

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mrs O Adcock
16 St Albans Hill
Hemel Hempstead

B Francis
Poulter and Francis
57 Marlowes
Hemel Hempstead

One dwelling outline

at 16 St Albans Hill, 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 21 February 1986 and received with sufficient particulars on 21 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 proposal constitutes undesirable backland development having an inadequate road frontage. The proposal is likely to result in disturbance and loss of privacy to occupants of adjacent dwellings.
2. The proposed access has inadequate visibility and inadequate space for a vehicle turning area and would therefore result in highway danger.

Dated 30 day of April 1986

Signed



SEE NOTES OVERLEAF

P/D.15

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.

LG



Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218311

17976

CHIEF EXECUTIVE
OFFICER

29 SEP 1986

File No. *CP0 29/9*
Ref. *CP0 29/9*
Date *29/9/86*

Poulter and Francis
57 Marlowes
HEMEL HEMPSTEAD
Herts
HP1 1LG

Amis
JES
B. J. J. J. J.
4/22/86

Your reference

RE/JES/9717

Our reference PLANNING DEPARTMENT

T/APP/AP910/A/86/050087/P4

Ref. Date				Ack.	
26 SEP 86					
C.P.O.	D.P.	D.C.	B.C.	Admin	File
Received				29 SEP 1986	
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS O ADCOOK
APPLICATION NO: 4/0251/86

- 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 Borough Council to refuse planning permission for one dwelling at 16 St Albans Hill, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 27 August 1986.
- From my inspection of the site and its surroundings and the representations made I am of the opinion that the principal issues are firstly whether a dwelling on the site is likely to give rise to substantial disturbance and loss of privacy to adjacent dwellings and secondly whether the proposed access to St Albans Hill is likely to constitute a highway danger.
- On the first issue the Council say that as the dwelling would be situated behind the rear of 16 St Albans Hill there is a likelihood of overlooking between the 2 houses, and additional noise and disturbance is likely in the adjacent properties Nos 12 and 16 as a consequence of the intended access between them. They say that the proposal constitutes undesirable backland development having an inadequate road frontage.
- You say that the site is not backland as it has a road frontage of 12 ft to St Albans Hill and disturbance and loss of privacy to adjoining occupants is not a proper or adequate reason for refusal. No third party is involved as the proposed dwelling will primarily affect the occupier of No 16 who is the owner of the proposed plot.
- In my opinion the question of ownership is not a valid consideration as circumstances may well change in the future and the effect of the new dwelling on No 16 must be considered on its merits. The new dwelling would be located behind the existing rear wall of No 16 and would not relate to the established pattern of development along this side of St Albans Hill. I noted on my inspection a row of trees to the rear of No 16 which afford partial screening, but I am of the opinion that a new dwelling in the position shown would cause serious loss of privacy to the existing property in addition to visual disturbance. The projection beyond the rear wall of No 12 would also give rise to similar problems but not to such a degree as to No 16.

6. On the second issue the Council say that St Albans Hill is a narrow but busy road with No Waiting restrictions outside the appeal site. Since the site slopes down from the road, access would be difficult in view of the gradient, and insufficient space is available within the site to enable vehicles to turn round and enter and leave the site in a forward direction. Minimum visibility sight lines cannot be provided and the additional turning movements resulting from the proposal would be detrimental to highway safety.

7. You say that no other properties nearby have facilities for on-site vehicle turning and it is unreasonable for lack of this facility here to be used as a reason for refusal. A sight line to the north-east can virtually be provided and in view of the No Waiting restrictions there are no obstructions in normal circumstances in either direction by parked vehicles. You suggest that the dwelling could be set further back in order to provide a vehicle turning space.


8. In my opinion the provision of a new access in this stretch of St Albans Hill is likely to cause a highway danger. Adequate sight lines cannot be provided to the access and this is particularly important having regard to the busy nature of St Albans Hill and likely difficulty caused by the gradient of the access for vehicles entering and leaving the site.

9. I have noted your offer to resite the dwelling further back on the site to afford vehicle turning facilities but I am of the opinion that this does not overcome the objections to the proposal in principle.

10. I have considered all the representations made in respect of this proposal and I conclude that the determining issues are those which I have set out above.

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

I am Gentlemen
Your obedient Servant



J B NEWTON FRICS
Inspector