



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0194/92

P Millington
The Anchorage
Moorland Road
Hemel Hempstead
HERTS

Mr A.King
24 Lincoln Court
Berkhamsted
Herts
HP4 3EN

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

The Anchorage, Moorland Road, Hemel Hempstead,
TWO DETACHED DWELLINGS

Your application for *full planning permission* dated 15.02.1992 and received on 21.02.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

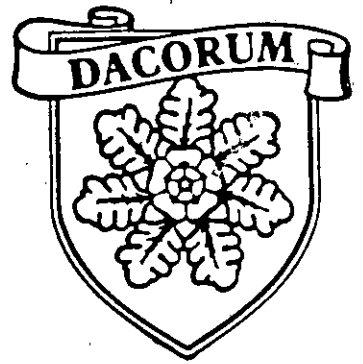
Director of Planning

Date of Decision: 31.03.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0194/92

Date of Decision: 31.03.1992



The proposed development represents a gross overdevelopment of the site which would have a cramped appearance and would be unneighbourly to surrounding properties.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

B/280X/SF/P

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

JDN
2/AM
3/AB

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
A E King BA-MRTPI Osborne Lodge Wick Road Wigginton TRING Hertfordshire					Your Ref: Ack.	
T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File our Ref:	
					T/APP/A1910/A/92/205766/P4	
12 NOV 1992					DATE: 11 NOV 1992	
Comments						

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MISS P MILLINGTON
APPLICATION NO:- 4/0194/92

- 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 in respect of an application for 2 detached dwellings on land at The Anchorage, Moorland Road, Hemel Hempstead. I held a hearing into the appeal on 2 September 1992.
- From the evidence at the hearing, the written representations received and my inspection of the site and its surroundings I consider that there are 2 main issues in this case. The first is the likely impact of the proposed development on the character and appearance of the surrounding area having regard to the objectives of local planning policies. The second is the likely effect of the proposal on the living conditions of adjoining and nearby occupiers particularly in respect of any loss of privacy or sunlight and visual impact.
- The most relevant local planning policies for this case are set out in the Dacorum District Plan adopted in 1984 and the draft Dacorum Borough Local Plan for which a local plan inquiry has recently been held. It seems to me that the policies which relate most closely to the proposed development are Policy 7 of the draft Plan which seeks to encourage appropriate residential development within existing residential areas and Policy 8 which expands on what is regarded as appropriate. Among the factors cited in this respect are the need for development to harmonise with the general character and density of the area in which it is set and the need to avoid harm to nearby properties because of loss of privacy etc. Environmental Guidelines amplifying these criteria are set out in Part 5 of the draft Plan. These include references to the need for adequate space about the

dwelling, the avoidance of a cramped appearance and the need for variety and imagination in housing design.

4. Turning to the first issue, the appeal site is located within an attractive residential area in the Boxmoor district of Hemel Hempstead close to the south-west edge of the town. The immediate area consists largely of Victorian and Edwardian houses ranging from detached properties to short terraces, bay windows and associated gables being a common feature. The site itself which fronts Moorland Road is in a prominent position near to the junction with Fishery Road. The plot which measures some 25 m wide by an average of some 15 m deep is currently occupied by a one bedroomed bungalow known as "The Anchorage".

5. Your proposals would entail the demolition of the bungalow and its replacement by 2 identical 2-bedroom houses. You have sought to compensate for the limited depth of the plot by siting the 2 dwellings forward - some 1 m from the carriageway - while locating each property's garage close to the rear of the site and to its eastern and western boundaries. Notwithstanding these steps, the Council considers that what is proposed constitutes overdevelopment which would appear cramped in relation to existing dwellings and out of keeping in terms of scale, form and height with the established character of the area.

6. It seems to me that in assessing the effect of the development on the character of the area the principal consideration is its compatibility or otherwise with other properties within the Moorland Street frontage and with the street scene as a whole. I have dealt with the proposal's visual impact as seen from the rear under the second issue. From the viewpoint of the street, my general conclusion is that the spacing of the 2 buildings, with a gap of 2 m between them and a driveway entrance some 2.5 m wide at either end of the site, would be relatively generous compared with that of some at least of the older buildings and that they would not appear cramped as the Council contends. Turning to their detailed design, while they are somewhat lower than the adjacent turn of the century villas to the west they display a number of features which echo those of these older buildings such as their mock sash arched windows, their ornate roof ridges and finials and their band coursing between the ground and first floors. To my mind, while they are shallow in depth they are reasonably well proportioned and would represent a not unattractive addition to the street scene in this area.

7. On the second issue, it seems to me that in terms of their effect on adjacent occupiers any conflicts would be most likely to arise in connection with 5 Fishery Road whose back garden abuts the southern boundary to the appeal site. However, it seems to me that any such adverse impacts are likely to be small. First, there is, in my view, unlikely to be any significant overlooking from either dwelling of the rear elevation to No 5 or its garden. While the proposed houses would be at a slightly higher level than this existing property there would be only one upper floor window on the

southern elevation of each dwelling and in each case this would be of obscure glass. From my site inspection I noted that the upper parts of the ground floor windows of the present bungalow are visible from the garden to No 5 above the present fence. However, any scope for overlooking which may now exist would, I believe, be likely to be somewhat less with the proposed new dwellings. They would be set back from the common boundary by a further 3 m or so while the garage to dwelling No 1 which would be located towards the rear of the plot would effectively block off any view from the ground floor windows of either dwelling of the top part of the garden to No 5. Second, and turning to their visual impact, the 2 properties would clearly be more prominent as seen from No 5 than the present bungalow. However, given their siting towards the front of the site and the scope for tree planting and other landscaping within its southern boundary, which would help soften the outline of the proposed buildings, I do not consider that this impact would be unacceptable.

8. I have considered too the impact of the development on the occupiers of other properties in the area but do not believe that there would be any significantly adverse effects. There would be some change in the outlook from the rear of 7 Fishery Road in that its occupiers would be faced by the relatively tall gable wall to dwelling No 1. However, given the separation of some 19 m between this wall and the rear elevation of No 7 and the intervening trees within that property's garden area I do not consider that the gable would have an unacceptable visual impact. Also, given this separation, it would not, in my view, lead to any significant reduction in the amount of sunlight reaching No 7. As far as any direct effect on 2 Moorland Road is concerned, it seems to me that the garage to dwelling No 2 would largely prevent any overlooking between the properties. My overall conclusion on the second issue is that the proposal would not harm the living conditions of neighbouring occupiers to any significant degree.

9. A number of the representations from local residents draw attention to the relatively limited rear garden space attached to the proposed dwellings. At some 8 m in depth these gardens fail to meet the Council's Environmental Guidelines as set out in the draft Borough Local Plan. However, Policy 9 of that Plan recognises that while these guidelines which suggest a minimum garden depth of 11.5 m should normally be met, circumstances will arise where they need to be tightened or can be relaxed. In my view, a compensating factor in this case is the relatively large width of the garden plots which exceeds their depth. Having regard too to the advice in Circular 22/80 that planning authorities should not be over-prescriptive in matters such as garden size I do not believe that the development's failure to meet these particular guidelines would of itself be a justification for me to dismiss this appeal.

10. I have noted the views of some residents that the development proposed would exacerbate problems of on-street parking in Moorland Road. However, this is not a matter that

I am empowered to deal with. I have taken into account all other matters raised during the hearing and in the written representations but find nothing of such weight as to outweigh my conclusions on the 2 main issues that the proposal is acceptable.

11. I have also considered what conditions should be imposed on a grant of planning permission on the basis of those suggested by the Council (Document 4), the discussion which took place regarding these at the hearing, and the advice contained in Circular 1/85. In the light of Circular 1/85 I am deleting the Council's suggested conditions numbered 2, 3, 6 and 11 which I believe to be unnecessary. Condition 2 deals with materials; however, details of those to be used are set out in drawing LH100A and I find these acceptable. No 3 addresses the construction details of the proposed footpath crossovers, a matter which is covered by other legislation. No 6 states that the garages should be set back a minimum distance of 5.5 m from the highway boundary; however, as was acknowledged at the hearing, the proposals fully meet this requirement. Finally, draft condition 11 refers to the demolition of existing structures - principally the present bungalow - and the removal of materials from the site. I believe that, in practice, such action would be a necessary accompaniment to the proposed new development.

12. Draft conditions Nos 4 and 5 relate to the provision of visibility splays. I consider that conditions on these lines are needed in the interests of highway safety. However, my inspection of the plans leads me to the view that the dimensions specified by the Council may not be fully achievable although the extent of any shortfall would not be such, I believe, as to constitute a hazard. I propose to combine the 2 draft conditions together with condition 7, which deals with the gradient of the garage drives, into one condition which requires that such details be submitted to and approved by the local planning authority.

13. Regarding the buildings, themselves, I agree with the Council that it would be reasonable in this case to restrict normal permitted development rights both in respect of any extensions and the insertion of additional windows [draft conditions 9 and 10]. I believe that in the first instance such action is justified as a means of safeguarding the relatively limited garden area to both properties. In the second, the purpose is to prevent any possible overlooking of neighbouring properties. In the present plans the only glazed area serving the upper floor to each dwelling, apart from those on the front elevation, is a landing window; the Council's condition 12 which I intend to impose requires that this be fitted with obscure glass.

14. I also intend to impose landscaping conditions based on those set out in Circular 1/85. While planting details are shown on the appeal plan LH100A it was apparent to me during the site visit part of the hearing that some changes will be needed; for example the scope of the proposed tree planting along the southern boundary to the site will need to be

re-examined to avoid competition with the pear trees in the adjacent garden to 5 Fishery Road.

15. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for 2 detached dwellings on land at The Anchorage, Moorland Road, Hemel Hempstead in accordance with the terms of the application No 4/0194/92 and dated 15 February 1992 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. No work shall be started on the development hereby permitted until details of the sightlines and visibility splays to be provided in connection with each access and of the gradients to each garage drive have been submitted to and approved by the local planning authority.

3. No development shall take place until there has been submitted to and approved by the local planning authority a revised scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building or its completion, whichever is the sooner; and any trees or plants which from a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any amendment thereto there shall be no extension or addition to the buildings hereby permitted and neither shall any additional windows or other openings be formed in either house, other than those shown on drawing No LH101A without the express written permission of the local planning authority.

6. The first floor landing windows shown on drawing No LH101A shall be fitted with obscure glazing before the development hereby permitted is first occupied. The obscure glazing in these windows shall not be replaced with clear glazing without the prior written consent of the local planning authority.

16. An applicant 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir
Your obedient Servant

C. J. Gossop

DR C J GOSSOP BSc MA PhD MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA(Hons) BPI MRTPI

- Osborne Lodge, Wick
Road, Wiggington, Tring,
Herts.

Miss P Millington

- The Anchorage, Moorland
Road, Hemel Hempstead.

FOR THE PLANNING AUTHORITY

Miss J Hampson BA MRTPI

INTERESTED PERSONS

Mr R Mapstone

- 7 Fishery Road, Hemel
Hempstead.

Mrs S J Mapstone

- 7 Fishery Road, Hemel
Hempstead.

Mrs A Jennings

- 1 Moorland Road, Hemel
Hempstead.

Mrs J Biscoe*

- 4 Moorland Road, Hemel
Hempstead.

Mrs F W Hay*

- 5 Fishery Road, Hemel
Hempstead.

Mr J Hay*

- 5 Fishery Road, Hemel
Hempstead.

* NB attended site meeting part of hearing only.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
" 2 - Letter of notification and addressees.
" 3 - Pre-hearing statement on behalf of Appellant by
Mr King.
" 4 - The Council's statement.

DOCUMENTS - Continued

- Document 5 - Representations (6) received in response to letter of notification.
- " 6 - Representations (12) received by the Council in response to planning application.
- " 7 - Development at Wharf Road/Kingsland Road [application, decision letter, plans, Section 52 Agreement and related documents] - put in by Miss Hampson.

PLANS

- Plan A - Site plan.
- " B - Elevations.
- " C - Site and Floor Plans.