

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

Mr & Mrs Meldrum
75-79 High Street
Hemel Hempstead
Herts

Chapener Cross Partnership
Salter House
Cherry Bounce
Hemel Hempstead
Herts

To

Erection of Detached Dwelling
at Rear of 75-79 High Street, 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 22.2.90 and received with sufficient particulars on 9.3.90 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

There is inadequate provision for vehicle parking within the site to serve both the existing uses and the proposed new dwelling in accordance with the standards adopted by the local planning authority.

Dated Twenty-first day of June 19 90

Signed [Signature]

SEE NOTES OVERLEAF
P/D. 15

XXXXXXXXXXXXXXXXXXXX
Director of Planning

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



Planning Inspectorate

Department of the Environment

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PLANNING DEPARTMENT						
DACORUM BOROUGH COUNCIL						
Rel.					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.G.		Admin.	File
Received		7 JAN 1991				
Comments						

Your reference
8812

Our reference
T/APP/A1910/A/90/165976/P8

Date
-4 JAN 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS MELDRUM
APPLICATION NO: 4/0378/90

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 a new dwelling on land to the rear of 75-79 High Street, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by an interested person. I have also considered those representations made directly by another interested person to the Council which have been forwarded to me. I inspected the site on 27 November 1990.
2. From my inspection of the site and its surroundings and from the representations made I consider that the main issues are whether or not the proposal would lead to traffic hazard and inconvenience through the inadequate provision of off-street parking space and whether or not it would cause unacceptable overshadowing of nearby residential property.
3. I am satisfied that the proposal would provide sufficient parking space for the new dwelling in accordance with the Council's standards. In addition spaces would be provided for the existing dwellings at Nos 77 and 79a High Street. I appreciate that the site has been used for parking in the past but it is in private ownership and there is no guarantee that it would be available for parking if the present appeal was dismissed. I have also given some weight to the location of the site in a conservation area, where Circular 8/87 advocates the need for flexibility, and in a town centre close to a large public car park. In these circumstances I conclude that the proposal makes adequate numerical provision for car parking.
4. Despite its adequacy in terms of the number of parking spaces provided, the layout which was considered by the Council was deficient in the amount of manoeuvring space available between the parking bays and the wall of the properties on the north side of the access from High Street. You have subsequently submitted a sketch drawing showing how the layout could be amended to increase the manoeuvring space. I consider that this amendment is a

significant improvement and, given that 2 of the spaces shown are intended to serve existing properties, I take the view that any residual deficiency in manoeuvring space is not sufficient to warrant a refusal of permission.

5. The occupier of No 3 Sun Square is concerned about loss of privacy and light. Insofar as privacy is concerned I am satisfied that the proposal to glaze the facing living room windows with obscured glass would prevent overlooking. I am also satisfied that there would be no overlooking from the high level windows to the basement bedroom.

6. I am more concerned about overshadowing. The highest part of the new house's roof would be almost directly in front of one of No 3's first floor windows at a distance of just over 6m and would extend about 3m above its cill level. In my opinion this would lead to a substantial loss of light and a significant restriction on the outlook from the window. No 3's other first floor window would be opposite a lower part of the roof and would be less seriously affected but the main part of the roof would still noticeably restrict the outlook to the south east. I read in the occupier's letter of 3 October 1990 that, unlike a conventional house, the first floor is occupied as living and dining rooms. The smaller ground level bedroom windows would be even more seriously overshadowed. In my opinion the effect of the proposal on the light received by, and the outlook from, No 3 is a decisive objection to the proposal.

7. I recognise that both Sun Square and the appeal site are in a conservation area where modern standards of amenity cannot always be expected. However, in this case, the proposal involves building on an open backland site where nearby occupiers might reasonably expect their amenity to be preserved in accordance with modern standards. The fact that the site might have been occupied by buildings at some time in the past does not change my assessment of its impact on present levels of amenity.

8. I have considered all the other matters raised in the written representations but find that they do not outweigh the considerations which lead me to my decision.

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

I am Gentlemen
Your obedient Servant



G Arrowsmith BA MCD MRTPI
Inspector