



# Planning Inspectorate Department of the Environment

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1) DAW  
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Mr David Wilson BA FRICS 27 Hall Park BERKHAMPSTEAD Hertfordshire HP4 2NU	PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					Your reference DW
	Psl.			Ack.		Our reference
	C.P.O.	I.C.P.M.	D.P.	D.C.	J.C.	T/APP/1910/A/89/124428/P7
						Date 31 OCT 89
Received 2 NOV 1989						
Comments						

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0051/89

- 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 for 3 detached houses at 27 Hall Park, Berkhamstead. I have considered the representations made by you and by the Council and also those made by interested persons, including those made directly to the Council which have been forwarded to me. I inspected the site on 6 October 1989.
- Your appeal relates to a corner site of about 0.16 ha situated on the east side of Hall Park at its junction with Upper Hall Park, within an area of generally mature detached housing on a northward falling hillside. The site is presently occupied by your house and garage which you propose to demolish. The layout plan accompanying your application shows the site divided radially into 3 approximately triangular plots but this was submitted for indicative purposes only and I am dealing with your appeal on the basis that all matters of detail are intended to be reserved for subsequent approval.
- Having inspected the site and the surrounding area and considered the representations submitted, I am of the opinion that the main issue in this case is whether the appeal proposal would materially harm the local character or prevailing standards of privacy in this residential area.
- The appeal proposal is subject amongst other policies to policy 64 of the Dacorum District Plan which indicates that planning permission will normally be granted for residential development on small sites within the urban area of Berkhamstead provided that regard is paid to certain environmental factors such as layout and privacy. The Council considers that the appeal proposal fails to accord with this policy because, on the basis of the submitted layout plan, the development would appear cramped in this area and result in problems of overlooking and loss of privacy for the occupiers of the proposed houses, having regard to the shape of the plots and the fall of the land.
- On the other hand, you point out that since the layout plan is indicative only, the plots could be arranged differently and that with careful siting and design no undue loss of privacy should arise, bearing in mind that overlooking is not uncommon in this hilly area. You refer to various recent developments in the area involving detached houses on plots smaller than those you propose, of which those formed from the curtilages of 24 and 31 Hall Park Hill nearby appear the most relevant to me.



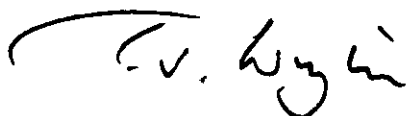
6. From my examination of the material submitted, it is clear to me that the appeal site is comparable in size and shape to the nearby combined corner sites of either 29 Upper Hall Park and 24 and 'Chestnuts', Hall Park Hill, or 31 Upper Hall Park and 31 and 31A Hall Park Hill. Each of these houses appears to me from my site inspection to be acceptably related to its neighbours and I am therefore satisfied that, in terms of maintaining adequate standards of privacy, 3 houses could similarly be acceptably accommodated on the appeal site.

7. However, whilst these nearby groups of houses do not appear unduly congested in the street scene on either side of Hall Park Hill, I find that the housing in this road is altogether less spacious in character than that on the east side of Hall Park, where the plots are generally much wider and also substantially larger than those which could be provided on the appeal site. I note that permission has been granted for the erection of an additional house on the appeal site on a plot of similar size to 25A Upper Hall Park to the east, but in my opinion the erection of 3 houses on the appeal site as opposed to 2 resulting from this permission would appear far too cramped in relation to the prevailing development on the east side of Hall Park which in my view is a determining characteristic of the area. For this reason I conclude that the character of the area would be materially harmed by the appeal proposal.

8. I have taken into account all the other points made in the representations, but none of these is of sufficient weight to cause me to alter my decision.

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

I am Sir  
Your obedient Servant



T J WRIGHT ARICS  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D Wilson Esq BA FRICS  
27 hall Park  
Berkhamsted  
Herts  
HP4 2NU

<p>Three dwellings (outline)</p> <p>.....</p> <p>.....</p> <p>at 27 Hall Park, Berkhamsted</p> <p>.....</p> <p>.....</p>
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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 ..... 6 January 1989 ..... and received with sufficient particulars on ..... 9 January 1989 ..... and shown on the plan(s) accompanying such application.

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

1. The proposal represents a gross overdevelopment of the site, and would give a cramped appearance to the detriment of the character of the area.
2. Due to the size, shape and topography of the site the local planning authority is not convinced that 3 dwellings can be satisfactorily accommodated on the land whilst ensuring adequate standards of privacy and amenity to the occupants of the proposed dwellings.

Dated ..... 21 ..... day of ..... March ..... 19 89

Signed..... *Wm Barnard* .....

Chief Planning Officer

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 receipt 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.