

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To NPS Builders Ltd
Longwood
Sheethanger Lane
Hemel Hempstead
Herts

Mr A E King
Dovecot Barn
Alder Park Meadows
Long Marston
Tring Herts

..... Elderly Persons' Bungalow.....
.....
at ... Rear of 35-37 Ritcroft Close, Hemel Hempstead.....
.....

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 15. February 1989..... and received with sufficient particulars on 24. February 1989..... 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 development would lead to further vehicles using the access courtyard with resultant congestion and loss of amenity to the occupants of adjacent dwellings.
2. The proposed development would look out of place behind the existing dwellings which enclose the site.

Dated Seventeenth day of May 19 89

Signed.....

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 receipt 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.



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Department of the Environment

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[Handwritten signatures and initials]

A E King BA Hons BPJ-MRTPI
Dovecot Barn
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Long Marston
TRING
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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.	CU reference
						T/APE/A1910/A/89/142057/P4
Received				Date		
14 JUN 1990				13 JUN 90		
Comments						

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY N P S BUILDERS LIMITED
APPLICATION NO: 4/0375/89

1. As you know 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 erection of an elderly persons bungalow on land off Ritcroft Drive, Hemel Hempstead. I held a local hearing into the appeal on 24 April 1990.
2. From what I have read and heard in relation to this case and from my inspection of the site and its surroundings I consider the main issues in this case are the effect of the proposed bungalow on the character and appearance of the area and whether vehicular traffic to and from the proposal would cause unacceptable congestion and disturbance.
3. The site is within a residential area and development of a dwelling in such an area and on a site of this size is not a source of objection in principle. I note that an appeal against refusal of planning permission for a 2-bedroom bungalow on the same site was dismissed in 1986 on grounds of inadequate vehicular access, overlooking and the inappropriate relationship to the existing housing. You have indicated that in preparing the present proposal you have paid particular attention to these aspects and I note that as a result the Council does not consider overlooking to be a major objection in the present case.
4. I consider first the effect the proposal would have on the character and appearance of the area. The site faces across the front garden of No 11 Ritcroft Drive, with the north-west side adjoining the back garden of No 10 and the south-east side facing a parking area which presently includes 4 garages and one parking space serving existing residents. To the rear there is a tall deciduous hedge which provides a visual screen when in leaf. To my mind the bungalow would primarily be seen in association with the surrounding dwellings in Ritcroft Drive which are 2-storey terraced or semi-detached houses in a relatively simple design and rendered with pebble-dash. You propose a finish to match the existing houses and a hipped roof to reduce the height of the proposal. Although the location of the bungalow to the rear garden of No 10 would affect the outlook from that garden, there is a substantial brick wall that would significantly reduce that effect. Viewed from the Drive, the proposal would lie between 2 groups of houses but it would be visibly separated from them because the proposal does not extend to the full width of the site and it is set back to the east of the existing houses. However the proposal would be significantly different from the surrounding development in being

single storey, being to the rear of Nos 7 to 10 and in being approached by a path between 4 existing gardens and as a result I consider it would not readily fit in with the ordered pattern of the existing housing. To my mind though the proposed planting would help, there is not enough space at the sides of the proposed bungalow to allow an acceptable visual transition between the different scales of the proposed and existing dwellings and to avoid the proposal appearing incongruous. You have suggested that the present appearance of the area would not be unduly sensitive to this incongruity but I do not share your opinion and I am mindful that there is potential for considerable enhancement of the appearance of the area. Therefore I conclude that the proposed bungalow would unacceptably harm the character and appearance of the area.

5. I now turn to the effect of traffic. I agree that as tradesmen and other services reach Nos 7 to 13 along the footpath from Ritcroft Drive, at present, it is likely that they would serve the proposed bungalow in the same way. Residents or visitors would be more likely to use the side access and park in the space proposed. With both residents and visitors seeking space, there is a likelihood that parking would take place adjacent to the appeal site or elsewhere in the manoeuvring area and this would block access to other existing parking provision. Thus I consider that if the bungalow were occupied by a car driver there would be a significant risk to parking congestion though I do not consider the level of activity would cause a disturbance in terms of noise. In order to meet this problem you have proposed that the occupancy of the bungalow should be restricted to those who do not drive. Whilst on balance I agree that this could avoid parking congestion I have considerable doubts as to whether such a restriction on occupancy could be achieved. It was agreed by both parties that it could not be covered by a planning condition. You suggest a Section 52 agreement but this would require the agreement of the Council and this has not been obtained nor does it appear likely to be readily forthcoming. Therefore I consider the proposal must be viewed as being for unrestricted occupancy and on that basis the proposal would not meet the Council's current parking requirements and I conclude that it would cause unacceptable parking congestion.

6. In reaching my decision I have taken account of the other matters raised, but these do not alter my conclusion on the main issues.

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

I am Sir
Your obedient Servant



M FOULKES CEng BSc(Eng) MICE
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA(Hons) B Pl. MRTPI

- Agent.

FOR THE PLANNING AUTHORITY

Miss S A Richardson BA(Hons) MRTPI

- Senior Planning Officer,
Dacorum Borough Council.

DOCUMENTS

- Document 1 - List of persons present at inquiry.
- Document 2 - Notification of hearing and circulation list.
- Document 3 - Extracts from The Herts County Structure Plan 1986 Review.
- Document 4 - Extracts from The Dacorum District Plan.
- Document 5 - Interim Car Parking Guidelines Adopted 1 October 1989.
- Document 6 - Planning Appeal Decision Letters Ref Nos: T/APP/5252/A/81/6620 & 1/G9
T/APP/A1910/A/86/49202/P4.
- Document 7 - Conditions suggested by local planning authority should planning
permission be granted.
- Document 8 - Letters of objection received.

PLANS

- Plan A1-2 - Application Plans.
- Plan B-1 - Previous Planning Applications Plan Drawing No TMB75871.