



Planning Inspectorate
Department of the Environment

Room ¹⁴⁰⁴ Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

Switchboard 0272-218811

GTS 1374

D/909/JM/P

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Ref.

Ack.

C.P.O.

T.C.P.M.

D.P.

D.C.

E.C.

Admin.

File

Mr D. Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
Herts
HP1 1SA

Received

15 NOV 1990

Comments

Your reference

89/146

Our reference

T/APP/A1910/A/90/160170/P8

Date

14 NOV 90

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR THOMAS HANKS
APPLICATION NO: 4/0305/90

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 the Dacorum Borough Council to refuse outline planning permission for a 2 storey detached dwelling to match existing on land adjoining No 20 Latimer Close, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by an interested person. I inspected the site on 30 October 1990.
2. From my examination of the written representations and from my inspection of the site and its surroundings, I have reached the conclusion that the main issues in this case are, firstly, whether the proposed house would harm the character and appearance of the neighbourhood, and, secondly, the effect that the proposal would have upon the amenities of neighbouring residents by reason of loss of privacy.
3. The site is part of the garden of No 20 Latimer Close. It is flanked on its western boundary by a thin strip of woodland that separates the housing estate from a nearby school and its playing field. It is otherwise surrounded by houses. A footpath from the end of Latimer Close connects with a principal footpath running through the woodland.
4. The Borough Council refer to policies contained within their adopted District Plan and to those contained within the revised and approved Structure Plan. They believe that the proposed development would be contrary to these policies, since it would appear cramped and would cause problems of loss of privacy. You dispute the Council's claim that the proposal would entail an over-development of the site or that the adjacent woodland would be affected. You argue that the proposed development would be compatible with the high density layout of the estate and that overlooking would not be a serious issue.
5. On the first issue, I saw that the existing development at the end of Latimer Close is already close to the strip of woodland that terminates the cul-de-sac. It seems to me that the gap between this woodland and the development in Latimer Close has been determined by the need to provide both a comfortable setting for the terrace of houses and adequate space to safeguard the future of the trees. To reduce this gap by building in the manner proposed by your client would, in my view, damage this balance. I understand the point you make that the proposed site is larger than others in the street, but this is mainly because it broadens rapidly towards the rear of the plot. The frontage of the proposed site, however, is only

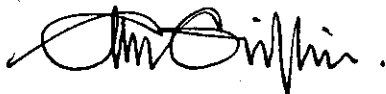
about 7 m wide and a house built in the position shown by the submitted site plan would appear to be crammed in between the end of the terrace and the woodland. It is my view that the proposal would be cramped and would not only be damaging to the appearance of the street, but would also place at risk the future of those trees closest to the western boundary of the site. I conclude that the proposal should be resisted for these reasons.

6. On the second issue, there is some discrepancy between the Council and yourself about the distance between the rear of No 20 Latimer Close and the southern boundary of No 16 Botley Road. The diagram included with your letter of 9 August 1990 shows this to be about 23.8 m, whereas the Council in their statement refer to a distance of approximately 10 m. My own assessment, taken from the plans you have submitted, is that the distance is in the order of 12.2 m. Taking this measurement into account I find that, while there would be no significant overlooking from window to window of the 2 properties, there would be a serious diminution of the privacy and tranquility of the rear garden to No 16 Botley Road that was provided for in the original design of the estate and that is currently enjoyed by the occupants.

7. I have taken into account all the matters raised in the representations but they do not alter my views on the main planning issues.

8. 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 handwritten signature in black ink, appearing to read 'A M Griffin'.

A M GRIFFIN DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

JDD



DACORUM BOROUGH COUNCIL

To

T Hanks Esq
20 Latimer Close
Hemel Hempstead
Herts

D Clarke Esq
47 Gravel Lane
Hemel Hempstead
Herts

Detached dwelling (Re-sub)

at Adj 20 Latimer Close, Hemel Hempstead, Herts.

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 26 February 1990 and received with sufficient particulars on 28 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 proposal represents an overdevelopment of the site which would appear cramped in relation to the protected woodland to the west, and would have a detrimental effect on the amenities and privacy presently enjoyed by the occupants of adjacent dwellings.
2. The Council is not satisfied that there is adequate provision for vehicle parking within the site for the existing and proposed houses to meet standards adopted by the local planning authority.

Dated 11th day of April 1990

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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.

DC.4 NOTES