

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E Edgar
'Ewhurst'
Shootersway Lane
Berkhamsted
Herts

Mr B Johnson
13 Deans Furlong
Tring
Herts

.... One dwelling (Outline)
.....
at Adj. Ewhurst, Shootersway Lane, 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 25 January 1989 and received with sufficient particulars on 2 February 1989 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 layout of Shootersway Lane is predominantly characterised by detached two storey dwellinghouses occupying spacious plots featuring varying but relatively wide frontages. The proposed plot which features a very restricted frontage to Shootersway Lane is incompatible with the overall established pattern of housing layout of the area and the accommodation of a dwellinghouse set back behind the frontages of other units would consequently detract from the character of the locality.
2. The juxtaposition of a two storey dwellinghouse in relation to "Ewhurst" would be likely to prove detrimental to the amenity of this existing dwellinghouse by reason of overbearing impact and the loss of privacy by reason of overlooking.

Dated day of 19

Signed *Wm Barnard*

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.

Reasons /Cont'd...

3. The juxtaposition of a two storey dwellinghouse in relation to "Woodstock" would be likely to prove detrimental to the amenity of the existing dwellinghouse due to the loss of privacy by reason of overlooking.

Dated 29 day of March 1989

Signed 

CHIEF PLANNING OFFICER



Planning Inspectorate

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PLANNING DEPARTMENT · GTN 1374
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Ack.					Your reference	
C.M.O.	T.O.P.	D.P.	D.C.	B.C.	Admin.	File
Received					13 DEC 1989	
Comments					T/PP/A1910/A/89/125969/P7	
					Date	
					11 DEC 89	

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR E W A EDGAR
APPLICATION NO: 4/0208/89

- As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for a detached dwelling adjacent to Ewhurst, Shootersway Lane, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council. I inspected the site on 13 November 1989.
- The appeal relates to a triangular site of a little under 0.1 ha forming part of the curtilage of your client's detached house which, together with 'Woodstock' to the west, occupies a corner position adjacent to the head of an unadopted, cul-de-sac section of Shootersway Lane. The surrounding area largely comprises detached dwellings on spacious, mostly well-wooded plots.
- The appeal application is accompanied by a block plan showing the siting of, and means of access to, a proposed dwelling but this is stated to be for information only. I am therefore dealing with the appeal on the basis that all matters of detail are reserved for subsequent approval.
- Having inspected the site and the surrounding area and considered the representations submitted, I am of the opinion that the main issue in this case is whether the proposed development would materially harm the character of the area or the amenities of adjoining residents.
- It appears from what I have seen that most of the plots in this section of Shootersway Lane have frontages of about 15-18 m whereas the appeal site has a frontage of about 3 m, widening to about 7 m in line with the nearest corners of Ewhurst and Woodstock, but extends to about 40 m in width across its rear boundary. Although you claim that the proposed dwelling would not be set back behind these adjoining houses, it seems to me that if it were positioned on the 7 m wide line I have referred to or on a similar building line to Ewhurst it would appear either too narrow to be in keeping with the adjoining houses or uncharacteristically congested in relation to the flank boundaries of the site.
- The informative plan that you have submitted nevertheless shows the building extending behind Ewhurst and Woodstock and I recognise that a dwelling in such a position could be designed with no windows directly overlooking these adjoining properties. However, I consider that the proposed dwelling would then appear more intrusive when seen from the residual rear garden of Ewhurst than may reasonably be expected in an area which I find has retained an attractive spacious character notwithstanding the several modern infilling developments you have mentioned. I appreciate

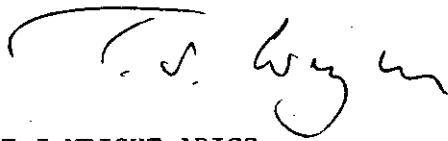
that your client presently occupies Ewhurst and may regard this relationship as tolerable but I have to consider the standard of residential amenity appropriate to this area in the public interest.

7. Furthermore it seems almost inevitable to me that the large cypress tree situated just to the west of your client's house would be lost to provide access to the proposed dwelling and on the basis of the informative plan submitted, I consider it unlikely that the tall cypress trees adjoining the boundary with Woodstock would survive the proposed development in view of the dwelling's proximity to them. In my view these trees contribute significantly to the character of the area and their loss would add to the detrimental effects of the proposed development.

8. In all the circumstances, I conclude that the appeal proposal would materially harm either the character of the area or the amenities of the residents of Ewhurst or both. I have considered all the other matters raised in the representations including the appeal decisions referred to but I find that the shape and corner position of the site in this case distinguishes it from the sites to which these other appeals relate. None of the other matters raised causes me to alter my decision.

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

I am Sir
Your obedient Servant



T J WRIGHT ARICS
Inspector