



# The Planning Inspectorate

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

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PLANNING DEPARTMENT			
DACORUM BOROUGH COUNCIL			
Ref:		Your Ref:	
Doc	TOPM	Our Ref: APP/A1910/A/94	
		242377/P8	
Received		13 JAN 1995	Date 11 JAN 1995
Comments			

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR T GILL  
APPLICATION NO 4/0283/94

1. I have been appointed by the Secretary of State for the Environment to determine this appeal which is against the decision of the Dacorum Borough Council refusing planning permission for two terraced houses on land adjacent to 4 Benchleys Road, Hemel Hempstead. I have read the written representations made by you, by the Council and by an interested person. I inspected the site on 20th December 1994.
2. As a result of that site visit and from what I have read I believe there to be two main issues in this appeal: they are whether the proposal is acceptable (i) as to the street scene and (ii) as to potential loss of amenity from neighbouring property particularly in respect of overlooking.
3. Benchleys Road is a cul de sac serving a number of terraced dwellings. No 4 is one of these - an end terraced house facing west. It has a larger than average garden especially on its south (flank) side beyond which is a footpath giving access to an adjoining garage block. No 4 is in an elevated position above road level and above the nearest houses in Northridge Way which is the main road from which Benchleys Road connects. Dominating this junction and immediately opposite No 4 but at a lower level is a three and four storey block of flats.
4. I noted at the time of my inspection (mid-day) that there was a high degree of street parking. Within the front gardens of No 4 and No 3 there is an off street parking space with the rest of the frontages of both formed by mature hedges. The flank boundary of No 4 with the footpath has substantial screening which includes evergreen vegetation.
5. The proposal is to build on the end of No 4 and take up most of the width of the side garden. This will destroy a lot of



vegetation including that along the boundary with the footpath. It will also involve taking up a significant proportion of the existing front garden space and removing hedging in order to create more parking spaces.

6. Local Plan policy is contained within the Dacorum District Plan dating from the mid 1980s which in recent years is being modified so that the Deposit Draft is now used for development control purposes. Reflecting Structure Plan policy it has several generalised policies requiring development to be appropriate in relation to its siting, design, landscaping and surroundings particularly avoiding harm to the neighbourhood.

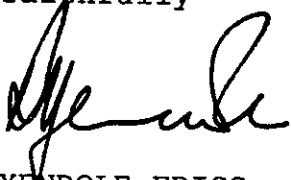
7. I now consider the first issue. The character of Benchleys Road is determined by its terraced housing which the appeal proposal would perpetuate. In principle therefore it is not out of character. A significant consideration however is the loss of vegetation including hedging and open space to provide off street parking. This in my opinion will change the character of the immediate vicinity of No 4 to its detriment. I note for example that the front corner of the outer or end terrace house in the proposal comes to within 0.25m of the flank boundary vegetation a lot of which will almost certainly have to be removed. I therefore conclude that two dwellings of the size and design suggested in this appeal amount to overdevelopment and cannot be accommodated satisfactorily without unacceptably affecting the street scene at this end of Benchleys Road.

8. As to the effect on neighbouring property the closest is No 122 Northridge Way which as I have mentioned is at a lower level. I believe the way in which the proposals would be angled away from the rear facing windows of No 122 plus the differences in levels and orientation would not have the detrimental effects suggested in the Council's representations nor those suggested by the occupant of that house. Although the appeal succeeds on this second issue however it does not outweigh the significant objection which I find in relation to the effect on the street scene.

9. I have read all the representations including your very recent submissions but none of these outweigh the considerations that have led to my decision.

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

Yours faithfully



B R D YENDOLE FRICS  
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0283/94

Mr I Gill  
4 Benchleys Road  
Hemel Hempstead  
Herts

Saxton Design  
Elmcote House  
The Green  
Croxley Green  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION

Adjacent to 4 Benchleys Road, Hemel Hempstead, Herts

TWO TERRACED HOUSES

Your application for *full planning permission* dated and received on 28.02.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

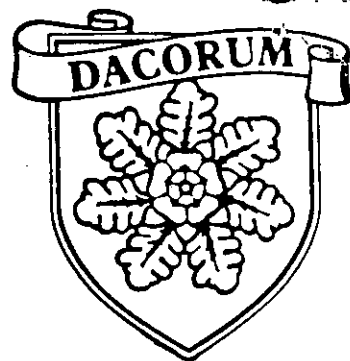
Director of Planning

Date of Decision: 29.03.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0283/94

Date of Decision: 29.03.1994



The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities. The proposal will also result in overlooking of properties in Northridge Way giving rise to an unacceptable loss of amenity.