



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0021/91

Mr A.R. Batchelor
2 Woodlands Avenue
Berkhamsted
Herts

Michael E Hunt
35 Upper Hall Park
Berkhamsted
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Land Adj. 28 Swingate Lane, Berkhamsted,

DETACHED DWELLING (OUTLINE)

Your application for *outline planning permission* dated 06.01.1991 and received on 09.01.1991 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 07.03.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0021/91

Date of Decision: 07.03.1991

1. The application site is very prominent and makes an important contribution to the appearance of the street scene. The proposed dwelling, due to its size and location, would present a cramped appearance, out of character with and to the detriment of the visual and general amenities of the area.
2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings particularly Nos. 6 and 6A Woodlands Avenue.



Planning Inspectorate
Department of the Environment

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Mr A R Batchelor
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL		1374
REF	THANK YOU FOR YOUR	Your reference
C/O	COMMUNICATIONS RECEIVED	Attn: Mr. [unclear] File reference
Received	1 11 NOV 1991	Date
Comments		
CHIEF PLANNING OFFICER DACORUM BOROUGH COUNCIL		

T/APP/A1910/A/91/186933/P7

31 OCT 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0021/91

- I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission to erect a chalet style 2 bedroom dwelling and attached garage on land adjacent to 28 Swing Gate Lane, Berkhamsted, Herts. I have considered the written representations made by you and by the Council and also those made by interested persons including those made directly to the Council and forwarded to me. I inspected the site on 16 September 1991.
- As the application is in outline, I shall consider the submitted plan, showing an indicative layout and front elevation, as being illustrative only at this stage.
- The Council refer to a number of policies in the approved Hertfordshire County Structure Plan, their own adopted Dacorum District Plan and its current review. The objective of policies for new residential development is to generally concentrate such development in larger towns including Berkhamsted. Planning permission will normally be granted for residential development on small sites provided that particular regard has been paid to detailed environmental matters such as layout, design, amenity and car parking among others.
- From my visit to the site and surrounding area and from the representations made, I consider there to be 2 main issues in this case. The first is the effect of the development on the character and appearance of the area. The second is its effect on neighbours' amenities in terms of overshadowing and privacy.
- The character of the area is a mixture of detached, semi-detached and short terraces of dwellings of differing styles. Plot sizes, particularly on the west side of Swing Gate Lane, are generally large with long rear gardens. I note that the site comprises part of the former garden of No 2 Woodlands Avenue, which now contains 2 dwellings, and will also incorporate part of No 4's garden.
- Swing Gate Lane rises steeply southwards from its junction with Woodlands Avenue such that the appeal site is in a prominent location. The site forms part of an important gap in an otherwise built-up frontage. Its prominence and its marked contribution to the appearance of the street were recognised by the previous Inspector in dismissing an appeal for a detached house and detached double garage in 1987 (ref T/APP/A1910/A/87/62619/P4). Since then the front part of the site seems to have been cleared of some of the landscaping referred to in that appeal and which, in the Inspector's view, had considerable amenity value.



7. The site would be large enough to accommodate the proposed dwelling, together with 2 car parking spaces as required by the Council, whilst allowing for a small private rear garden. However, the plot size would be considerably smaller than the sizes of most plots immediately surrounding and would be, therefore, out of character.

8. A dwelling located here would dominate the street scene even more than the double garage proposed in the previous appeal would have done. The proposal would give the impression of having been squeezed into the rear garden area. It would also significantly reduce the size of this important gap in Swing Gate Lane. In my view, the resulting effect would be to cause demonstrable harm to the character and appearance of the area. On the first issue, therefore, I find your scheme to be unacceptable.

9. Turning to the second issue, a dwelling, if located where shown on the plan, would have its side towards Nos 2, 2a and 4 Woodlands Avenue. It need have no windows on that side so overlooking would not occur. Rear windows would look obliquely towards Nos 6 and 6a, but at a distance of about 25 m. At that distance and angle I do not consider loss of privacy would be significant. Some mutual overlooking of rear gardens from upper windows would occur, which is difficult to avoid in urban areas. Suitable boundary screening should ensure privacy between gardens.

10. The proposed dwelling would be obviously closer to houses in Woodlands Avenue than is No 28 Swing Gate Lane. As a result, it would be more dominant, especially because of its higher elevation. At certain times, there would be some overshadowing of the gardens of Nos 2, 2a and 4, but No 6, being further away, would be little affected in my estimation. I am not convinced that there would be a serious loss of amenity to neighbours from the proposal through either overshadowing or loss of privacy. I would not, therefore, have rejected your scheme on the second issue alone.

11. I have considered the other nearby developments you brought to my attention. None is in such an important prominent location as this site so I do not find them comparable. I have taken into account all the other matters raised but these do not outweigh the considerations leading to my decision that the scheme is unacceptable.

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

I am Sir
Your obedient Servant



D G HAYES DipTP MRTPI
Inspector