



# Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

10/23

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

Your Reference

Our Reference

T/APP/A1910/A/90/167909/P8

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.

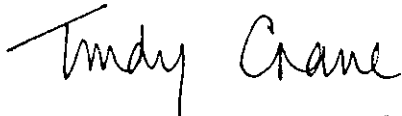
7. I observed that Upper Ashlyns Road is narrow and without any turning area at its head adjoining the appeal site. This part of the cul-de-sac already serves a number of dwellings, and I can see that there are intrinsic problems for service vehicles caused by the lack of turning facilities. I have taken 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



Ms T Crane BA MPhil DipConsStudies MRTPI  
INSPECTOR