



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

1 DAD
2 JEB

Messrs Smeathmans
P O Box 1
10 Queensway
HEMEL HEMPSTEAD
Herts
HP1 1LU

PLANNING OF DACORUM BOROUGH				GIL	
ACK				Our Reference:	
T/APP/A1910/A/89/142115/P3				File	
Your Reference:				BTH VC	
10 MAY 1990				Date:	
Received				-9 MAY 90	
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS L ASHBURNER
APPLICATION NO. 4/0398/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 1-bed bungalow on land at the rear of 39 Cedar Walk, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by one other party. I inspected the site on 1 May 1990.
2. I note that the appeal has been made in the name of Ms J E Ashburner. However, as the application to the Council was by Miss L Ashburner and as the right of appeal rests with the applicant I shall treat the appeal as having been made by Miss L Ashburner. The application was made in outline, and although plans were submitted to the Council showing siting, design and external appearance, the Council's statement makes it clear that they regarded these details as illustrative, so I shall treat them in the same way.
3. No 39 is one of a number of semi-detached houses fronting Cedar Walk. The appeal site, an area with a depth ranging from about 12m to 17m and a width ranging from about 13m to 16m, consists of most of the rear part of no 39's rear garden. This garden, like that of the 2 houses on each side of no 39, has a frontage to another road, called Lamsey Road, and access would be taken from this road.
4. From my inspection of the appeal site and its surroundings, and from the representations made, I consider that the main issues in this appeal are: firstly, whether the appeal project would harm the amenities of people living nearby; and, secondly, whether it would be detrimental to the appearance of the street scene.
5. On the first issue, you have argued that the proposed bungalow would result in no greater loss of privacy than the caravan that stands within no 41's curtilage. I have no doubt that a bungalow could be designed to avoid serious problems of this kind, as shown by the illustrative plans submitted with the appeal application. But this would have the result described by the Council, ie a utilitarian and featureless property in view, and at no great distance, from the rear windows of dwellings in Cedar Walk. While the bungalow might be enclosed within a tall fence, this fence would itself be an obtrusive feature only about 10m from the main rear wall of no 39.



I appreciate that the appellant takes no exception to these changes to her outlook, but it seems to me that they would create a level of amenity that is inappropriate in an area of this kind.

6. On the second issue, the Council believe that the appeal project would detract from the character of the area. In my view, the impact in terms of this second issue is properly judged from Lamsey Road as there would be no impact so far as people on the Cedar Walk highway are concerned. Because of the small size of the appeal site, the bungalow would have to be very close to the Lamsey Road frontage (only about 2m distant in the illustrative plan). To the extent that the tall hedge on the appeal site's Lamsey Road frontage would have to be removed for access purposes this close proximity would be very obvious from Lamsey Road and out of character with the predominant pattern of houses and bungalows there. In relation to the street scene, I do not take particular exception to the proposed bungalow being a small one, but its proximity to the road indicates the degree of over-development involved and I consider it would be harmful because of this.

7. I have therefore come to the conclusion that permission ought to be withheld in this case. I appreciate that the bungalow would be occupied by the appellant's aged relative but, although I sympathise with this requirement, it does not overcome the more general planning objections to building a bungalow on this site. I have taken account of all the other matters raised, but none of them is as important as those that have led to my decision.

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

I am Gentlemen
Your obedient Servant



M J CROFT MA DipTP MRTPI MBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

Miss L Ashburner
39 Cedar Walk
Hemel Hempstead
To Herts

One Bedroom Detached Bungalow
.....
.....
at ... Rear of 39 Cedar Walk (Lansey Road)
..... 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 23.2.89 and received with sufficient particulars on 1.3.89 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 proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
3. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated ... Twenty-third day of ... May 19 89

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.