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Common Services

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CHIEF EXECUTIVE
OFFICE

11 SEP 1986

File

CPO 11/9

Mr D Bartholomew
The Paddocks
Redenham
ANDOVER
Hants
SP11 9AN

Ref.

Ack.

C.P.O.

D.P.

D.C.

B.C.

Admin.

File

Your reference

Our reference

T/APP/A1910/A/86/50947/P4

Date

10 SEP 86

Received

11 SEP 1986

17779

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS R M BARTHOLOMEW
APPLICATION NO: 4/0294/86

1. 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 Dacorum Borough Council to refuse planning permission for the erection of a pair of semi-detached houses on land at the rear of 97 Adeyfield Road, Hemel Hempstead. I have considered the written representations made by you, by the council and by interested persons. I inspected the site and surrounding area on 27 August 1986.

2. No 97 Adeyfield Road is a substantial detached house with a back garden extending nearly to a boundary with Hardy Road which, together with Laurel Close leading off it, is faced by modern residential development. The appeal scheme envisages a pair of semi-detached houses on what is now the rearwardmost part of No 97's back garden. These new houses would be broadly in line with others facing onto Hardy Road and Laurel Close. The council raise no objection stemming from the location of the proposed houses, and although I have had careful regard for opposing representations from residents in Laurel Close, I can find no objection to the houses themselves. They would amount to a conventional example of infilling in a built-up area.

3. The difficulty arises because between the rear boundary of 97 Adeyfield Road and the public highway is a narrow strip of privately owned land. The appeal scheme includes access not onto Hardy Road but from Adeyfield Road; it would lead some 52 m (170 ft) along the edge of No 97's land, between this house and No 99, as far as the main area of the site. The existing vehicular access to No 97 would be blocked, replaced by an access taken into the front garden via the new drive, and the existing drive alongside the house would be severed. As submitted, the proposed drive was to be 2.5 m wide; you have made clear that it could be widened to 4.1 m, which the council acknowledge would meet local highway standards in this regard.

4. On the basis of the representations and from what I saw during my inspection, it is clear to me that this appeal turns on whether or not the proposed access would be satisfactory in its use and in its impact on neighbouring residents; and (although I sympathise with Mrs Bartholomew's dilemma in seeking development on her land) I believe that it would be neither. There is no evidence to suggest that even pedestrian access could be provided onto Hardy road. Accordingly, all the normal comings and goings associated with 2 dwellings would occur on the long private drive. In my opinion, even in the drive's widened form the arrangement would be very inconvenient particularly as regards any deliveries by lorry.

5. Furthermore, there is only some 5.65 m or thereabouts between the main flank wall of No 97 and its boundary with No 99 which is itself no great distance from the boundary. In addition to windows in the facing flank walls, both houses have windows close to and obliquely facing the line of the intended drive. In my opinion occupants of these 2 houses would suffer a degree of intrusion in their homes, and in the enjoyment of their gardens, which would go well beyond what might reasonably be expected as a consequence of a new nearby development. Use of the existing drive alongside 97 Adeyfield Road is likely to be slight in comparison; the drive does not provide the sole means of access to the house, only a route to the rear.

6. I have had regard for the evident acceptance of the arrangement by Mrs Bartholomew, and for the lack of opposition from the present occupants of No 99. However, in time occupation of both of these dwellings will change. In my opinion the shortcomings of the intended access amount to a clear cut objection to the appeal development. I believe also that the shortcomings are too intrinsic to be overcome by your suggestions concerning respectively the siting of the intended garages, the location of a turning head within the existing curtilage of No 97 and the provision for refuse collection. None of these could alter the essential nature of the access or the impact from its use. I have taken all the other matters raised into account but found them insufficient to alter my decision.

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

I am Sir,

Your obedient Servant



A J LANGTON CEng MICE MIHT
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mrs R M Bartholemew
Greenleaves
97 Adeyfield Road
Hemel Hempstead

David Bartholemew
The Paddocks
Redenham
Andover

Two semi detached dwellings and access (Outline)

at Rear of 97 Adeyfield Road, 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 3 March 1986 and received with sufficient particulars on 4 March 1986 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 access drive is narrow and of excessive length and does not meet with the requirements of the highway authority and would cause an unacceptable degree of inconvenience for persons visiting the site and furthermore, the proximity of the access drive to the back garden of adjoining residential properties will adversely affect their general amenity by reason of disturbance caused by vehicle movements.

Dated 30 day of April 19 86

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.