



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locaplan, Parl, London*

Telephone: TRAFalgar 8020 , ext. 79

Please address any reply to

THE SECRETARY

and quote: APP/839/A/12672; 12673; 12674

Your reference:

30 MAY 1967

Gentlemen,

Town and Country Planning Act 1962 - Section 23  
Appeals by R. Hewitt (King's Langley) Limited  
Land at and to the rear of Dove Meadow, High Street,  
Northchurch, Near Berkhamsted, Hertfordshire  
(Application Nos. 291/65; 290/65; 45/66;  
Hertfordshire County Council Code Nos. W/2358/65;  
W/2357/65 and W/476/66)

1. I am directed by the Minister of Housing and Local Government to refer to the report of the Inspector, Mr. D. Jones, M.I.Mun.E., M.I.H.E., M.R.S.H., on the local inquiry into your clients' three appeals against the failure of the local planning authority to give decisions within the statutory period on three applications for planning permission for residential development on the land described in the heading to this letter. The three applications for planning permission in question comprise:-

- (i) the erection of 6 detached houses and 4 pairs of semi-detached houses on Site No. 1 of about 1.6 acres. (Appeal - APP/839/A/12672). At the inquiry it was requested on your client's behalf that the appeal be considered as though it related to an application for twelve dwellings. The appeal has therefore been dealt with on that basis;
- (ii) an outline application for housing on Site No. 2 of about 1.8 acres. (Appeal - APP/839/A/12673);
- (iii) the erection of 16 detached houses, 2 pairs of semi-detached houses, and three bungalows on Site No. 3 of about 2.8 acres. (Appeal - APP/839/A/12674)

2. The council confirmed that had decisions been issued the reasons for refusal would have been:-

(a) In respect of Sites Nos. 1 and 3

(1) The proposed development involving a new junction with the trunk road would cause interference with traffic flow and safety on the Trunk Road by reason of slowing and turning vehicles at a junction,

- (i) where the frontage does not provide adequate sight lines or layout to be provided;

(ii) which

Messrs. Brown and  
Merry  
128 High Street  
BERKHAMSTED  
Herts.

(ii) which has close proximity to an existing junction;

(2) The application site forms part of an area which should be developed or redeveloped to a comprehensive layout. As such proposals are not available at the present time the proposed development would be premature.

(b) In respect of Site No. 2

The site is within a proposed extension of the metropolitan green belt where it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or allied purposes. No such need has been proved.

... 3. A copy of the Inspector's report is enclosed.

4. The Inspector found, among other facts, that Site No. 2 was within a 'white' area in the approved town map for Berkhamsted and formed part of the proposed extension to the metropolitan green belt in the review proposals. Objection to the inclusion of Site No. 2 as part of the proposed extension to the green belt had been made on the 12th January 1965 at a public inquiry into the first review of the county development plan. The Minister's decision was awaited.

5. In his conclusions, the Inspector said that he was of the opinion that the River Bulbourne provided a well-defined limit between the backland area, bounded by the High Street (A.41) and New Road (B.4506) and the open countryside which rose to the north-east of the river. Development of Site No. 2 would result in a pocket of housing beyond the river which could not but intrude on the pleasant surroundings of this part of Northchurch, and would encroach on part of the proposed extension of the Metropolitan Green Belt.

The backland area of which Sites Nos. 1 and 3 formed a part was in several ownerships, and if it was to be developed residentially in a satisfactory manner this should be in accordance with a comprehensive layout. Notwithstanding that part of Site No. 3 was not at present within the appellants' control development of this site, or of Site No. 1 would be piecemeal and premature in the absence of an overall scheme. Even if the frontage of Site No. 1 to the High Street were extended by the inclusion of the intervening land which extended south-eastwards to Rosemary Cottage, the visibility then available along the trunk road from a proposed access road to lead eventually to New Road would still fall considerably short of the minimum acceptable standard. Any departure from this standard would be undesirable from the road safety view point because of the nearness of existing road junctions and the heavy volume of traffic which used this section of the trunk road. Accordingly, consideration should be given to the possibility of developing the backland area by a road pattern with vehicle access restricted to New Road.

The Inspector recommended that the three appeals be dismissed.

6. The local planning authority's proposals for extensions to the metropolitan green belt are at present before the Minister by virtue of their inclusion in the first review of the Hertfordshire development plan; in the meantime the authority are, with his general agreement, exercising control over development within the area of the proposed extensions as if it were in the approved green belt. The Minister agrees with the Inspector's conclusions on the proposals for sites Nos. 1 and 3. With regard to Site No. 2 the Minister would wish to reserve his position on the

/review

review development plan which is still before him and to which an objection relating to that site has been lodged, but he notes that the proposals for Site No. 2 are in any event dependent on those for the other sites under appeal. He accepts the Inspector's recommendation and accordingly, he dismisses the appeals and hereby refuses planning permission for the residential development of all three sites as proposed in the applications for planning permission dated 1st November 1965 and 22nd February 1966 under the local authority references 291/65; 290/65 and 45/66 (Hertfordshire County Council Code Nos. W/2358/65, W/2357/65 and W/476/66).

I am, Gentlemen,  
Your obedient Servant,

(H. C. HOLLINGTON)

Authorised by the Minister  
to sign in that behalf

HERTFORDSHIRE COUNTY COUNCIL  
BERKHAMSTED URBAN DISTRICT COUNCIL

THREE APPEALS

by

R. HEWITT (KING LANGLEY) LIMITED

Inspector: D. Jones, M.I.Mun.E., M.I.H.E., M.R.S.H.

Date of Inquiry: 24th February 1967

File Nos: APP/839/A/12672  
/12673  
/12674

Whitehall,

London, S.W.1.

7th April 1967.

To The Right Honourable Anthony Greenwood, M.P.,  
Minister of Housing and Local Government.

Sir,

I have the honour to report that on Friday, the 24th February 1967 I held an inquiry at the Civic Centre, High Street, Berkhamsted into three appeals by R. Hewitt (Kings Langley) Limited under section 23 of the Town and Country Planning Act 1962, against the failure of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to give decisions within the statutory period on three applications for planning permission for residential development on land at Dove Meadow, High Street, Northchurch, near Berkhamsted comprising:-

- 291/65 (i) the erection of 6 detached houses and 4 pairs of semi-detached houses on Site No. 1 of about 1.6 acres (APP/839/A/12672);
- 290/65 (ii) an outline application for housing on Site No. 2 of about 1.8 acres (APP/839/A/12673);
- 45/66 (iii) the erection of 16 detached houses, 2 pairs of semi-detached houses, and three bungalows on Site No. 3 of about 2.8 acres (APP/839/A/12674).

1. Had decisions been issued the reasons for refusal would have been:-

(a) In respect of Sites Nos. 1 and 3

1. The proposed development involving a new junction with the trunk road would cause interference with traffic flow and safety on the Trunk Road by reason of slowing and turning vehicles at a junction (i) where the frontage does not provide adequate sight lines or layout to be provided; (ii) which has close proximity to an existing junction.
2. The application site forms part of an area which should be developed or redeveloped to a comprehensive layout. As such proposals are not available at the present time the proposed development would be premature.

The first reason is issued at the direction of the Ministry of Transport.

(b) In respect of Site No. 2

The site is within a proposed extension of the Metropolitan Green Belt where it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or allied purposes. No such need has been proved.

2. This report includes a description of the appeal sites 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 SITES AND SURROUNDINGS

3. The appeal land which comprises three contiguous sites forms part of the mainly overgrown backland to the north-east of the High Street (A.41 trunk road) and to the north-west of New Road (B.4506) at Northchurch about  $1\frac{1}{4}$  miles north-west of the centre of Berkhamsted.
4. About 450 feet to the north-east of the trunk road is the River Bulbourne and on rising ground beyond this small stream is the Grand Union Canal and the Euston main line railway. Beyond the railway elevated open countryside extends north-eastwards towards Berkhamsted Common.
5. Site No. 1 which has an area of about 1.6 acres is bordered to the north-east by the river and has a frontage of about 95 feet on the north-east side of the trunk road (edged red on Plan I). To the north-west of the frontage is 'Dove Meadow', a modern bungalow and a public house. South-eastwards is an open frontage, 'Rosemary Cottage', and beyond a further open frontage a block of old, mainly residential development. The opposite side of the trunk road to the south-east of the site is fronted by a service road.
6. Site No. 2 which is relatively level is adjacent to Site Nos. 1 and 3. It has an area of about 1.8 acres and consists of open scrubland bordered by the river to the south-west, by scrubland to the north-west and north, and south-eastwards by council allotments. (Edged blue on Plan I).
7. Site No. 3 which has an area of about 2.8 acres comprises Site No. 1 together with part of the overgrown grounds of 'Rosemary Cottage' (edged green on Plan I).
8. The A.41 where it fronts Site No. 1 is a relatively straight and level well lit road subject to a 30 mile per hour speed limit. It comprises a carriageway of about 24 feet bordered on the site side by a footpath and verge about 13 feet wide and by a bank on the south-west side. About 165 feet and 230 feet respectively to the south-east of the proposed access to the appeal land and on the opposite side of the trunk road are the one-way junctions to and from Darrs Lane.
9. Except for intervening fencing the view from a point 15 feet from the carriageway edge of the A.41 and central to the proposed access to the appeal land would extend about 250 feet to the north-west and some 200 feet to the south-east. From a point 30 feet back the view in these directions would be restricted to about 100 feet and 150 feet respectively.

### CASE FOR THE APPELLANT

The material points are:-

10. The appellants who are building contractors and estate developers are under contract to purchase Site No. 1 subject to planning permission for residential development. They have a first refusal to buy Site No. 2 and at the time of the application were under contract, subject to planning permission, to buy the 1.2 acres of the grounds of 'Rosemary Cottage' which forms part of Site No. 3.

11. The local planning authority who have failed since 1959 to secure the redevelopment of the area between the High Street and New Road would not deny that development is needed and would be valuable. There is little private land available at Berkhamsted for housing.
12. The development of Site No. 1 is of pressing concern, while that of Site No. 2 and of the 1.2 acres forming part of Site No. 3 should be considered even if this may not be immediate. The Rule 6 statement makes it clear that consent for the development of Site Nos. 1 and 3 would have been given but for access difficulties.
13. Representations were made on the 12th January 1965 at the public inquiry into the first review of the county development plan that Site No. 2 and adjoining land (hatched on Plan I) should be allocated for residential use instead of Green Belt (Ministerial references 403/W/163 and 442/W/170). Therefore development of this site while it would be good planning might be considered premature pending the Minister's decision.
14. The proposed road line on Site No. 1 joins the A.41 at nearly the same point as was shown on the county council's 1959 scheme (Plan J). The line was only slightly amended for the better utilization of the additional 1.2 acres forming part of Site No. 3. A branch road to the south-east would eventually lead through to New Road almost exactly on the original proposed line (Plan I).
15. They ask the Minister to consider the application in respect of Site No. 1 to be for 12 dwellings. This proposal and that for the development of Site No. 3 could be the start of a comprehensive redevelopment of the area. No difficulty need arise in eliminating a cross road within the layout (Plan I). The Surveyor to the district council accepts that the council's land (edged brown on Plan I) could be satisfactorily developed residentially in several ways. (Plan H).
16. Since it became apparent that the Ministry of Transport would direct refusal of the application an alternative and less satisfactory scheme was prepared restricting the access to New Road (Plan G). This scheme has been abandoned because they failed to negotiate terms for crossing the intervening land between Site No. 3 and the council's land.
17. Pending the drainage of Sites Nos. 1 and 3 eastwards to a foul sewer in New Road these sites could be pumped to a sewer in the A.41. Site No. 2 could either be drained to Site No. 1 or by negotiation with the district council across the allotments to New Road.
18. If access was restricted to New Road the development of Sites Nos. 1 and 3 would involve some 1.050 feet of culs-de-sac with the longest continuous length about 750 feet. The Divisional Planning Officer concedes that this length of cul-de-sac is generally undesirable. Moreover the road pattern might be extended to the west and north of Site No. 1.
19. The cul-de-sac development of the backland area which is favoured by the Ministry of Transport would necessitate residential traffic to Berkhamsted using the greatly overloaded New Road - A.41 junction. Visibility to the south-east of this junction is restricted badly while the view to the north-west is almost nil.
20. Their proposal to develop Sites Nos. 1 and 3 by an access from the A.41 would result in ample visibility on a speed restricted section of the trunk road. While the sight lines available would not be quite as good as the ideal standards they would be infinitely better than those at the New Road junction.
21. The first 65 feet of the frontage to the north-west of the proposed access road is part of the appeal land. The executors for the former owner of the land edged yellow

on Plan I would be prepared to sell this land which extends to 'Rosemary Cottage' (Document 4) so that control of a frontage of 140 feet to the south-east of the proposed road could be obtained.

22. The visibility from a point central to the proposed road and 30 feet from the carriageway edge of the A.41 would then extend 125 feet to the south-east and 150 feet to the north-west. The view north-westwards from the frontage of the site extends more than 800 feet beyond a partial bend. Mr. Dugdale of the Ministry of Transport concedes that at a point central to the proposal access and 15 feet from the carriageway edge the visibility in both directions might be adequate for a cul-de-sac.

#### CASE FOR THE PLANNING AUTHORITY

The material points are:-

23. In both the approved Town Map for Berkhamsted and the first review of the Development Plan the land between the trunk road and the River Bulbourne which includes Sites Nos. 1 and 3 is allocated for residential development. The land between the river and the district boundary at Berkhamsted Common which includes Site No. 2 is a 'white' area on the approved town map and Green Belt on the first review.

24. While there is no objection from the land use viewpoint to the proposed development of Sites Nos. 1 and 3, the proposal for Site 2 does not comply with either the approved or review development plan.

25. It is desirable that any development of the relatively small area bounded by High Street, New Road, the river and the public house should be carried out in accordance with an overall comprehensive layout. Any such layout is dependant on the agreement of the various owners of the land and the resolving of the means of access.

26. No such comprehensive layout plan is available showing how the appellants' proposals would fit into an overall scheme. Therefore the proposals are piecemeal and premature.

27. Site No. 3 which provides for an access over the River Bulbourne would result in cross roads within the site. While it would be possible for the proposed roads to be extended to the west and north-east the layout shows the disadvantages of the piecemeal development of the area.

28. The shape and position of Site No. 2 emphasises even more forcefully than in the case of Sites Nos. 1 and 3 how essential is a comprehensive layout for the area. Consideration of a layout for the land between the river and the canal would arise only if in a subsequent view of the Development Plan the land was included for development purposes.

29. Any proposal for the development of land outside the present development area should be considered only at a review of the Development Plan and unless and until the development area is extended any application, such as for the development of Site No. 2 could not be considered favourably.

30. A comprehensive plan they prepared in 1959 (Plan J) and which included Sites Nos. 1 and 3 was dependant on the co-operation of several private owners and in the participation of the district council. The date of this plan was wrongly given in the Rule 6 statement.

31. The district council have made an offer to purchase the intervening land between Site No. 3 and 'Meadow Cottage' to the north-west and the land to the south-east they own fronting New Road (edged brown on Plan I). It is understood that the county council have also approached the owner of this land in connection with the possible erection of police houses.



Material points on behalf of the Ministry of Transport are:-

32. Prior to the issuing of a direction of refusal on the 1st July 1966, the Divisional Road Engineer had informed the planning authority of his intention. He had intimated that the frontage the appellants had available to the trunk road was inadequate to provide the necessary visibility splays and that a sub-standard junction would be prejudicial to traffic flow and safety.

33. He had however told the planning authority that he would be prepared to consider a proposal that involved no direct access to the trunk road. This would have entailed the appeal sites being considered as part of a comprehensive development with access to New Road.

34. The visibility at the highway boundary central to the frontage of Site No. 1 extends 100 yards to the north-west and 400 yards to the south-east. At a point 30 feet back from the carriageway edge the visibility would be 22 yards north-westwards and 27 yards to the south-east.

35. The required visibility for a side road junction to the A.41 with a through connection leading to New Road would be 300 feet in each direction along the nearside carriageway of the A.41 in relation to a point central to the site and 30 feet from the carriageway edge.

36. The turning traffic generated by the proposal would be likely to cause hazards to through traffic on the trunk road. Moreover the proposed junction would be near to existing junctions with the trunk road at Darrs Lane and New Road (B.4506) the latter being 170 yards south-east of the frontage of Site No. 1.

37. A traffic census taken 700 yards north-west of the site in 1965 indicated an average daily flow on the A.41 of 8,876 vehicles of which 1,862 were commercial vehicles. The daily flow represented an increase of 28 per cent since 1961. The trunk road is a 'bus route.

38. Between the 1st October 1963 and the 30th September 1966 there were 7 reported accidents between the New Road junction and a point 200 yards to the north-west. Three of the accidents resulted in serious injuries and six of the accidents occurred at road junctions.

39. A scheme is in hand to carry out a local widening and footpath works on a section of the trunk road which has a carriageway of about 21 feet between a point about 90 feet south-eastwards of Site No. 1 and Darrs Lane. A pedestrian crossing is to be provided on the A.41 at a point about 50 yards to the south-east of the New Road junction.

40. There are no current proposals for widening the trunk road which fronts Site No. 1, but it is hoped to widen the section to the south-east of Darrs Lane as soon as possible and to include for the improvement of the Darrs Lane and New Road junctions.

41. An ultimate alignment of the trunk road includes a by-pass of Berkhamsted and the section fronting Site No. 1 will be superseded. This diversion is to be included in a 'pool' of major improvements, but this does not mean that these schemes will be programmed. The existing trunk road must therefore serve the increasing needs of traffic for some time to come.

#### FINDINGS OF FACT

42. I find the following facts:-

- (1) Appeal Sites Nos. 1 and 3 form part of a backland area in several ownerships bounded by the High Street (A.41), New Road (B.4506) and the River Bulbourne.

- (2) Site No. 1 with an area of about 1.6 acres has a frontage of about 95 feet on the north-east side of the A.41 trunk road. Site No. 3, which incorporates Site No. 1 has an area of about 2.8 acres.
- (3) Site No. 2 which is adjacent to Site Nos. 1 and 3 has an area of about 1.8 acres. It forms part of the countryside that extends north-eastwards from the River Bulbourne. The ground rises north-eastwards from the site.
- (4) The appellants, subject to obtaining planning permission for residential development, are under contract to purchase Site No. 1, and have a first refusal to buy Site No. 2. 1.2 acres of Site No. 3 is not at present within their control.
- (5) The A.41 trunk road where it fronts Site No. 1 consists of a well lit single carriageway and is subject to a 30 mile per hour speed restriction. It carries a heavy volume of traffic.
- (6) A proposed access from the trunk road into Site No. 1 to lead eventually to New Road would be near to existing road junctions.
- (7) The appellants could obtain control of the frontage to the trunk road between Site No. 1 and 'Rosemary Cottage'.
- (8) Should the appellants obtain control of the intervening frontage, the nearside view from a point 30 feet back from the carriageway edge of the trunk road and central to the proposed access to Site No. 1 would extend about 100 feet to the north-west and some 150 feet to the south-east.
- (9) The backland area of which Site Nos. 1 and 3 form a part is allocated for housing in both the approved town map for Berkhamsted and in the first review of the development plan now before the Minister.
- (10) No comprehensive plan is available showing how the appellants' proposals would fit into an overall scheme.
- (11) Site No. 2 is within a 'white' area in the approved town map and forms part of the proposed extension to the Metropolitan Green Belt in the review proposals.
- (12) Objection to the inclusion of Site No. 2 as part of the proposed extension to the Green Belt was made on the 12th January 1965 at a public inquiry into the first review of the county development plan. The Minister's decision is awaited.

#### CONCLUSIONS

Bearing in mind the above facts:-

43. I am of the opinion that the River Bulbourne provides a well defined limit between the backland area bounded by the High Street (A.41) and New Road (E.4506) and the open countryside which rises to the north-east of the river. Development of Site No. 2 would result in a pocket of housing beyond the river which could not but intrude on the pleasant surroundings to this part of Northchurch, and would encroach on part of the proposed extension of the Metropolitan Green Belt.
44. The backland area of which Sites Nos. 1 and 3 form a part is in several ownerships, and if it is to be developed residentially in a satisfactory manner this should be in accordance with a comprehensive layout. Notwithstanding that part of Site No. 3 is not

at present within the appellants' control development of this site, or of Site No. 1. would be piecemeal and premature in the absence of an overall scheme. Even if the frontage of Site No. 1 to the High Street was extended by the inclusion of the intervening land which extends south-eastwards to 'Rosemary Cottage' the visibility then available along the trunk road from a proposed access road to lead eventually to New Road would still fall considerably short of the minimum acceptable standard. Any departure from this standard would be undesirable from the road safety viewpoint because of the nearness of existing road junctions and the heavy volume of traffic which uses this section of the trunk road. Accordingly, consideration should be given to the possibility of developing the backland area by a road pattern with vehicle access restricted to New Road.

#### RECOMMENDATION

45. I recommend that the three appeals be dismissed.

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

D. JONES

## APPEARANCES

### FOR THE APPELLANTS

Mr. J. Bolton King, F.R.I.C.S.

- Partner, Messrs. Brown and Merry,  
Surveyors, Estate Agents and Planning  
Consultants of  
128 High Street, Berkhamsted, Herts.

He called no witnesses.

### FOR THE PLANNING AUTHORITY

Mr. S. C. Reading

- Clerk to the Berkhamsted Urban District  
Council.

He called:

Mr. A. F. Russell,  
M.T.P.I., A.R.I.B.A.,  
A.I.L.A.

- Divisional Planning Officer to the  
Hertfordshire County Council.

Mr. A. K. Dugdale,  
B.Sc., A.M.I.C.E.

- Civil Engineer, Eastern Division of  
the Ministry of Transport.

## DOCUMENTS

Document 1 - List of persons present at the inquiry.

" 2 - Copy of the notice and a list of persons notified.

" 3 - A letter on behalf of the owner of 'Rosemary Cottage', Northchurch  
supporting the proposed development.

" 4 - Letters dated the 7th and 10th February 1967 relating to the sale of land  
adjoining Sites Nos. 1 and 3 by the executors of the late Lady Lemmon.

" 5 - A schedule of accidents on a section of the A.41 trunk road that includes  
the frontage to Site No. 1 between 1st October 1963 and 30th September  
1966.

" 6 - A copy of a letter dated the 24th November 1961 sent by the district  
council to the owners and occupiers of properties near the appeal sites.

## PLANS

### Accompanying the Appeal

Plan A - 1/2500 plan of Site No. 1.

" B - 1/500 layout of Site No. 1.

" C - Plan B amended to show foul and surface water drainage proposals.

" D - 1/2500 plan of Site No. 2.

PLANS continued

Plan E - 1/2500 plan of Site No. 3.

- " F - 1/500 layout of Site No. 3 showing an access to the A.41 trunk road.
- " G - Plan F amended to show an access to New Road (B.4506) only.
- " H - Plan F showing 3 possible alternative schemes ('A', 'B' and 'C') for the development of land owned by the district council and of adjoining land near New Road.

Put in at the Inquiry

Plan I - 1/2500 composite plan of Site Nos. 1, 2 and 3, showing the outline road pattern proposed by the appellants in a broken red line and by a broken brown line the pattern proposed by the county council in 1959.

- " J - Copy of a layout plan for the development of land that includes sites Nos. 1 and 3, prepared by the County Planning Office in 1959 (Document 6 refers).