

Department of the Environment and  
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Common Services

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14 FEB 1985

File Ref. ....

Refer to *apo 14/2*

Cleared .....

11817

Alban Developments Ltd  
Vienna House  
Park Avenue South  
HARPENDEN  
Herts  
AL5 2DZ

~~1) MB~~  
~~2) CB~~  
3) TW  
~~4) DAA 2~~

Your reference PLANNING DEPARTMENT DEK/TMCM/500 DACORUM DISTRICT COUNCIL				
Our reference				
Ref.	T/APP/A1910/A/84/22336/P2			Act
C.P.O.	Date D.P.	B.C.	Admin.	File
	13 FEB 85			
Received <i>[Signature]</i> 14 FEB 1985				
Comments				
AND SCHEDULE 9				

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36  
APPEAL BY MR AND MRS R MEEHAM  
APPLICATION NO:- 4/0200/84

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for an extension and alterations to provide an additional bedroom and bathroom at 4 High View, Markyate, Herts. 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 January 1985.
- From my inspection of the site and surroundings and the representations made I consider the main issue is the impact the proposal would make on the adjoining house and garden.
- The rear garden of the appeal site is a reasonable size and I am satisfied that the proposed extension would not create a cramped effect or constitute over-development. The design of the proposed extension also seems to be entirely appropriate for the visual character of the estate as a whole. The estate is built on a steep slope falling generally towards the north so that in most cases the dwellings located to the south of other dwellings exhibit more dominance over their northerly neighbours than would otherwise be the case. This is clearly so with regard to the appeal site and No. 2 High View where the long garage wall with its gable to the pitched section at the front of the appeal site forming the boundary line exerts a considerable dominance on the rear patio of No. 2. This effect must have been greater before the occupier of No. 2 clearly built-up the patio level above the level of the remainder of the garden. It is also obvious that the gable end of the appeal house facing towards No. 2 reinforces the dominance of the garage wall.
- In assessing the situation at the inspection it seemed to me that the proposed extension would have the greatest visual effect on the adjoining property from within the kitchen window and on the patio outside the kitchen. From a standing position on the patio outside the living room window the proposed extension would hardly be seen because the existing garage wall almost screens the house gable up to eaves level and since the proposal would have a pitched roof with the eaves towards No. 2 there would be little if any of the roof to be seen from ground level. From a sitting position on the patio just outside or within the living room the proposal would not in my view be visible. From the 2 upstairs rear bedrooms the proposed extension would be visible but these rooms have good views across the estate and down the valley and the proposal would not in my opinion create an unacceptable hemmed-in effect.

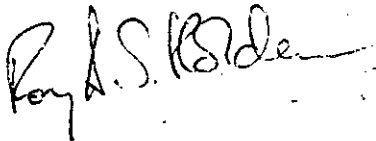
5. Clearly the assessment of whether the proposal is visible or not in relation to the orientation has a bearing on the degree of overshadowing. It seems to me that as originally built No. 2 has always suffered a considerable amount of overshadowing from the appeal property from mid-day onwards depending on the time of the year. I accept that the proposal would increase this to a small extent but in my view the effect would be insignificant compared with a property that previous to a proposal had suffered no overshadowing. I am satisfied that even in the winter the rear face of No. 2 would be able to receive sunlight for a large part of the morning and clearly the period of sunlight would increase in the summer months. In the circumstances I take the view that the effect of the proposal on the adjoining property is not of such a material consequence as to warrant a refusal of the application.

6. I have noted all the other matters raised in the representations including your response to the statement of objections from the occupiers of No. 2, but neither this, nor all the other matters raised are of sufficient importance in my view to outweigh the considerations that have led to my decision.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for an extension and alterations to provide a bedroom and bathroom at 4 High View, Markyate, Herts in accordance with the terms of the application (No. 4/0200/84) dated 9 February 1984 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. 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 Gentlemen  
Your obedient Servant



ROY A S HOLDEN DipArch RIBA  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Mr & Mrs R Meehan  
4 High View  
Markyate  
Herts

Alban Developments Ltd  
Vienna House  
Park Avenue South  
Harpenden  
Herts

Two storey rear extension
.....
.....
at 4 High View
.....
Markyate
.....

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 9.2.84 and received with sufficient particulars on 14.2.84 and shown on the plan(s) accompanying such application.

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

The proposed two storey extension projecting 4 m beyond the back of the existing house would, because of its orientation and height above the adjoining house, result in increased overshadowing of the neighbouring house and garden and will appear unduly oppressive.

Dated 3rd day of April 19 84.

Signed *W. B. ...*  
Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.