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# Department of the Environment and Department of Transport

Common Services

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DACORUM DISTRICT COUNCIL GTN 2074

CHIEF EXECUTIVE  
OFFICER

11 JAN 1988

File No. ....  
Room No. 20 11/1  
Signed .....

Mr J G Lewis  
117 Chambersbury Lane  
HEMEL HEMPSTEAD  
Herts  
HP3 8BE

Ref.		Ack.	
C.O.	D.P.	D.C.	B.C.
Received		11 JAN 1988	
Comments			

Your reference

28/87

Our reference

T/APP/A1910/A/87/072911/P4

Date

28 JAN 88

JEB

2)RB

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR N J WINGROVE  
APPLICATION NO: 4/0382/87

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 District Council to refuse to approve details reserved by the outline planning permission (No. 4/0205/86) dated 28 January 1987 for a semi-detached dwelling at 415 London Road, Hemel Hempstead. I have considered the written representations made by you and by the council. I inspected the site on 16 November 1987.

2. From my consideration of the representations made and my inspection of the site and its surroundings, I am of the opinion that the main issues in this case are firstly, whether the amenity area is adequate for the size of dwelling proposed and secondly, whether the amenities of neighbours would be harmed.

3. The appeal site is a small plot of land between 2 existing dwellings. There is a garage on the site now but I understand that it was previously occupied by a house, as indicated by the marks on the flank wall of No. 413 London Road. Outline planning permission was granted on appeal in January 1987 for a new house on the site. There is a small rear yard which I understand is currently used by the occupiers of one house No. 413. This property has direct access to the yard via a rear door and has a number of windows overlooking it, including 2 ground floor kitchen windows. Adjacent to the rear door, almost abutting the appeal site, is a small conservatory. Although very restricted in size the yard provides a pleasant sitting out area with flower beds and small grassed area.

4. On the first issue the Council say that because of the high site coverage the private amenity area for the proposed house is inadequate. I appreciate that a sizeable garden cannot be achieved on this site however small the scale of development. Nevertheless, in my view, the size of house proposed, which could be occupied as a small family home, does not leave sufficient room for even the most basic of outdoor amenity spaces. I agree that a reduction in width could result in a design out of character with the scale of surrounding properties, in particular No. 413 which it adjoins. However, I am not persuaded that this precludes a reduction in depth which would leave more available outdoor space at the rear.

5. On the second issue, your client's proposal has 3 full size windows and a door overlooking the rear yard. Given the restricted space available at the rear and the proximity of proposed and existing buildings I am concerned that this would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of No. 413, particularly within the small rear yard.

6. You state that the proposed dwelling would be smaller than the original house. Whilst this may be so, I have considered this case on its merits and with regard to the previous appeal decision when the Inspector, in granting outline planning permission, commented that a small dwelling of the starter home type might be fitted into the site. He saw no reason why overlooking need occur nor any lack of privacy be caused by such a house. It seems to me that the size and design of the house as now proposed pays insufficient regard to these views or to the cramped nature of this site.

7. The Council has expressed concern that the application does not fulfil the District Plan requirements of 1.5 parking spaces for a 2 bed house. You say that a garage will be provided as in the existing outline planning permission. However, I see no reason why additional parking, over and above that required by the original permission, should be provided in this case. Nevertheless this does not outweigh my concern about the inadequate amenity area or impact of the proposal on the amenities on neighbours.

8. I have taken into account all other matters raised in the representations. However, I find nothing to lead me to any other conclusion.

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



WENDY P BRETHERICK BA DipED MRTPI  
Inspector

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

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr n J Wingrove  
19 The Glen  
Hemel Hempstead

Mr J G Lewis  
117 Chambersbury Lane  
Hemel Hempstead

Semi detached dwelling
at 415 London Road, 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 do hereby disapprove the details of the development which were reserved for subsequent approval in the outline planning permission no. 4/0205/86

granted on ... 28 January 1987 ... at the above-mentioned location as shown on the following drawings submitted by you and accompanying your application dated ... 19 February 1987 ...

The reasons for such disapproval are as follows:—

1. The proposed house is of excessive size for the plot and would therefore have inadequate amenity space. Furthermore, the positioning of doors and windows would result in overlooking of adjacent dwellings. The design pays insufficient regard to the constraints imposed by this cramped site.
2. The proposed house with two bedrooms is likely to result in vehicle generation and demand for on-street car parking greater than that arising from a smaller house.

Dated 24 day of April 19 87

Signed

Designation CHIEF PLANNING OFFICER

#### NOTE

- (1) **If the applicant wishes to have an explanation of the reasons for this disapproval it will be given on request and a meeting arranged if necessary.**
- (2) If the Applicant is aggrieved by the decision of the local planning authority to disapprove the details of the proposed development, he may by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act, 1971. The Secretary of State has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress.