

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr and Mrs J Davies
2 Meadow Way
Boxmoor
Hemel Hempstead

Mr R A Quirk FFS
27 Chartridge Lane
Chesham

Detached dwelling at Rear 2 Meadow Way (Felden Lane) Hemel Hempstead	Brief description and location of proposed development.
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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 22 January 1986 and received with sufficient particulars on 27 January 1986 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 site is of insufficient size for the house proposed. The proposal would result in unacceptable overlooking of the existing house, No 2 Felden Lane and would itself be overlooked by adjoining houses.
2. The proposed vehicular access to Felden Lane has inadequate visibility.

Dated 8 day of April 19 86

Signed..... *W. B. B. B. B. B.*

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.



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Department of the Environment and
Department of Transport

DEPARTMENT OF TRANSPORT
DACORUM DISTRICT COUNCIL

Common Services

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GTN 2074

Received

29 JUL 1987

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CHIEF EXECUTIVE OFFICER

29 JUL 1987

File No.

Refer to 60 29/7

Checked

R A Quirk ESq
27 Chartridge
CHESHAM
Bucks HP5 2JL

ESQ
Lane

Your reference: 265A

Our reference: T/APP/A1910/A/86/056913/P3

Date:

28 JUL 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR & MRS J DAVIS
APPLICATION NO:- 4/0111/86

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a detached chalet bungalow at the rear of 2 Meadow Way, Boxmoor, Hemel Hempstead. I have considered the written representations made by you and the council, together with those made by interested persons. I inspected the site on 2 July 1987.
- From what I have seen and read I consider that there are 2 main issues in this appeal. The first is whether the proposed design would cause serious problems of overlooking. The second is whether safe vehicular egress could be made from the premises at the position shown on the submitted plans.
- On the first issue I saw that a substantial 2 m high timber fence had been erected on the proposed boundary line between 2 Meadow Way and the appeal site, and that new planting was intended to surmount the fence in time. However, standing on the approximate line of the rear elevation of the proposed chalet bungalow I was able to see into the windows of your clients' property over this fence. Consequently, I am in no doubt that overlooking of both the garden and dwelling at close range from the upper windows of the proposed dwelling would be inevitable. For this reason alone I consider that these proposals are environmentally unacceptable.
- On the second issue I saw that the proposed vehicle access to the proposed dwelling, in Felden Lane, is sited next to a line of thick evergreen hedging along the rear boundary of 1 Meadow Lane. I am satisfied that, unless this hedge was drastically cut back, egress from this point would be dangerous. An exiting driver would be unable to see traffic approaching from the north-west until the front of his vehicle was already on the carriageway. The hedge is not within your clients' control. Consequently, this is another aspect of the appeal scheme that merits its dismissal. I note your desire for my comments on the acceptability of altering the position of the vehicle access. However, such an alteration on a small site like this would entail changes throughout the scheme. Having no knowledge of the precise nature of those changes I am not willing to give a view.
- I conclude that the deficiencies of the scheme in respect of the 2 main issues I have identified outweigh the general presumption in favour of allowing proposals for development. I have taken into account all other matters raised in the representations, but these do not outweigh the planning considerations that have led to my decision.



6. For the reasons given above and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

A handwritten signature in black ink, appearing to read 'Hoile', written in a cursive style. The signature is positioned above the typed name.

C J HOILE MA(Oxon) DipTP MRTPI
Inspector