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CHIEF EXECUTIVE OFFICER

29 JAN 1987

Department of the Environment and Department of Transport

Common Services

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File ref.
 Ref. No. CPD 2911
 Date of ...



PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL						
Ref.				Ack.		Your reference
C.P.O.	D.P.	D.C.	B.C.	Admin.	File	Our reference
						T/APP/A1910/A/86/53022/P4
Received			29 JAN 1987		Date	
Comments						

1) MB
 2) ~~MB~~
 3) RB
 4) ~~MB~~
 (103)

N J Wingrove Esq
 21 Hinton Walk
 HOUGHTON REGIS
 Bedfordshire

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPLICATION NO: 4/0205/86

- I have been appointed by the Secretary of State for the Environment to determine your appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for a dwellinghouse with a garage at 415 London Road, Hemel Hempstead, Herts. I have considered the written representations made by you and by the council. I inspected the site on 28 October 1986.
- From my study of the representations and from my inspection of the site and its surroundings I consider that the main issue is whether the site is too small to accommodate a dwelling without undue effect on the adjacent houses.
- The site is a small plot between 2 houses, one of which is a corner property of similar plot size and the other is not much larger. These houses are situated on the south side of the A41 trunk road to the north of which is open space being part of Boxmoor Common. The area between the A41 and the railway contains a number of small houses many of which are of an elderly style of cottage without parking facilities. The appeal site has clearly had a house in the past as the marks on the adjoining building clearly show. At present the site contains a garage building with an almost blind egress onto the main road. Although there is a small side window in No 417, it is of obscure glass. There are no side windows in No 413.
- The council have quoted from the Dacorum District Plan, policy 19 which states that all new building developments should have provisions for car parking.
- The council say that the land behind the garages is apparently divided between the adjacent houses, and as such they have minimal space. To re-allocate the land to a third house would make things worse for both neighbours and leave the new house with a grossly inadequate garden. You have pointed out that on an older map, there was once a house on this site and that all the houses ever had was a utility yard each. The council also say that the relationship of the proposed house to the existing ones would result in overlooking and an unsatisfactory level of privacy. I agree with the council that the site is very small and that the amenity space would not allow a proper garden for the proposal. However I note from the OS map that a house did once occupy this site and that it had a side passage between it and No 417. Circular 22/80 states the Government's general policy of encouraging more intensive residential development in appropriate locations. Paragraph 12 of Annex A goes on to encourage low cost starter homes. It seems to me that a small dwelling of the starter home type might be fitted into the site, and I see no reason why overlooking need occur nor any lack of privacy be caused by such a house. The effect of reducing the amenity space on the adjoining houses may be regrettable if

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it seriously depletes the utility area of the houses. But as the occupiers would have to agree to the proposal, and as this matter primarily affects them rather than the public interest, I consider that in this case the argument against the development is insufficient to justify refusal.

6. I am told by the council that the distance from the proposal to the garage site off Stratford Way is 240 m. Because of this distance they think that it is unlikely that the garage would be used on a regular basis. They refer to parking problems in Russell Place, the closer side street, which they think would be aggravated by an increased demand. I consider that these are reasonable views and I am not inclined to accept the proposed garage as being satisfactory in terms of what is normally regarded as associated off-street parking provision. I have noted that in 1982 consent for vehicular access to the site was refused. However in view of the smallness of the house, and the nature of the surrounding houses I am not persuaded that in this case the remoteness of the garage is so important as to necessitate refusal of the development.

7. I have taken account of all the matters raised, including the fact that this is only an outline application, and that it may not prove to be practical when all the details are considered. However none of these matters are sufficient to outweigh the considerations that have led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for a dwellinghouse at 415 London Road, Hemel Hempstead, Herts, in accordance with the terms of the application No 4/0205/86 dated 14 February 1986 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 buildings, the means of access thereto 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. 5 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.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in 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.

10. 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

A handwritten signature in cursive script, appearing to read 'J H Carr', written in dark ink.

J H CARR BA CEng MICE
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To N J Wingrove
21 Hinton Walk
Houghton Regis
Beds

..... Dwelling (Outline) with separate garage

.....

at .. 415. London Road, Hemel Hempstead

.....

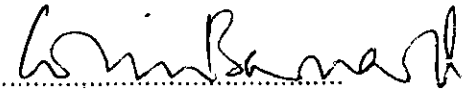
Brief
description
and location
of proposed
development.

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 14th February 1986 and received with sufficient particulars on 17th February 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 application site is of insufficient size to satisfactorily accommodate a dwelling. The proposal would result in a loss of amenity space for the adjacent houses.
- (2) The proposed garage site is unduly remote from the proposed house and the proposal therefore has inadequate arrangements for vehicle parking.

Dated 8th day of April 19 86.

Signed..... 

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.