

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



JDD

## DACORUM BOROUGH COUNCIL

To Mr C Smith  
20 Dellfield Avenue  
Berkhamsted  
Herts

Mr P W Abbiss, FRICS  
'Flintwood'  
Kingsdale Road  
Berkhamsted  
Herts.

Detached house

at ..... R/o 20 Dellfield Avenue, Berkhamsted, 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 ..... 27. 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 proposed dwelling, due to its size and design, would appear out of character with surrounding two storey and relatively spacious residential development and would consequently be detrimental to the appearance of the street scene.
2. The proposed vehicle access to the site is in a position which would not permit the provision of satisfactory visibility reversing splays within the control of the applicant. In the opinion of the local planning authority this would give rise to conditions prejudicial to highway safety.

Dated ... 11th ..... day of April ..... 1990

Signed.....

*Wm Bannister*

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 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.



# Planning Inspectorate

Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Ref				Ack.			
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	Filo	
Received				29 OCT 1990			
Comments							

Your Reference:

Our Reference:

T/APP/A1910/A/90/162341/P3

Date:

26 OCT 90

Mr P W Abbiss  
Flintwood  
Kingsdale Road  
BERKHAMSTED  
Hertfordshire  
HP4 3BS

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY MR C SMITH

APPLICATION NO:- 4/0310/90

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 planning permission for the construction of a two-bedroom detached house at the rear of 20, Dellfield Avenue, Berkhamsted. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 17 October 1990.
2. From my consideration of the written representations and my visit to the appeal site and its surroundings, the principal issues in this case are in my opinion whether the proposal would be likely to seriously detract from the established character and amenity of the area or give rise to unacceptable additional hazards to pedestrians or other road users.
3. Dellfield Avenue is in a modern residential area on the rising land to the north of Berkhamsted. No 20 is on the eastern side of the road at the corner of Egerton Road and the site part of the rear garden of the house and land at the rear of its neighbour No 18, fronting onto the southern side of Egerton Road beside No 22. The site, which now contains a garage, is on broadly the same level as No 22, but considerably above the levels of the adjoining houses in Dellfield Avenue and those in Meadow Road further to the south.
4. Looking at the first issue, Dellfield Road, Egerton Road and Meadow Road serve an estate largely if not wholly developed with pairs of semi-detached houses, quite closely spaced but gaining in outlook and openness from the elevated position and the steep slope of the land. At the same time this gives rise to some potential for overlooking, although the siting of the houses, particularly at the corners, seems to have paid regard to this problem. Some of the houses have been extended in recent years, in places reducing the openness and the views, but the area retains a pleasant suburban character, no doubt appreciated and valued by those who live there.
5. The council's policies do not seek to discourage infilling in the established built-up areas of the Borough, and look favourably on the provision of smaller dwellings, but require that new development should harmonise with its surroundings and be compatible with its neighbours. You point out that the proposed house would have a broadly similar plot width to other houses in the area and would not be seriously at variance with the general rhythm of buildings and separating spaces in Egerton Road. It has also been designed to avoid overlooking of the neighbouring houses and their



gardens. It nevertheless appeared to me that also taking into account the relative levels, the house would be particularly prominent and both the differences in its design and its overall plot size in relation to the earlier development would be readily apparent. Taken with the relatively short rear gardens that would be left with the Dellfield Avenue houses, the outlook and in consequence the amenity of these houses would seem likely to suffer considerably from the erection of a house on higher ground immediately at their rear. A similar loss of outlook would also be felt by the neighbouring house in Egerton Road, which has a number of windows in the flank wall facing the site, and those further to the south in Meadow Road. In my view the site in this elevated position is too small and the spacing of the neighbouring houses too close for a house even of this special design to be accommodated satisfactorily in relation to its neighbours. The proposal would be likely to be seriously damaging to the character of this immediate area and to the amenity enjoyed by the residents.

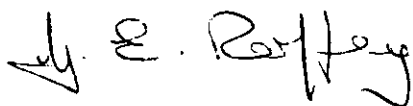
6. The second issue relates in part to the provision of adequate off street parking space and in part to the provision of adequate sight lines to ensure that the proposed parking spaces can be used safely. The site at present appears to provide a garage and hardstanding for 20, Dellfield Avenue and its development would leave this house with only a single off street parking space at the front. Taking both houses together, the proposal would not comply with the council's current parking standards, which would require two off street parking spaces for each dwelling with the addition of some further space for visitors cars. The council accepts that there is a lay by in front of No 20, and that street parking in these quiet roads is not a problem at the moment. It is nevertheless desirable that new developments should meet current standards without reducing the available off street parking spaces for existing residential development and I accept that this is a shortcoming of the proposal as now presented.

7. The provision of adequate sight lines to ensure the safe use of new access points to the highway is also clearly desirable. In this instance there is an existing access point and this part of Egerton Road is a cul-de-sac. The present access to the site and other garage accesses not unlike what is proposed seem to operate safely in this lightly trafficked road. The proposals alter the present access, giving rise to the council's objection, but it would seem, as you suggest, that there would be room to redesign the access to ensure a satisfactory level of safety.

8. My overall conclusion, however, remains that the development proposed is not appropriate for this site having regard to its position. I have taken into account all other matters raised in the representation, but they lead me to no other conclusions.

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

I am Sir  
Your obedient Servant



G E Roffey MSc(Econ) DipTP MRTPI  
Inspector