

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. G.L. & Mrs. K.B. Miller, 73 Woodside Road, Amersham, Bucks.

Messrs. R.M. Drawing Services, 75 Broad Street, Chesham, Bucks.

Two storey rear extension at 33 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 13th January 1981 and received with sufficient particulars on 19th January 1981 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 development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 24th day of February 1981

Signed [Signature]

Designation 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, Whitehall, London, S.W.1.) 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.

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Department of the Environment
Room 1411
Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.					CPD
G.P.O.	D.P.	D.C.	B.C.	Admin.	File
Direct line 0272-218 918 Switchboard 0272-218811 GTN 2074					
28 SEP 1981					
Comments					
Your reference EJM/SAO/6363					
Our reference T/APP/5252/A/81/8080/G5					
Date					

R M Drawing Services
75 Broad Street
CHESHAM
Buckinghamshire
HP5 3EA

CHIEF EXECUTIVE

28 SEP 1981

24 SEP 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 36 AND SCHEDULE 9
APPEAL BY MR & MRS MILLER
APPLICATION NO:- 4/0056/81

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a 2-storey rear extension at 33 George Street, Berkhamsted. I have considered the written representations made by you and by the council and also those made by Berkhamsted Town Council and an interested person. I inspected the site on 2 September 1981.
- The appeal property is one of a group of attractive but small terraced houses in one of the oldest thoroughfares in Berkhamsted. It is clearly highly desirable that they be kept in residential use and this necessitates proper maintenance and the installation of modern amenities. I understand your clients' need for 2 bedrooms and for the installation of a bathroom and proper kitchen. However, the needs of others must be borne in mind, and having carefully considered the representations and from what I saw at my visit, I consider that the issue on which this case turns is whether there would be any unduly adverse affects on neighbours, especially the occupier of No. 35.
- The affects on neighbours' amenity which must be considered are possible loss of privacy and of light. No. 31 already extends further to the rear, and therefore I consider that that dwelling, which is to the north-west of No. 33, will not suffer any significant loss of light. The ground floor extension of No. 35 extends a little to the rear of the present kitchen of No. 33 and the flank wall contains a panelled wooden door without any glazing and a small obscure glazed window. The principal window of this kitchen is in the rear elevation.
- I have come to the conclusion that the appeal proposal would have no material affect on the light enjoyed by the occupant of No. 35 within the kitchen. The window in the upper room would also not be unduly affected, since the situation of this window would be no different to a window in the ground floor with a 10 ft single storey extension alongside, which, as the planning authority point out, is normally regarded as acceptable. I have no reason to think that the relationship would not be acceptable in this case. The light reaching the sitting room window of No. 35 is more critical. This window is in the main rear wall of No. 35 between the kitchen extension and the appeal proposal. The proposal would reduce light reaching this window unless the wall of the extension was such that light would be reflected from the surface. I consider that this could be dealt with by a condition.

5. A 2-storey extension on the boundary would have the effect of giving a sense of enclosure to the small area of yard outside the kitchen of No. 35. The nature of these dwellings is of intimate spaces, witness the access through the terrace between Nos 31 and 33. The effect of this additional enclosure can be seen to have benefits of providing additional shelter and an attractive space but at the same time providing perhaps an unwelcome physiological effect of changing a familiar place and giving a somewhat "hemmed-in" feeling. On balance, I do not think that the negative effects are likely to be so powerful as to be overriding.

6. Turning to the possible loss of privacy, I accept that you have demonstrated a considerable gain in your diagram, drawing no. 6363/2. Your clients' present kitchen is glazed on 3 sides and the area immediately adjoining the neighbouring houses would become free of overlooking. It is true that the rear windows of No. 33 would be further into the plot, but these gardens are so small that windows in the main rear wall have a commanding view over the full length of the plot; the proposal at least ensures that part of the garden area is not overlooked. I have concluded that there would be no serious loss of amenity to adjoining occupiers.

7. I have taken account of all other matters raised including the point made by Mrs Munay-Smith about the 3 ft right of way running along the rear of the appeal property. On the application plan you show this as running along the rear of the extension. Whether this can be done without agreement, or whether agreement could be reached on the point, is not a matter for me to make a judgement upon, but must remain a matter to be settled between the parties involved. None of these other matters overrides the considerations which have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2-storey rear extension at 33 George Street, Berkhamsted, in accordance with the terms of the application (No. 4/0056/81) dated 12 January 1981 and the plans submitted therewith, subject to the following conditions:

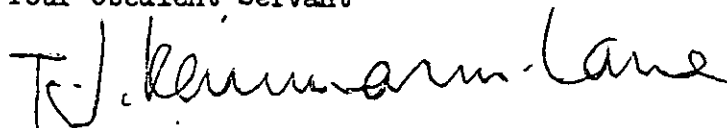
1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. The flank wall of the extension hereby approved, between Nos 33 and 35 George Street, shall be finished with a light reflective surface in accordance with details which have been agreed with the local planning authority before the development commences.

9. Attention is drawn to the fact that an applicant for approval of the matter referred to in Condition 2 of this permission has a statutory right of appeal to the Secretary of State if agreement cannot be reached or if the authority fail to give notice of their decision within the prescribed period.

10. 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 Gentlemen
Your obedient Servant



T J KEMMANN-LANE DipTP FRTP MBIM
Inspector