



**Department of the Environment and
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CHIEF EXECUTIVE OFFICER	
26 NOV 1987	
File list.	
Refer to <i>CFO 26/11</i>	
Cleared	

Mr J O Bolton-King
80 Kings Road
BERKHAMSTED
Hertfordshire
HP4 3BP

~~1) MB~~
~~2) AB~~
~~3) RB~~

Your reference					
PLANNING DEPARTMENT					
Our reference DACORUM DISTRICT COUNCIL					
T/APP/A1910/A/87/070017/P4					
Date 24 NOV 87	Ack. 4 NOV 87				
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 26 NOV 1987					
Comments					
SCHEDULE 9					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0097/87

- As you know 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 the erection of a detached split level or 2-storey dwelling to the rear of 80 Kings Road, Berkhamsted. I have considered the written representations made by you and by the council, and also those made by interested persons. I inspected the site on 30 September 1987.
- From my inspection of the site and its surroundings and from my consideration of the written representations, I am of the opinion that the main issues in this appeal are whether the dwelling you propose would cause unacceptable harm to the character and appearance of the locality and whether it would cause material damage to the amenities of occupiers of nearby houses.
- Your house, the appeal site, fronts Kings Road, a well used road rising southwards away from Berkhamsted town centre. The area as a whole presents an attractive residential area, a particular feature of which is the presence of a large number of substantial and long established trees.
- Your house is close to the junction of Kings Road with Ashlyns Road and comparatively recently 3 substantial houses have been erected fronting a short cul-de-sac, Gresham Court which joins Ashlyns Road on its southern side close to its junction with Kings Road. This cul-de-sac also serves a further dwelling, a chalet bungalow in an elevated position which would appear to have been built a considerable time before the 3 houses I have mentioned. The chalet bungalow is now No. 2 Gresham Court.
- In order to reach Nos 3 and 4 Gresham Court the cul-de-sac runs between the side of No. 2 and the side of your rear garden which rises away from your house. Your garden is large and your proposal is to erect a new dwelling in the back part of your garden which dwelling would front Gresham Court. Its plot would be comparable in size to those of Nos 3 and 4 Gresham Court.
- For this reason I regard the scale of your proposal as being in keeping with that of the new development on Gresham Court. I furthermore consider that a dwelling if carefully sited on the appeal site need not be unduly prominent particularly as for the most part it would be set back behind the existing beech hedge. In this way I consider that it would contrast favourably with the open frontages of plots 3 and 4.
- I also take into account in considering the visual impact of your proposal that the hedge between the side of Gresham Court and what would remain of your back garden

would be unaffected by the proposal so retaining a small undeveloped frontage to Gresham Court which undeveloped frontage would in my opinion soften the impact of new housing on comparatively small plots.

8. I did at the site visit take the opportunity of inspecting new cul-de-sac developments at Ballinger Court and Ashlyns Court both of which would appear to have been built at a slightly higher density than that of Gresham Court and in my view were your proposal to be allowed, the appearance of Gresham Court as being somewhat more spacious and less cramped would remain.

9. I consider therefore that if carefully sited and designed a dwelling on the appeal site would blend in reasonably well with the houses on Gresham Court and should not detract from the pleasant appearance of that cul-de-sac. In this respect I note the proximity to the road of the split level house shown for illustrative purposes on the plans you have submitted and can well understand the concern of neighbours as to its alignment and as to the proximity of its double garage to the cul-de-sac.

10. I have also considered whether a dwelling on the appeal site would interfere unacceptably with the privacy of occupiers of neighbouring dwellings. As far as this aspect of your appeal is concerned those dwellings that would be most affected by the proposal are your own and Nos 2 and 4 Gresham Court. As far as your own is concerned it is at a considerably lower level than the appeal site and would be separated from it by a garden of some 35 m in length. I consider it therefore to be unlikely that there would be any direct overlooking into the windows of your house and that given the erection of a suitable boundary fence that the privacy of your garden would remain.

11. Both Nos 2 and 4 Gresham Court are somewhat closer to the appeal site than your house. Both would however be separated from the dwelling you propose by the cul-de-sac and No. 2 Gresham Court by the existing close boarded fence and No. 4 by the existing hedge which separates its plot from the appeal site. Again I am of the opinion that the existing fence and hedge would provide adequate screening and that the erection of a dwelling on the appeal site would not make these dwellings any less pleasant ones in which to live.

12. I have considered all other matters raised in the representations but these are not sufficient to outweigh those factors which have led me to my decision.

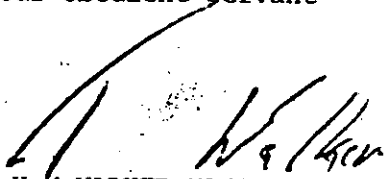
13. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a dwelling on land to the rear of No. 80 Kings Road, Berkhamsted, in accordance with the terms of application No. 4/0097/87 dated 20 January 1987 and the plans submitted therewith, subject to the following conditions:-

1. a. approval of the details of the siting, design and external appearance of the dwelling and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority.
b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. five years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter approved.

14. Attention is drawn to the fact that an applicatn for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

15. 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 Sir
Your obedient Servant



T H M WALKER MA(Oxon) Solicitor
Inspector

c.c. Mr Chambers
c.c. C.P.O. FAO: Mr D Noble

20 January 1988
GCS/Wannell/HMK
T.203/AC/7/04/22
Mr Hallworth
2359

Sumner and Tabor
Solicitors
DX 80850
Berkhamsted
Herts

PLANNING DEPARTMENT HARTFORDSHIRE COUNTY COUNCIL			
4/0097/87			
Received	21 JAN 1988		✓
Comments			

228359

Dear Sirs

PLANNING APPLICATION REF: 4/0097/87 - 1 GRESHAM COURT

I refer to the second paragraph of your letter dated 17 June 1987 addressed to my colleague the Chief Planning Officer.

Gresham Court is a private street and it is not intended to adopt it as Public Highway. The Highway Authority, the Hertfordshire County Council, have laid down a policy in the case of the possible adoption of private streets requiring the prior agreement of all of the frontagers to such a decision. In addition, the survey and engineering details of any construction details of any improvements required in order to effect adoption are to be carried out by the frontagers and submitted for approval to the Highway Authority before the works commence. Such works are to be the entire responsibility of the frontagers and they are advised to appoint a qualified consultant to act on their behalf.

The standards for adoption are laid down in the specification "Residential Roads in Hertfordshire 1982" and a copy may be obtained from the County Surveyor.

Yours faithfully


DIRECTOR OF TECHNICAL SERVICES

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP



DACORUM BOROUGH COUNCIL

To J O Bolton King
80 Kings Road
Berkhamsted
Herts

One dwelling (Outline)
at Rear of 80 Kings 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 20 January 1987 and received with sufficient particulars on 23 January 1987 and shown on the plan(s) accompanying such application.

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

Having regard to the limited area of this site and its relationship to existing residential properties, the proposed dwelling would have a seriously detrimental effect on the privacy and amenity at present enjoyed by occupants of surrounding dwellings.

Dated 10 day of April 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.