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CHIEF EXECUTIVE OFFICER
17 FEB 1988
File no. *elo n/r*

Mr & Mrs R S White
24 North Road
BERKHAMSTED
Herts
HP4 3DX

PLANNING DEPARTMENT
PLANNING COUNCIL
17 FEB 1988
Received
Comments

our reference *4/0075/87*
Our reference
T/APP/A1910/A/87/76983/P6
Date *16-2-88*

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0075/87

~~JEB~~
JRB

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for one dwelling on land adjoining "Eaglesfield", Montague Road, Berkhamsted. I have considered the written representations made by you and by the council and also those made by an interested party and interested persons. I inspected the site on 10 December 1987.

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2. From my inspection of the appeal site and of its surroundings and my consideration of all of the written representations made I take the view that the main issues in this case concern first, the effects of the proposed development on the appearance of Montague Road and second, the acceptability of the development in relation to considerations of domestic privacy.

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3. On the first issue I noted, when I inspected the site, that it lies in a residential area where there is a variety of types of dwelling, plot sizes and building lines. However the residential buildings nearby are commonly of considerable size, with a good amount of space round about them. The appeal site occupies a prominent position on the outside of a bend in Montague Road, it is of small size and awkward shape for a house plot and it is closely adjoined by the house "Eaglesfield" to the north-west and by "Westgate" to the south. In my opinion the proposed dwelling would have a very cramped and awkward appearance in its setting, because a very sizeable part of the site area would be built upon, because of the smallness of the plot and because of the close proximity of other houses. I consider too that the building would appear to be tightly hemmed in by Montague Road, the private right of way to the north-west and the footpath. The erection of the proposed house would cause demonstrable harm to the appearance of Montague Road, an interest of acknowledged importance.

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4. On the second issue I conclude that because of the position of the appeal site in relation to adjoining houses the occupants of the proposed dwelling would experience very poor levels of domestic privacy due to overlooking. Although the design of the proposed house would avoid overlooking from the dwelling to the south, as no windows are planned in the south elevation, windows on the north side of the house, and the small garden area there, would be overlooked, at close range and from a higher level, by windows in the dwelling to the north-west. In my opinion this situation would be severely detrimental to the amenities of occupants of the proposed house.

5. I have considered whether these objections would be overcome by the imposition of conditions on a planning permission or by other means of planning control. However I am unable to see how, for example, a landscaping condition would secure

significant improvements to the appearance of the development or of levels of privacy. I conclude that there are specific and convincing objections to your proposal, which override the general presumption in favour of the grant of planning permission.

6. I regret that I can find no special circumstances to justify the grant of consent in the face of these objections. Although the development plan indicates that residential development will normally be permitted in this locality it does not suggest that considerations of visual and residential amenity can be set aside. I recognise that the plot of land has a rather untidy appearance at present, but that could be remedied without having to build a house on the land. I am not convinced that the only use to which the site could be put is as a house plot. Although I note that at least one nearby resident supports your proposals it is clear that a large number of other residents are very concerned about the scheme.

7. I have examined all of the other representations made but none are of sufficient weight to change my conclusions and my decision that planning permission should not be granted.

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

I am Sir and Madam
Your obedient servant



A J J STREET BA DipTP MRTPI
Inspector



DACORUM BOROUGH COUNCIL

To Mr. & Mrs.R.S.White Mr.R.Thompson MA DIP ARCH RIBA
24 North Road Rickaby Thompson Associates
Berkhamsted Herts,HP4 3DX 12 Middle Road
Berkhamsted, Herts HP4 3EQ

One dwelling
Land adj. to Englesfield,
Montague Road, 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 15.1.87 and received with sufficient particulars on 19.1.87 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 application site is of inadequate size to satisfactorily accommodate the proposed dwelling together with vehicle parking facilities and adequate private garden area.
2. Having regard to the limited area of the site and its relationship to existing residential properties the proposal would be detrimental to the outlook and amenities of the surrounding dwellings and in addition would be an unduly prominent feature in the street scene.
3. The application site is overlooked by windows of nearby houses resulting in a lack of privacy for the occupants of the proposed dwelling.

Dated 17 day of March 19 87

Signed [Signature]

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.