

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0232/93

Mrs Ward  
Lesanor  
Bunstrux  
Tring  
Herts

Mr. B. Johnson  
13 Deans Furlong  
Tring  
Herts  
HP23 4AR

DEVELOPMENT ADDRESS AND DESCRIPTION  
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Land Adjacent to Lesanor, Bunstrux, Tring  
DETACHED DWELLING (OUTLINE)

Your application for *outline planning permission* dated 19.02.1993 and received on 19.02.1993 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 07.05.1993

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0232/93

Date of Decision: 07.05.1993



1. The proposed development would constitute undesirable backland development which would be unsatisfactorily sited in relation to the surrounding residential properties.
2. The proposed dwelling would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.



# The Planning Inspectorate

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

1, ~~DN~~  
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Mrs L Ward  
Lesanor  
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PLANNING DEPT					
DACORUM BOROUGH					
Ref.					
DoP	TC/PH	DC	EC	BC	Other Ref:
					T/APP/A1910/A/93/229225/P5
Received	6 JAN 1994			Date:	- 6 JAN 1994
Comments					

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: 4/0232/93

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission in respect of an application for a detached 3 bedroom bungalow on land at Lesanor, Bunstrux, Tring. I have considered the written representations made by you and by the Council and also those made by interested persons and by Tring Town Council at the application stage. I inspected the site on 30 November 1993.

2. While your application is in outline, your plan shows a 'footprint' for the proposed bungalow as well as details of the means of access. As you have not indicated that these details are for illustrative purposes only, I shall treat them as part of the development in respect of which the application is being made; this is in accordance with the advice set out in paragraph 37 of Circular 1/85.

3. From the written representations and my inspection of the site and the surrounding area I consider that there are 2 main issues in this case. The first is whether the proposed bungalow would represent an undesirable, cramped form of development, markedly out of character with the area. The second is whether it would unacceptably harm the living conditions of the occupants of adjacent dwellings in respect, particularly, of privacy and noise and disturbance.

4. The adopted Local Plan for the area in question is the Dacorum District Plan which became operative in January 1984. However, that plan has been superseded for development control purposes by the Deposit Draft of the Dacorum Borough Local Plan and by the List of Modifications to the Deposit Draft which has recently been published by the Council. Policy 8 of the Draft, with its proposed modification, is of particular



relevance to the proposal before me. This seeks a high environmental quality in all development proposals and specifies a range of criteria which should be met. In particular, development will not be permitted unless, inter alia, it respects the townscape, density and general character of the area in which it is set and unless it avoids harm to the surrounding neighbourhood.

5. The proposed bungalow would occupy a backland site which would take up about half of the rear garden to your property; however, the plot would also encompass a strip of land to the rear of Caemnor Cottage, which would form the main garden area to the new dwelling. The existing drive which provides the access to the garages and outbuildings at the rear of Lesanor would be widened to serve both properties, while the intervening buildings would be modified to provide each dwelling with a double garage.

6. On the first issue, Bunstrux contains, as you say, a mixture of dwelling types. However, a general characteristic of the housing along this unadopted street is its relatively low density; the sizeable front gardens and the gaps between many of the dwellings help to give this area quite a spacious character. I consider that the proposed development would, by contrast, appear very cramped and, therefore, out of character with the street as a whole. Related to this, I believe that it would provide unsatisfactory living conditions for prospective occupants.

7. The strip of land referred to in paragraph 5 would, in my view, provide the bungalow with a reasonable area of garden land, albeit a rather narrow one. However, around much of its perimeter the bungalow would be 'hemmed in' by existing boundary fencing and hedges, reducing to some extent the light entering the building along these sides. With the front part of the site shown as devoted entirely to a car parking and manoeuvring area, it seems to me that the occupants of the bungalow would, in general, have a poor outlook. The above factors lead me to the conclusion that the proposed bungalow would represent an undesirable form of development, unsatisfactorily related to adjoining dwellings, as well as out of character with the area.

8. Turning to the second issue, I consider that the bungalow would be uncomfortably close to the gardens of surrounding properties the users of which could well experience unreasonable levels of noise and disturbance as a result. It seems to me, furthermore, that the bungalow's garden, which as the sole such area serving the dwelling might well be quite intensively used, could itself be a significant source of disturbance, affecting both the occupants of Caemnor Cottage and those living in certain houses in Dunston Hill to the south-east whose gardens back on to this presently quiet area.

9. I am also concerned about the likely effects of the development on the occupants of Lesanor. The existing drive,

and proposed shared access, runs very close to the south-west flank wall of that property, an elevation which contains windows serving the dwelling's dining-room as well as a bedroom. In my view, the additional traffic movements that the proposed bungalow would generate would be a source of occasional noise and disturbance to the house's occupants; these movements could be particularly intrusive, I believe, if they were to take place late at night.

10. Because of the proximity of the drive to principal living rooms, I believe that the occupants of Lesanor could also suffer some loss of privacy. I accept that as far as the rear garden area is concerned, this could be alleviated through the erection of a suitable fence, as you propose in your letter to the Planning Inspectorate dated 20 November 1993. On the second issue, I conclude that, for the reasons given, the proposed bungalow would unacceptably harm the living conditions of the occupants of surrounding properties.

11. In reaching my overall conclusion that your appeal should be dismissed, I have taken into consideration your comments regarding a recent development to the rear of Islay, a property located at the end of Bunstrux, and a number of other schemes elsewhere in the District. However, from the Council's Statement, it would seem that the circumstances pertaining to those developments are somewhat different to those surrounding the present appeal which I have, in any case, determined very largely on its own merits. I have also considered national guidance in respect of backland development as set out in paragraph 26 of PPG3 'Housing'; this indicates that in certain circumstances the development of large back garden areas may be acceptable. However, in this case, I do not believe that the planning criteria listed in that advice have been met to any significant extent.

12. I have had regard for the fact that in 1989 outline planning permission was granted for a dwelling to the rear of Lesanor and the adjoining property, access to which would have been gained from Dunston Hill; permission was granted for a broadly similar development in 1990. However, it seems to me that in respect of access, in particular, the circumstances surrounding those proposals were very different to those of the scheme now before me. I have taken into account all of the other matters raised in the representations. However, neither these nor anything else before me are of sufficient weight to override my conclusion based on the main issues.

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

Yours faithfully

C. J. Gosop.

DR C J GOSSOP BSc MA PhD MRTPI  
Inspector