

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

DD

To Mr John Salmons  
Oakleigh  
Shootersway Lane  
Berkhamsted

One Dwelling (Outline)
.....
Adj. "Oakleigh"
at ..... Shootersway Lane, Berkhamsted .....
.....

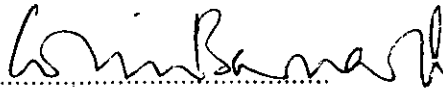
Brief  
description  
and location  
of proposed  
development.

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 ..... 22.2.87..... and received with sufficient particulars on ..... 25.2.87..... 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 proposed dwelling would have an adverse effect on the amenities at present enjoyed by occupants of adjacent dwellings.
- (2) The proposed dwelling by reason of its relationship to existing residential properties would be out of keeping with and detrimental to the general character of the area.

Dated ..... Sixth ..... day of ..... May ..... 19 87...

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.



# Department of the Environment and Department of Transport

Common Services

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GTN 2074

CHIEF EXECUTIVE  
OFFICER

23 MAR 1988

File no.

Ref no.

Class

JCB

2) RB

J M Salmond Esq  
Oakleigh  
Shootersway Lane  
BERKHAMSTED  
HP4 3NW

Received	23 MAR 1988	Your reference
Comments		Our reference T/APP/A1910/A/87/079199/P5
		Date 22 MAR 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0283/87

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum District Council to refuse outline planning permission for the erection of one detached chalet style dwelling with garage at Oakleigh, Shootersway Lane, Berkhamsted. I have considered the written representations made by you, by the council and also those made by other interested persons. I inspected the site on 16 February 1988.
- The appeal site is located within a well established residential area on the south-western outskirts of Berkhamsted. Forming part of your existing lawned front garden the site is currently occupied by a large detached garage. Access is obtained directly from the turning head of the cul-de-sac which also serves nearby dwellings. Adjoining the site to the north-west is Garden Cottage, a relatively new dwelling, which is separated from the appeal site by an interwoven fence. The northern boundary of the appeal site is formed by a holly hedge within which there is a superb specimen oak tree subject of a Tree Preservation Order. Beyond this boundary to the north is a substantial disused garden area currently being considered for development by additional dwellings.
- The council acknowledge the principle of sub-division of existing plots within this residential area but the Dacorum District Plan sets out the criteria against which development of small sites within the built-up area are considered. In this case it is the basis of the council's objection, supported by some local residents, that the restricted size of the site and access arrangements would result in a cramped form of development harmful to the general character of the residential properties within this cul-de-sac and the amenities of nearby residents.
- Accordingly from my inspection of the site and surroundings and from the representations made, I consider my decision on this appeal turns on whether the proposal would, by reason of the size of the site and access arrangements, have any unacceptably harmful impact on, (1) the appearance and character of this residential area, and (2), the level of amenities of existing nearby residents.
- There is no doubt that this area has changed as a result of both the sub-division of and rebuilding on many previously large garden areas. Even so, it is equally evident that this development has been successful in retaining the generally spacious nature of this residential area. Although your existing dwelling with its mainly lawned gardens is screened from clear view by the substantial conifer hedge at the head of the cul-de-sac, the siting of the dwelling within its garden

together with its boundary features means that it makes a significant contribution to the overall ambience of this area.

6. A dwelling on the appeal site would be close to the side of Garden Cottage but I do not consider this in itself to be either unusual or unacceptable. I also agree that the appeal site is of a similar size to that occupied by Garden Cottage and that any new dwelling may occupy a position similar to the existing garage. However, the new dwelling would be positioned immediately in front of the entrance to your dwelling, the site boundary being on average only some 6 m from your front door. In addition, any new dwelling would inevitably be of a larger bulk than the existing garage and would therefore have a greater impact on the appearance of this area, especially as part of the conifer hedge would have to be removed. Moreover, in order to replace your existing garage and parking area it would be necessary, as you indicate, to use the remaining lawned area in front of your existing dwelling for this purpose. In my opinion these conditions would result in a significant loss of open space associated with your dwelling and because of this I consider the proposal would appear unduly cramped and inconsistent with the spacious appearance which prevails within this area to an unacceptable extent.

7. With regard to the second issue and apart from the visual impact as set out above, the effect of the proposal on residential amenity would be greatest as a result of increased activity, particularly by vehicles visiting the new dwelling. Clearly traffic within the cul-de-sac is not heavy but there are already 3 dwellings which take direct access from the turning head. The access arrangements for your dwelling and Garden Cottage are also in very close proximity and in my view a further access at this point would result in a significant increase in vehicular manoeuvres taking place in a very restricted area. In my opinion this would adversely affect the relatively peaceful surroundings currently enjoyed by all residents living around the end of this cul-de-sac. While some nearby developments share access from a turning head, I saw that those dwellings also have individual driveways which provide additional space thus avoiding the likely congestion and conflict which I consider would arise from your scheme. Accordingly, I am unable to accept that those developments provide sufficient justification for permitting the present proposal.

8. I have taken into account all other matters raised in the representations, including the likely effect of the proposal on the oaktree and local services, but they do not affect my conclusions on those considerations leading to my decision.

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

I am Sir  
Your obedient Servant



D T METCALFE DipTP FRTPI  
Inspector