

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Mr G A Stevens and Mr Blandamer  
84 Kings Road  
Berkhamsted

Cannon, Morgan and Rheinberg Partnership  
4 Red Lion Street  
Chesham  
Bucks

ONE DWELLING

at LAND AT REAR OF 84 AND 86 KINGS ROAD, 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 27 February 1990 and received with sufficient particulars on 27 February 1990 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 dwellinghouse would be detrimental to the amenity of adjoining dwellinghouses by reason of loss of privacy due to overlooking from windows within the north eastern and south western flank walls of the new dwelling and in the absence of full details accurately indicating the relationship between the new dwelling and No 36 Ashlyns Road, the local planning authority is not satisfied that the proposal could be accommodated on the site without being detrimental to the residential amenity of No 36 Ashlyns Road, Berkhamsted.

Dated ..... day of ..... 19

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

Cont'd.. over

## 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 the date 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.

2. The carriageway width of the existing unadopted road which would serve the proposed house measures less than 4.8 m in width and therefore does not accord with Table A of Hertfordshire County Council's "Residential Roads in Hertfordshire (1982)". To permit an additional unit served by this substandard unadopted road would therefore be contrary to policy.
3. The existing unadopted road referred to in reason 2 is inadequate in width for use by service and emergency vehicles and makes no provisions for a turning area for use by such vehicles. Paragraph 2.4.5 of Hertfordshire County Council's "Residential Roads in Hertfordshire (1982)", specifies that the refuse carry distance should not exceed 30 metres where such a turning head is not provided.
4. The visibility associated with the junction of the unadopted road referred to in Reason 2 and Upper Ashlyns Road is substandard.
5. The pleasant character of the Ashlyns Road locality derives from the informality of its highway system, including the restricted carriageway width and the intermittent footways and the present relatively low levels of vehicular movement. Any additional development, involving new residential properties served by the Ashlyns Road network, would require the associated upgrading of the highway infrastructure. The upgrading of the system would include changes to the junctions with Kings Road, the junction of Upper Ashlyns Road with Ashlyns Road, the junction of the unadopted road with upper Ashlyns Road in order to improve highway visibility.
6. The necessary upgrading of the whole of the existing highway network as referred to in reason 5 would be seriously detrimental to the existing character of the Ashlyns Road locality.
7. To permit the proposal would establish a precedent for other similar and larger scale residential proposals, the cumulative effect of which would add extra traffic movements so as to alter irrevocably the character of the Ashlyns Road locality.
8. The increase in traffic movements as referred to in reason 7 would result in the increased use of the substandard junctions of Ashlyns Road with Kings Road to the detriment of highway safety.

Dated 24 day of April 1990

Signed   
CHIEF PLANNING OFFICER



# Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House, Houlton Street, Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL

Direct Line 0272-218927

Switchboard 0272-218811

Ack. GTM 1374

Ref.

Ack.

File

Messrs Cannon, Morgan & Rheinberg Partnership  
4 Red Lion Street  
Chesham  
BUCKS HP5 1HF

Your Reference

Our Reference

TXAPP/A1910/A/90/167909/P8

Received

14 FEB 1991

Comments

Date

13 FEB 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR G A STEVENS & MR & MRS S V BLANDAMER  
APPLICATION NO:- 4/0303/90

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal, which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a dwelling on land at the rear of 84 & 86 Kings Road, Berkhamstead. I have considered the written representations made by you and by the Council, and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council, which have been forwarded to me. I inspected the site on 18th January 1991.
2. From the representations made and my inspection of the site and surroundings, I consider that the main issues are whether the proposed dwelling would be detrimental to the amenity of the adjoining dwellings, and whether the existing road system can reasonably accommodate the proposed dwelling.
3. The appeal site is an overgrown area of land at the rear of nos 84 & 86 Kings Road, and between nos 27 & 36 Upper Ashlyns Road. The appeal site is separated from the frontage dwellings by a hedge. In my opinion there would be no overlooking between the proposed dwelling and nos.84 & 86 because of the screening effect of the hedge and the distance between the dwellings.
4. A footpath runs between the boundaries of the appeal site and no.27 Upper Ashlyns Road. There are substantial hedges and fences bounding this footpath both along the appeal site and the garden of no.27. I noted that there is only one obscure glazed window in the gable of no.27 which adjoins the footpath. This window is at low ground floor level, and does not face directly onto the appeal site. The proposed dwelling on the appeal site would stand about 4m in front of no.27. There would be first floor rooms in the roof-space of the proposed dwelling, which would result in a bedroom window in the gable facing no.27, at a point about a metre in front of the front wall of the neighbouring dwelling. I consider that this window is unfortunately located, in that it would result in some overlooking of the garden of no.27. In other respects I consider that the boundary screening between the 2 dwellings would prevent any loss of amenity to no.27 Upper Ashlyns Road.

5. I have noted that the land falls away across the appeal site to the north-west and also to the north-east. The adjoining curtilage, no.36 Upper Ashlyns Road, is at a lower level than the appeal site, and the dwelling, which is single storey, stands some 5m from the boundary shared with the appeal site. The kitchen, dining room and living room of this dwelling face towards the appeal site, and this elevation is largely glazed. The proposed dwelling would have about 1.5m of under-building at the northern part of the building, some 1.5m to 2m from the boundary with no.36 Upper Ashlyns Road. The highest part of the proposed dwelling would be about a metre from the boundary. The drawings indicate that this would be about 7m above the existing ground level on the appeal site. Bearing in mind the relative height of the adjoining dwelling it is my opinion that this gable would appear overbearing so close to the boundary, particularly as it would overshadow this elevation in the afternoon.

6. There are a number of windows in the gable of the proposed dwelling facing no.36. The first floor windows would be for bathrooms. The ground floor windows would be for the utility room, kitchen and a secondary dining room window. It seems to me that the floor levels of the proposed dwelling, in relation to the boundary wall, would be likely to result in overlooking of the adjoining dwelling even at ground floor level. I have taken account of your suggestion that these windows could be largely obscure glazed, but it seems to me that it is likely that some of these windows would be opened at times for ventilation, and that obscure glazing would not overcome the overlooking problem.

7. I observed that Upper Ashlyns Road is narrow and without any turning area at its head adjoining the appeal site. This part of the cul-de-sac already serves a number of dwellings, and I can see that there are intrinsic problems for service vehicles caused by the lack of turning facilities. I have taken account of my colleague's comments regarding the effect on the character of the area of a proposal for residential development in a nearby site. In respect of this previous appeal it seems to have been accepted by all parties that the amount of traffic using Ashlyns Road is below the capacity of this road, although the inspector considered that the increase in traffic would be harmful to the character of the area. However, I think it must be borne in mind that these comments were made in the context of a proposal for the erection of 17 houses on a large site in an area of very low density housing on Ashlyns Road. I do not consider that there are any similarities between this site and the appeal site, as in my opinion the appeal site is an infilling site which completes the development at the head of Upper Ashlyns Road. I do not think that the erection of a dwelling on the appeal site would create such an additional burden of traffic as to cause over-use of the highway system. The council have expressed concern that a proliferation of new residential development in this area would cause environmental damage because of an increase in traffic in this generally substandard road system. As discussed above, I do not consider that the council have submitted evidence to show that the development of the appeal site would set a precedent for similar dwellings in the area which cumulatively would overburden the existing road infra-structure. It seems to me that without such evidence or a local plan policy to support this view, the council has not demonstrated that the proposal would be harmful to the maintenance of the existing road structure or the character of the area.

8. In conclusion, although I consider that the proposed dwelling would not be harmful to the safe and convenient use of the existing road system, I do consider that it would cause an unacceptable loss of amenity to no.36 Upper

Ashlyns Road, and to a much lesser extent, to no.27 Upper Ashlyns Road. In my judgement the proposal would be so harmful to the amenities of the adjoining dwelling that it would be an unacceptable form of development. I have taken account of the history of the appeal site. However, it seems to me that the intentions of people a number of years ago, when this area was first developed, cannot be given any weight in determining this appeal, as they have been overtaken both by the form of development in the area and the changes in planning legislation and objectives since the area was first developed. I have considered all other matters raised, but these do not alter my decision.

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

I am Gentlemen  
Your obedient Servant

*Tindy Crane*

Ms T Crane BA MPhil DipConsStudies MRTPI  
INSPECTOR