



DACORUM BOROUGH COUNCIL

To Mr M Takimoglu
30 Botley Road
Hemel Hempstead
Herts.

Mr Raymond P Crosby
109 St Agnells Lane
Hemel Hempstead
Herts
HP2 7BG

..... Double garage with flat above

.....

at 30. Botley Road, Hemel Hempstead, Herts.

.....

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 16 January 1990 and received with sufficient particulars on 17 January 1990 and shown on the plan(s) accompanying such application..

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

The proposed dwelling, due to its height, mass and design, is unsympathetic to the character of adjacent and nearby development and by reason of its location would be detrimental to the amenities of surrounding properties and the environment of the locality.

Dated 26th day of .. February 1990

Signed..... *Wm Barnard*

Chief Planning Officer

SEE NOTES OVERLEAF
P/D. 15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



Planning Inspectorate

Department of the Environment

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J.D.O.
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PLANNING DEPARTMENT GTN 1374						
DACORUM BOROUGH COUNCIL						
Ref.						Ack.
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received				22 OCT 1990		
Comments						

Your reference

Our reference

T/APP/A1910/A/90/157852/P8

Date

19 OCT 90

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY MR MERICH TAKIMOGLU
 APPLICATION NO: 4/0047/90

- I have been appointed by the Secretary of State for the Environment to determine your client's appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a garage and one bedroom flat, 30, Botley Road, Hemel Hempstead, Hertfordshire. I have considered the representations made by you and by the Council and by interested persons. I have also considered those representations made directly by other interested persons to the Council and forwarded to me. I inspected the site on 20 September 1990.
- From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon whether the proposed dwelling would result in a diminution in the standard of residential amenity enjoyed by the occupants of adjoining dwellings due both to it overshadowing these dwellings, and the additional use of the joint access causing an unacceptable increase in the level of noise and disturbance within them.
- The proposed flat and garage abuts the the flank wall of, and part of the rear garden to, No. 30 Botley Road. In my opinion, it would overshadow a part of No. 30's private amenity area for a short period. However, a substantial part of this garden, and much of the rear wall of the dwelling would not be overshadowed. Hence there would be only a limited impact upon the standard of residential amenity enjoyed by the occupants of this dwelling. A part of the rear wall and garden of No. 1 Sarratt Avenue would also be overshadowed for a part of the day. As this overshadowing would be for only a limited period, I consider that the proposed development would have only a limited impact upon the standard of residential amenity currently enjoyed by the occupants of that dwelling.
- The drive that would serve the proposed dwelling and garage already serves No. 29 and No. 30. Hence it would serve a total of three dwellings. It passes very close to the front wall of No. 29. In the front wall of this dwelling there are windows which apparently serve bedrooms and a living room. I consider that the disturbance and noise arising from the trips generated by the occupants of the third dwelling would be noticeable within those rooms of No. 29 which face directly onto the drive. These trips are additional to those arising from the occupation of this house and No. 30. I have therefore concluded that the proposed development

would have a significant impact upon the standard of residential amenity enjoyed by the occupants of No. 29.

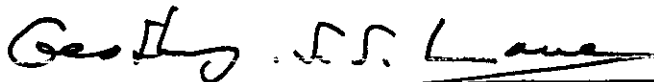
5. I consider that the impact of the proposed development upon the standard of residential amenity enjoyed by the occupants of each of the adjoining dwellings is not sufficient in itself to justify withholding consent. However, when the three houses are considered together, the impact of the proposed dwelling upon the general standard of residential amenity is sufficient to justify withholding consent. Further, the impact upon the standard of residential amenity currently enjoyed by the occupants of the surrounding dwellings is such that the proposed development would fail to comply with those policies in the County Structure Plan, and The Dacorum District Plan, which seek to maintain an adequate standard of residential amenity in existing residential areas. I consider it to be a matter of importance that these policies are upheld on this residential estate, as otherwise there would be an unacceptable diminution in the standard of residential amenity enjoyed by its residents.

6. The Council, and your client's neighbours, expressed concern about the impact of the proposed development upon the visual amenities of the area. To my mind, the proposed dwelling would be cramped, and further, due to its low eaves level, it would be out of scale with the adjoining dwellings. However, I consider that it would probably be possible to so redesign and resite it that these defects would be mitigated. Further, as you point out, a sizable extension could be attached to the side of the house without a grant of planning permission. Hence I do not consider that the problems relating to visual amenity constitute insuperable objections to the proposed development. However, this does not outweigh the cogent objections to it on the grounds of residential amenity.

7. I have considered all other matters raised, including your offer to amend the design, and I find that none of these is of such import as to override the conclusion on the major issue that has led to my decision.

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

I am Sir
Your obedient Servant,



GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector