

D.J. AM OS



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Gordon J. Scott FRICS
2 Grange Road
Tring
Herts.
HP23 5JP

Your Ref: GJS/GS/628
Our Ref: T/APP/A1910/A/95/252676/P7

Date: 23

| | | | | |
|-------------------------|--|--|-------------|------|
| PLANNING DEPARTMENT | | | | |
| DACORUM BOROUGH COUNCIL | | | | |
| Ref. | | | Ask. | |
| | | | Admin. | File |
| Received | | | 24 NOV 1995 | |

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS S.P. COOPER
APPLICATION NO: 4/0039/95**

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the erection of a detached, four bedroom house and a detached garage for the existing bungalow at 98 Kings Road, Berkhamsted, Herts. I have considered the written representations made by you and by the Council and also those made by Berkhamsted Town Council, other parties and interested persons. I have also considered other representations made directly to the Council which have been forwarded to me. I inspected the site on 7th November 1995.
- From my inspection of the appeal site and its surroundings and from the representations made, I consider the main issues to be the effects of the proposed development on the character of the local environment and on the residential amenities of existing neighbours and future occupiers.
- The development plan comprises the Hertfordshire County Structure Plan Review (Alterations 1991) along with the Dacorum Borough Local Plan, adopted in April 1995. These include policies to accommodate increased provision of housing over the next few years whilst still safeguarding local environments and the amenities of residents.
- The area surrounding Kings Road is an established residential neighbourhood with predominantly detached dwellings set in large mature gardens. Kings Road, which is a busy feeder route to the town, has a steep bank along its eastern side above which the appeal site is located. Access to the site and 10 existing properties is by means of a narrow private road which runs along the top of the bank.
- Tandem development has taken place in the past at several sites serviced by the private access road. However none has occurred at any of the nearby properties on either side of that of your clients, and this particular section of Kings Road has retained its character of

100%



RECYCLED PAPER

very spacious and private accommodation. The local planning authority's policies for the protection of the character of local environments have been strengthened since the tandem developments referred to above were built. Both the Structure Plan and the Local Plan place considerable emphasis on this. Whilst I accept that topography and trees will substantially screen the proposed development from Kings Road itself and that infill development has taken place nearby, often with much less space between properties than proposed here, in my view the proposal would harm the character of this particular local environment, contrary to development plan policies.

6. Turning now to amenity issues, I consider the proposal would have negligible effect on the occupiers of neighbouring properties Nos.96 and 100 or on occupants of properties on the other side of Kings Road. These would be well screened by existing trees and sufficiently far away as to be unaffected. Nor do I take the view that it would have an "...overbearing impact on the existing bungalow...", as the site slope would place it below the level of the bungalow. I do however consider it would effect the amenities of the bungalow occupiers by visual intrusion and by overlooking from its first floor rear windows. Conversely the relative elevation of the existing bungalow would affect the privacy of future occupiers of the proposed dwelling. I also consider the future occupiers would suffer disturbance as a result of the new drive to the existing bungalow passing across the front of their house only some 2-3 metres from their lounge window. This is considerably closer than any of the other properties along the access road and, although it would serve only the one bungalow, in my view it would be unacceptable for a house of such substance.

7. Finally the existing users of the private access road would all be affected by the increased traffic generated by the new development. The road is quite narrow and, according to third parties, already subject to some congestion. It has a narrow, sharply curved and downhill approach to Kings Road which it joins close to a blind bend. The Highways Authority has not commented on this, so I attribute only limited weight to it; nevertheless it is a material consideration.

8. Overall my conclusion is that the proposal would harm both the character of the local environment, which is currently spacious and discrete, and the amenities of the neighbouring occupants. It would also offer unsatisfactory amenities for its own future occupants, particularly by reason of disturbance caused by the new access road to the existing bungalow.

9. I have taken into account all submissions, but all other matters are outweighed by the considerations leading to my decision.

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

Yours faithfully



C M NIELD B Sc, C Eng, MICE, MCIWEM
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0039/95

Mr & Mrs S P Cooper
98 Kings Road
Berkhamsted
Herts
HP4 3BP

Gordon J Scott
2 Grange Road
Tring
Herts
HP23 5JP

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

98 Kings Road, Berkhamsted, Herts

ERECTION OF DETACHED DWELLING AND DETACHED GARAGE

Your application for *full planning permission* dated 18.01.1995 and received on 20.01.1995 has been **REFUSED**, for the reasons set out on the attached sheet(s).



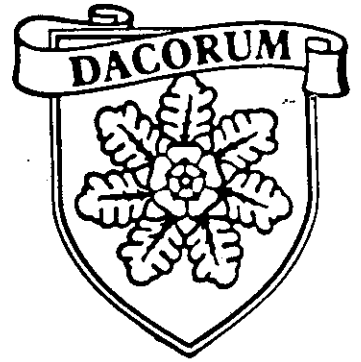
Director of Planning

Date of Decision: 01.03.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0039/95

Date of Decision: 01.03.1995



The proposed development would have an overbearing impact on the existing bungalow at 98 Kings Road, and is likely to give rise to conditions of overlooking and would have a seriously detrimental effect on the environment of the locality due to the relationship with nearby dwellings.

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**