots of about 0.25 acre and the third with a plot of about 0.3 acre.
5. The Inspector concluded that the site was closely related to the existing residential development to the north-west and there appeared to be no justification for excluding this small triangular site from the residential area. The density suggested might appear to be high for this location but the important criterion was the design and location of the houses with preservation of existing trees. These were matters which fell to be considered by the local planning authority at detailed permission stage. With satisfactory design and location, development of the site was unlikely to have any adverse impact on the adjoining area, and in view of the adequate screening it would have no effect on the open countryside to the west of Shootersway. He recommended that planning permission for the development of the site be granted subject to conditions requiring submission of detailed plans to the local planning authority.
6. The Minister agrees with his Inspector's conclusions and accepts his recommendation.

/Cont'd....

7. The Minister has therefore decided to give and hereby gives consent for the residential development of the land concerned subject to the following conditions:

- (i) that the siting, design and external appearance of the buildings and the means of access thereto shall be as may be agreed with the local planning authority or in default of agreement as shall be determined by the Minister;
- (ii) that the use of the buildings whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 square feet.

8. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

I am, Gentlemen,  
Your obedient Servant,

(MISS W. A. STANSFELD)

Authorised by the Minister  
to sign in that behalf.

Messrs. Stimpson, Lock and Vince,  
9 Station Road,  
WATFORD,  
Herts.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

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Messrs. Stimpson, Lock and Vince,  
9 Station Road,  
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HERTFORDSHIRE COUNTY COUNCIL

BERKHAMSTED URBAN DISTRICT COUNCIL

APPLICATION

by

MR. H. J. BUCKLE

Inspector: N. E. Heijne, B.Sc., A.R.I.C.S.

Date of Inquiry: 7th December 1965.

File No: P2/839/219/5.



Whitehall,

London, S.W.1.

30th December 1965

To the Right Honourable Richard Crossman, O.B.E., M.P.,  
Minister of Housing and Local Government.

Sir,

I have the honour to report that on 7th December 1965, I held an inquiry (in place of Mr. B. Pearson) at the Civic Centre, Berkhamsted into an application made by Mr. H. J. Buckle to the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, for planning permission for residential development involving the erection of three detached dwellings on about .8 acres of land adjoining "Marlin End", Shootersway, Berkhamsted.

1. The application has been called in for decision by a direction made under section 22 of the Town and Country Planning Act 1962, for the following reasons:-

- (1) Even if the site should be found appropriate for residential development the density and timing of such development and the question of whether it should be planned in conjunction with adjoining land rather than in isolation need further examination;
- (2) The effect of development as proposed on the green belt area. Would it and the development of land at "Cross Oak", be likely to set a precedent leading to further development which would reduce the considerable amenity value of land to the west of Shootersway?

2. This report includes a description of the application site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

#### The Site and Surroundings

3. Berkhamsted is a town, population of 13,051 in 1961 increasing to 17,370 under the review of the County Development Plan proposals, which lies on the A.41 trunk road about 28 miles north-east of London. It is spread out for about 3 miles on a north-west to south-east axis along a valley through which, in addition to the trunk road, run a main railway line, the River Bulbourne and a canal. The town has extended  $\frac{1}{2}$  a mile up the steep slopes to the north-east and about  $\frac{3}{4}$  of a mile up the lesser slopes to the south-west. At this level a road, known as Shootersway, maintained by the County Council, runs in a generally north-west direction from the A.416 road to Chesham and Amersham (Plan A).

4. The site is an area of about .8 of an acre, with a frontage of about 330 feet to Shootersway and bounded along the south side by the bridle path. On its south-west and north-west sides it abuts the remaining grounds of another large house, "Marlin End". The site is reasonably level and has a number of fruit trees on it. There are some mature trees along the frontages of the road and bridle path but not in the proposed locations for the houses to be erected on the site.

5. Adjoining to the south is another site, the subject of a separate inquiry under reference P2/839/219/4, an area of about 18 acres with a frontage of about 900 feet.

to the south-west side of Shootersway and of about 850 feet to the north-west side of the extension of Cross Oak Road to the south-west. It is bounded along its north side by a bridle path to which it has a frontage of about 800 feet. Its south-west boundary is the line of the proposed Berkhamsted By-Pass, otherwise referred to as the Aylesbury Radial. Standing in these grounds is a large house dating from about the turn of the century, known as "Cross Oak". The eastern half of the site falls gently away from Shootersway and is mostly the formal gardens and lawns around the house. There is a brick wall along most of the frontage with a group of out-buildings at the junction of the roads. There are a large number of fine mature trees, both deciduous and evergreen, principally north of the house and along the bridle path and with a group to the west and south-west of the house. The western part of the grounds, consisting of open meadows in addition to the trees already described, falls steeply towards the line of the proposed road.

6. On the south-west side of Shootersway, to the north-west of "Marlin End" there is existing residential development for a short distance and the north-east side residential development extends towards the town. To the south-east of Cross Oak Road, on the south-west of Shootersway there are school playing fields. To the south-west of the development fronting Shootersway, the land drops down to the bottom of a valley and then rises up into very attractive open countryside.

7. Shootersway has a carriageway width of about 21 feet in an overall width varying from about 32 to about 54 feet in front of the two sites. Cross Oak Road has a carriageway about 14 feet wide in an overall width of about 30 feet. There are grass verges on either side of the two roads but no footpaths. The eastern part of Shootersway is subject to a 30 m.p.h. speed limit, the road being derestricted in front of the site adjoining "Marlin End".

#### The Case for the Applicant

The material points are:

8. The applicant owns the house known as "Marlin End" and the grounds in which it stands. This house is the most southerly of a row of houses on the south-west side of Shootersway which forms part of a larger area of residential development to the north-east of the road. Originally development took the form of large houses standing in very large plots, but even before the war the process of subdivision of these plots started and has continued since then at a greater rate. There are many examples of this form of development and of in-filling. Coloured green on Plan A and numbered on document 3 are several such examples for which permission has been granted in recent years. The existing low density has generally been retained although up to four dwellings to the acre are not uncommon.

9. The site is part of the grounds of the house. It fronts on to the road and along its southern boundary there is the bridle path with a substantial row of trees along it. This tree belt effectively cuts off the site from the larger area to the south which is the subject of another application. Despite its obvious relationship to the area on the south-west side of Shootersway which is accepted as residential, the site was excluded from the area marked R15 on sheet 64 of the first review proposals for the county development plan. The County Council have submitted a modification to include the site and the larger area to the south in the residential allocation although at present included in the proposed green belt extensions. Regardless of the considerations involved in the larger area, the site is already part of the adjoining residential area and development of it need not wait to be related to any other area.

10. The depth of the site has been limited so that views enjoyed from "Marlin End"

will not be interfered with, but if necessary the area immediately behind the site as proposed can be included in the proposed development. The proposal to erect three houses fits in with the way in which the whole area is being developed and represents a reasonable and economic way of developing the site. Although an outline application, Plan B shows one way in which three houses can be set on the site. In order to fit in to this location satisfactorily more depends upon design and layout, matters to be considered at detail stage, rather than limits imposed only by density. The suggested layout shows two plots of .25 of an acre and one of .3 of an acre. The proposal is reasonable and does not harm the amenities or character of the area, and there are no objections to it.

11. The line of the Aylesbury Radial has been fixed. The road is well away from the site and the proper use of the site does not have to be related to the ultimate construction of the road. Because it is screened to the south and west, the proposed development will have no effect on the amenities enjoyed by the area to the west to be included in the proposed green belt and inclusion will not help to implement green belt policy. As the site is part of the existing residential area, permission in this instance cannot be a precedent for extension of the residential area beyond its present limits.

#### The Case for the Planning Authority

The material points are:

12. The growth of Berkhamsted is restricted to the south west mainly by the line of Shootersway. The only residential development on the south west side of the road is a short row of large houses including and to the north west of "Marlin End". In the approved county development plan this small area, excluding the south east tip of the grounds of "Marlin End" was included in the same residential area as the existing development on the other side of the road. The area beyond this to the south east, including the sites involved in the two applications, was shown within an area of no notation where existing uses were for the most part to remain undisturbed. In the first review proposals the same residential area was included in the residential allocation shown as R15 on sheet 64. The land beyond it, up to the edge of existing residential development was included in the proposed extension of the green belt.

13. In 1964 an objection, reference 438/W/168, was lodged against this proposal and, taking the view that the objection was likely to be upheld, the County Council submitted a modification. The effect of the modification, map no. 34, is to extend the residential area R15 to the Cross Oak Road and to include both sites. Following this the objection was withdrawn and later the two applications were made. As they involved a departure from the approved county development plan they were both referred to the Minister.

14. Sheet 64 of the first review of the county development plan shows the Aylesbury Radial Road forming a by-pass to the town of Berkhamsted. This road clearly forms a physical boundary to the south west extension of the town and it is appropriate that development should be allowed to take place, at some time, up to this limit. To the south east of the sites there are school playing fields and beyond this there are other semi-open uses such as the cemetery, school and public open space. These uses form an effective buffer between intensive urban use and the countryside and urban uses must not be allowed to leap frog over this buffer. In the immediate vicinity of the two sites there are no such uses but the existing low density development with houses set in well matured grounds has a similar effect and it is reasonable to allow this pattern to continue up to the line of the proposed road.





15. Although a substantial amount of land has been allocated in the first review to accommodate the estimated population increase, much of this has been developed and little is in locations appropriate for the low density development of the type proposed and for which there is a recognised need. The applications now being considered will help to provide a balance to the housing types. The development of the small site of .8 of an acre by the erection of three houses is a satisfactory and economical way of developing the site, subject to proper control of design and layout at the detail stage to ensure that it does fit into the surroundings. With this control the proposed development will not adversely affect the area.

16. In the proposals for the development of the 18 acre site, which again are only at outline stage and which will be subject to full control of design and layout, and for which the emphasis will be laid on the preservation of existing trees, adequate provision appears to have been made to prevent any conflict with the line of the proposed road when it is eventually constructed. Although the road is not included in the building programme for the next five years, there is no reason why development should not be allowed at the present time rather than waiting for construction of the road.

#### Findings of Fact

I find the following facts:

17. The site is part of the curtilage of a large house, "Marlin End", on the south west side of Shootersway. It has a frontage of about 330 feet and an area of about .8 of an acre.

18. Along the southern boundary of the site there is a bridle path beyond which is a substantial belt of trees which effectively screen the site from the south and west.

19. To the south of the bridle path there is an area of about 18 acres which is the subject of an application and inquiry under reference P2/839/219/4.

20. To the north west there is a row of large houses fronting Shootersway with a residential area extending north east from the road. A considerable amount of infilling and subdivision of larger plots has been permitted in this area.

21. In the approved county development plan, residential development is limited, on the south west of Shootersway, to the row of houses to the north west of the site, excluding it but including the whole curtilage of the house at the far, north west, end of the row. The site and the 18 acre site to the south are shown in an area of no notation.

22. In the first review proposals the two sites are included in a proposed extension to the green belt.

23. Following an objection to this proposal, with which the local planning authority agreed, a modification was submitted to include both sites in the adjacent residential area, R15.

24. The application, which is in outline, relates to the erection of three houses on the site, two of them with plots of about  $\frac{1}{4}$  of an acre and the third with a plot of about .3 of an acre.



### Conclusions

Bearing the above findings in mind, my conclusions are:

25. The site is closely related to the existing residential area to the north west, of which "Marlin End" is part, and is separated from adjoining land to the south by the line of trees along the bridle path. There appears to be no justification for the exclusion of this small triangular area from the residential area, especially when the whole of the curtilage of the house at the north west end of the row is included.
26. The density suggested by the proposed development may appear to be high for this location but the important criterion in this instance is the design and location of the houses and preservation of trees, and the pleasing character of the area, matters which properly fall to be considered at the detail stage.
27. With satisfactory design and location, development of this site is unlikely to have any adverse impact on the adjoining area and, in view of the adequate screening, it will have no effect on the open countryside to the west of Shootersway.

### Recommendation

28. I recommend that outline permission be granted for residential development of land adjoining "Marlin End", Shootersway, subject to the following condition:

The siting, design and external appearance of the buildings, and the means of access thereto, shall be as may be agreed with the local planning authority, or in default of agreement, as shall be determined by the Minister.

I have the honour to be,  
Sir,  
Your obedient Servant,

N. E. HEIJNE



APPEARANCES

FOR THE APPLICANT

Mr. P. D. Lock, F.R.I.C.S., F.A.I.

- Messrs. Stimson, Lock  
and Vince,  
Chartered Surveyors,  
148 High Street, Berkhamsted.

FOR THE PLANNING AUTHORITY

Mr. S. C. Redding,

- Clerk, Berkhamsted Urban  
District Council.

He called:

Mr. J. Craddock, M.T.P.I.

- Principal Planning Officer,  
Hertfordshire County Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.  
" 2 - Notice of the inquiry.  
" 3 - Schedule of recent permissions.

PLANS

- PLAN A - Site and surroundings.  
" B - Possible layout of site for three houses.

