



# The Planning Inspectorate

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Your Ref:  
PHD/Rayner/98/02  
Our Ref:  
T/APP/A1910/A/98/296693/P8  
Date:  
- 9 OCT 1998

Dear Sirs

## TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY MR & MRS RAYNER APPLICATION NO: 4/00359/98/FUL

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the Dacorum Borough Council to refuse planning permission for a detached house on land at 1 Westwick Close, Hemel Hempstead, Hertfordshire. I have considered all the written representations together with other material submitted to me and I inspected the site on 21 September 1998.

2. From all I have seen and read in this case I take the view that there is one main issue which is the effect of the proposal on the character and appearance of the surrounding, mainly back garden, environment. The most relevant part of the development plan in my opinion is policy 8 of the Dacorum Borough Local Plan which contains general criteria relating to the quality of development. Paras (b) and (c) say that development will not be permitted unless it retains and supplements important trees and shrubs, and where relevant includes measures to enhance the local landscape, and respects the townscape, density and general character of the area in which it is set. There is a tree preservation order relating to an Ash and a cherry on the site and it is not disputed that the cherry would have to be removed to achieve the development.

3. Westwick Close is a grouping of ten terraced properties with, to my mind, a 1920s 'garden suburb' appearance which is enhanced by their well tended and maturely landscaped rear gardens of between 45 and 60 metres depth, producing a semi-rural atmosphere. At the ends of the gardens runs a track which gives access to rear garden garages. Many of these are more recent than the houses and those serving Nos.5 and 7 have upper storeys used as accommodation subsidiary to that of the main dwelling. The track has a rural type surface which appears adequate for the volume of traffic using it, and hedges and overhanging trees either side add to the rural character of the locality. This appears to be well appreciated by local residents who also, it would seem, keep the track in a tidy condition.

4. The proposal before me would divide the rear garden of No.1, leaving the existing house with a depth of about 16m, and building a 4 bedroomed detached house with integral

single garage on the remaining 40 or so metres, with access from the above mentioned track. The scheme also provides for 2 parking spaces for the existing house on front garden land.

5. To my mind, the erection of a house in this peaceful, semi-rural back garden environment would be a jarring intrusion. It would introduce a building far closer to the backs of existing houses than the existing end of garden buildings, would be very much more bulky, and would have the most intensively used domestic outdoor area, close to its back door, located where residents either side might expect to experience quieter levels of outdoor enjoyment. To a lesser extent its existence would be likely to add to levels of activity in the access track itself, impinging upon the quiet, end of garden areas of houses in Delmar Avenue on the far side of the track. There would also, in my opinion, be far greater opportunities for overlooking the quieter, more private parts of neighbours' gardens than from the limited accommodation found at the end of the gardens of Nos.5 and 8. In addition, the building would in my view appear totally unrelated to the built form of Westwick Close or to any of the neighbouring dwellings which share the track. It would be contrary to the development plan by not respecting the townscape and general character of the area in which it is set.

6. As to the specific trees which might be affected, it does seem that the Ash could be retained. Whilst the ornamental cherry would have to be removed, I am not convinced that it is so crucial to the character and appearance of the local environment that some replacement planting could not compensate for its loss as a specimen. However in my opinion its loss would be symptomatic of the general loss of vegetation required to achieve the development, both at the site entrance from the track and within the back garden area itself. To my mind this assembly of vegetation, whether or not the trees are protected, is important and the scheme would be contrary to the development plan in that it would not be retained, supplemented or enhanced.

7. I conclude on the main issue that the scheme represents a totally unacceptable form of back garden development which would severely harm the character and appearance of the surrounding environment. I have taken account of all other matters put to me, including developments allowed elsewhere, the need to make best use of urban land and the other policies that have been mentioned, as well as concerns by residents about increased use of the track and the parking arrangements intended for the existing house. However none in my opinion has sufficient weight to cause me to alter my conclusion on the main issue that the scheme is unacceptable.

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

Yours faithfully

*M. J. Thomson*

M J THOMSON BA(Hons) DipTP  
Inspector



# PLANNING

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Applicant:  
MR & MRS RAYNER  
1 WESTWICK CLOSE,  
HEMEL HEMPSTEAD,  
HERTS,  
HP2 4NH

TOWN AND COUNTRY PLANNING ACT, 1990

APPLICATION - 4/00359/98/FUL

1 WESTWICK CLOSE, HEMEL HEMPSTEAD, HERTS, HP2 4NH  
DETACHED HOUSE (RESUBMISSION)

Your application for full planning permission dated 27 February 1998 and received on 02 March 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 08 April 1998

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00359/98/FUL**

Date of Decision: 08 April 1998

1. The proposed development would introduce a dwelling in the rear garden of 1 Westwick Close. This dwelling would be poorly related to the form, layout and general character of the surrounding development, which is characterised by long well landscaped gardens, which gives the appearance of a spacious semi rural location. The erection of a dwelling in this location would significantly detract from the character and appearance of the area which would be contrary to the policies contained in the adopted Dacorum Borough Local Plan.

2. The proposed development would have a detrimental impact on a number of trees in the immediate area, the most significant being an Ash tree located on the boundary of the site and a Cherry tree in the rear garden of 2 Westwick Close, both the subject of a Tree Preservation Order. The proposed development would either lead to a loss of the trees or require their significant pruning which would significantly detract from the character and appearance of the area and be contrary to policies contained in the adopted Dacorum Borough Local Plan.

# Dacorum Borough Council Planning Department

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TOWN AND COUNTRY PLANNING ACT 1990

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A handwritten signature in black ink, appearing to read 'J. M. Rayner'.

Development Control Manager

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