



**Department of the Environment and
Department of Transport**

Common Services

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JMB
JEB
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*RETURN TO MB FOR
COMMITTEE REPORT.*

Mr Andrew King BA BPL MRTPI
Town Planner and Architectural Consultant
Fairways
Lockers Park Lane
HEMEL HEMPSTEAD
Herts
HPI 1TH

Your reference *COMMITTEE REPORT.*

PLANNING DEPARTMENT			
Our reference DISTRICT COUNCIL			
T/APP/A1910/A/84/18116/P5			
Ref.	Date		Act.
C.P.O.	D.P.	E7 NOV 84	Admin File
Received <i>JL</i>		-8 NOV 1984	
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR R G SEAR
APPLICATION NO: 4/0032/84

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council, to refuse planning permission for the erection of a detached bungalow on land opposite 'Wandella', George Street, Berkhamstead. I held an informal hearing into the appeal on 3 October 1984.
- The appeal site is situated within an established residential area where there is no objection to the principle of new residential development. In my view the main issues in this case are whether the size and nature of the site would permit a satisfactory form of development for future occupants, and whether it would affect the character of the area sufficiently to warrant refusing the application.
- The site has a frontage onto the north side of George Street of about 18.5 m and a depth of some 22 m, giving an area of about 432 sq m. The front area has been levelled and accommodates two double and one single garages, but behind the garages the ground slopes steeply up to Bank Mill. George Street is an unmade, private road with a mix of one and two-storey dwellings on the south side, but none on the north side which is generally used as extensions of residential use.
- The council acknowledged that if the site were level it would be possible to satisfactorily accommodate a small dwelling. The slope, however, required the proposed bungalow to be sited near the front of the site which in their opinion would be out of character with the street scene. They further considered that the proposal would not permit any private sitting out area or children's play area. It was the council's view that the combined effects of the size of the site and its slope imposed constraints on the development, each of which could be overcome individually but cumulatively the proposal would adversely affect the character of the area. This view was supported by several residents who also expressed concern over the stability of Bank Mill and over the possibility of this proposal creating a precedent for further dwellings along the north side of George Street.
- On behalf of your client you pointed out that the proposed bungalow would have a small front garden area and retaining walls to form a rear patio with a sloping garden which you considered could be cultivated or terraced. You drew my attention to 2 dwellings on George Street which were set well forward of the others, and to dwellings on similar sized plots in Bank Mill, which backed onto the main railway line. You proposed to maintain the same front building line as the existing garages which

would give a front garden of some 4 m depth, and a 20 m separation from the dwellings opposite.

6. In my opinion the appeal site imposes constraints on the proposed development and on the nature of any future occupant. Nevertheless, I do not consider that the problems are insuperable, or that the impact on the residential amenities of the area need be materially affected. The proposed bungalow would not protrude further forward than the present blocks of garages, and there is space for the parking and turning of a car. The existing development has no specific or well defined character, and in my view the space between the proposed and existing dwellings would be sufficient to maintain reasonable privacy. The rear garden would not suit many people, but I consider that to be primarily a matter for your client and any future prospective purchaser to consider. Any retaining walls or terraces would, of course, have to take account of the stability of Bank Mill.

7. I have had regard to the question of precedent in this case, and I can understand the desire of local residents to keep the present informal nature of this side of George Street in preference to more formal development. It is however, current National policy to make the fullest possible use of existing urban sites, and in any event scope for development on the north side of George Street is limited. None of the other matters raised in the representations is sufficient to outweigh the considerations that have led me to my decision.

8. As agreed at the hearing, I have considered the siting, floor plan, front elevation and access shown on the submitted drawing as forming part of the application. Although a condition withdrawing rights under the General Development Order was suggested, I would only consider such a condition necessary in exceptional circumstances. In this case I do not consider the circumstances sufficiently exceptional, and it is likely that many of the "permitted developments" would involve earthworks for which planning permission may be required.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached bungalow and garage, and formation of access on land opposite 'Wandella', George Street, Berkhamstead, in accordance with the terms of the application (No 4/0032/84) dated 6 January 1984 and the plan submitted therewith, subject to the following conditions:

1. a. approval of the details of the external appearance of the building, and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

10. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11.4 This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

Ernest W. Smith

E W SMITH MSc MICE
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A King BA BPI MRTPI

- Chartered Town Planner and
Architectural Consultant,
Hemel Hempstead.

FOR THE PLANNING AUTHORITY

Mrs D Haywood MRTPI

- Assistant Planning Officer,
Dacorum District Council.

INTERESTED PERSONS

Mrs Weeden)
Mrs Day)
Mr Weeden)
Mr Day)
Mrs Adamson)

- local residents.

DOCUMENTS

Document 1 - List of persons present at the inquiry.
Document 2 a-c - Letters from town council and interested persons.

PLANS

Plan A - Application Plan.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr R G Sear
162 George Street
Berkhamsted

Mr A E King
Fairways
Lockers Park Lane
Hemel Hempstead

..... Detached bungalow - Outline

.....

at Land opposite "Wandella" George 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 .9th January 1984..... and received with sufficient particulars on .9th January 1984..... and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:-

Having regard to the limited area of the site and its relationship to existing residential properties the proposed development would be prejudicial to the amenities and environment of the locality, taking no account of the layout of surrounding residential properties.

Dated .. 20th..... day of .. February..... 19 . 84..

Signed..... *W. Barnard*

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.