

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr J G Berry
"Sherwood"
62 Dundale Road
Tring

Mr Alfred J Bates
The Studio
62 Wendover Road
Aylesbury

Two bungalows (Outline)
at Rear of 62 Dundale Road, Tring

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 22nd February 1985 and received with sufficient particulars on 8th March 1985 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposed development is excessive on a site, which is inadequate satisfactorily to accommodate the proposal together with the necessary amenity and will affect adversely the general amenities of the area, detracting from its character.

Dated 1st day of May 1985

Signed

W. B. B. B. B.

SEE NOTES OVERLEAF

P/D. 15

Chief 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.

15081



**Department of the Environment and
Department of Transport**

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OFFICER

17 JAN 1986

File Ref.
Refer to C.P.O. 17/1
Cleared

Mr A J Bates DiplArch ARIBA
Chartered Architect
The Studio
62 Wendover Road
AYLESBURY
Buckinghamshire HP21 7LW

Your reference

Our reference

T/APP/A1910/A/03/847/P3
Date DACORUM DISTRICT COUNCIL

Ref.		15 JAN 86		Ack.	
C.P.O.	D.P.	A.C.	B.C.	Admin.	File
Received		20 JAN 1986			
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J G BERRY ESQ
APPLICATION NO:- 4/0286/85

- As you know, I have been appointed by the Secretary of State for the Environment to determine the above appeal. This is against the decision of the Dacorum Borough Council to refuse outline planning permission for the demolition of a garage, and its resiting, together with the erection of 2 two-bedroom bungalows with garages, on part of the garden of "Sherwood", 62 Dundale Road, Tring. I have considered the written representations made by you and by the council and also those made by interested persons. I visited the site on 18 November 1985.
- From my site inspection and the representations made I have formed the opinion that the main issues in this case are the effect of the project would be likely to have, firstly, on the appearance of the area and, secondly, on the amenities of the occupiers of neighbouring properties.
- The Dacorum District Plan which was adopted in 1984 applies to the appeal site. Policies 63 and 64 indicate that schemes for new dwellings, on small sites in urban areas like Tring, will normally be granted planning permission providing the proposals accord with the environmental guidelines in the plan. In this instance policies 18 and 66 are particularly relevant. Amongst other matters these policies draw attention to the importance of; the site and its surroundings, site coverage, privacy and amenity.
- Turning to the first issue, this part of the town is a residential area which has quite a mixture of property. Houses vary in; age, type, size and style. The project is sited on part of the large garden to your client's house. Although the plans and elevations submitted in support of this appeal, are for illustrative purposes only, they are useful in helping to assess the scheme's likely impact on the surrounding area. In my judgement the drawings show that the proposed bungalows and their garages could link together to make an attractive infill scheme. The plans also demonstrate to me that the project would not need to be unnecessarily cramped or squeezed-in. It is my assessment therefore that the appeal proposals would not be materially harmful to the appearance of the area.
- Turning to the second, and in my opinion the most compelling issue, the properties most likely to be affected would, I believe, be 1 Manor Road and your client's own house 62 Dundale Road. The main 2-storey part of No 1 is only about 2m from the boundary with the appeal site and has windows here which would overlook

the project. However, the proposed bungalows would be relatively low structures and principal windows to the existing house appear to look north-west, and south-east, rather than across the appeal site. A blockwork screen wall some 2m high also protects the privacy of ground floor windows on this building's flank. In my opinion it would be possible, by careful design, to avoid any unacceptable loss of privacy to the occupiers of 1 Manor Road.

6. Although 'Sherwood' has some windows on its south-eastern flank the likely position, and orientation, of the nearest of the proposed bungalows makes it unlikely that any serious loss of privacy would be caused by the proposals. Over-looking of your client's garden could in my view be adequately protected by a wall or closeboarded fence. An existing privet boundary hedge, about 2m high, protects the gardens of properties to the north-west from any loss of privacy. The reduction in the size of 'Sherwood's' rear garden, which would be about 5m deep between the house and the boundary of the project, would not in my judgement be very harmful to the setting of your client's house; 'Sherwood' is orientated principally towards the south-east and south-west. It seems to me therefore that the project would be unlikely to harm materially the amenities of the occupiers of neighbouring properties.

7. I have also considered the quality of the living environment that the project would be likely to produce for its future occupants. I find that the illustrative sketches demonstrate that 2 compact, but well designed, bungalows and garages could be provided on the site. The main living accommodation could have a southerly aspect and the gardens although small would not need to be unduly cramped. Although the scheme would be to some extent overlooked by neighbours this would mainly be restricted to the north-west facing rear gardens and need not be detrimental to the main living areas. In any event this level of overlooking seems to me to be no worse than one could reasonably expect in any typical urban location and should be a matter for prospective purchasers to take into account. Further it is important to recognise that small dwellings, of the type proposed, are generally in short supply. The Government wishes to see the provision of more of this sort of dwelling; the advice given in Planning for Small Homes published by the National Development Control Forum is particularly germane.

8. Finally although not forming part of the application before me, I have looked at the alternative proposals for the proposed new vehicular access for your client's repositioned garage. Although this does not appear to be a major issue the sight-lines required by the Highway Authority would, in my opinion, be less damaging to the existing hedges if the access was to be obtained from Manor Road as originally envisaged. This would also satisfy 2 of the Town Council's points of concern regarding the scheme.

9. I have considered all the other matters raised but none are so cogent as to alter my opinion on the material considerations which have led to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the demolition of a garage, and its resiting, together with the erection of 2 two-bedroom bungalows with garages on part of the garden of "Sherwood", 62 Dundale Road, Tring in accordance with the terms of the application (No 4/0286/85) dated 22 February 1985 and the plans submitted therewith, subject to the following conditions:-

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

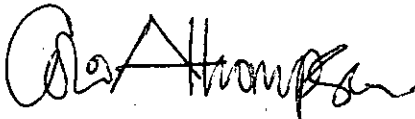
a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'C A Thompson', with a stylized flourish at the end.

C A THOMPSON DiplArch DiPTP RIBA MRTPI Reg Architect
Inspector