

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr E G Pestaille & Mrs B Pestaille
50 Peascroft Road
Hemel Hempstead
Herts

One detached dwelling (OUTLINE)
at Adj. 50 Peascroft Road
Hemel Hempstead

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 18.1.1990 and received with sufficient particulars on 18.1.1990 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 proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.
2. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
3. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.

Dated 5th day of March 1990

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 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.



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Department of the Environment

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PLANNING DEPARTMENT
 DACORUM BOROUGH COUNCIL GTN 1374

Mr E G & Mrs B Pestaille
 50 Peascroft Road
 HEMEL HEMPSTEAD
 Hertfordshire
 HP3 8EP

ACK.

Your reference

Admin.

File

O/L/AP

Our reference

14 JAN 1991

T/APP/A1910/A/90/165684/P8

Date

11 JAN 91

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPLICATION NO: 4/0081/90

1. As you are aware I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for erection of one dwelling house on land adjacent to No 50 Peascroft Road, Hemel Hempstead, Herts. I have considered the written representations made by you, by the council and by interested persons. I visited the site on Monday 12 November 1990.
2. From my visit and from the representations made I consider the main issue to be decided is whether the appeal site is adequate to accommodate the proposed dwelling without being unduly detrimental to either the residential amenities of neighbouring properties or the character of the area.
3. The appeal site, indicated as having an area of some 145 sq m, is part of the rear garden to No 50 Peascroft Road, an end of terrace 2 storey house. The site lies within predominantly residential surroundings abutting the flank end of No 1 Winchdells.
4. You indicate in some detail, the background to your application now the subject of this appeal, particularly concerning any restrictive Covenant affecting further development within the curtilage of your property. In respect to the appeal site you contend that a dwelling could be located thereon, to the benefit of the area and without undue loss of light or privacy to neighbouring occupiers. The plot you say, is larger than many now being developed in the district, 2 of which are brought to my attention.
5. The council is of the opinion that the site is inadequate to satisfactorily accommodate the proposed dwelling together with necessary amenities and parking facilities. Such a development it is considered, would represent an overdevelopment of the site which would be detrimental to the residential amenities of adjoining occupiers and harmful to the character of the area.
6. The appeal site lies within surroundings which are predominantly residential in character and there would appear to be no objection to the principle of housing development in this area. However despite your arguments to the contrary, I am not convinced that the site is of sufficient size to satisfactorily accommodate your proposal.
7. I can accept that it may be physically possible to position a small and carefully designed dwelling in this location. It nevertheless seems clear to me, having regard to the plot dimensions indicated, that a dwelling house together with provision of on-site parking and turning facilities, would result in a very considerable part

of the available land being covered by building and hard surfaces. I am of the opinion therefore that, although perhaps acceptable in land use terms, a dwelling as proposed, inevitably positioned forward of the building line, would have the appearance of having been 'squeezed' onto the site in a way which is out of keeping with surrounding houses.

8. Such a proposal, resulting in modest useable private space being available for the quiet enjoyment of future occupiers of the premises, would also leave an uncharacteristically small rear garden area remaining to No 50 Peascroft Road. There is furthermore, no doubt in my mind that a dwelling house within the close confines of the appeal site would have a damaging impact on the outlook, privacy and residential amenity at the adjoining property. The structure in my judgement would be seen as a dominant and overbearing feature, the effect of which occupiers of No 52 Peascroft Road, particularly when using their rear garden, would be unpleasantly aware, making their property a less pleasant place in which to live.

9. I have concluded in consequence that sub-division of your property as proposed would constitute an overdevelopment of this small site, which would be cramped and harmful to the residential amenity enjoyed by neighbouring occupiers. These planning objections I consider, override the normal presumption in favour of development and the council is right to withhold their consent in this instance.

10. Your comments are noted concerning a possible restrictive Covenant affecting future use of the appeal premises. However your appeal has to be decided solely on the planning merits of the proposal and has no bearing on any legal restraint which may otherwise be imposed under other enactments.

11. I have also taken account of other development which has been permitted in the area and which you consider supports this project. Although there may be instances where plot size is similar to the appeal site, I am nevertheless not persuaded that in other respects the circumstances are comparable, or that they override the need to judge each application on its own individual merit.

12. Account has been taken of all the other matters raised but they are not of sufficient weight to alter my decision.

13. 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



G S WEBB CEng MICE
Inspector