

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To R. Martin, Esq.
12 Anglefield Road
Berkhamsted
Herts.

D. Clarke, Esq.
47 Gravel Lane
Hemel Hempstead
Herts.

..... Detached dwelling

at 12 Anglefield Road, Berkhamsted, 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 2 March 1989 and received with sufficient particulars on 3 March 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 proposal represents an undesirable form of two-tier backland development being served by a long access road passing through the curtilage of an existing dwelling. Such development would not only be liable to place an unwarranted burden on the various services, but would in addition result in dwellings being sited in poor relationship to one another and would cause an unacceptable level of disturbance to dwellings either side.
2. The position and siting of the proposed dwelling would cause general disturbance to the rearmost parts of adjacent gardens.

Dated 28th day of June 19 89

Signed.....

SEE NOTES OVERLEAF

P/D.15

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.



Planning Inspectorate

Department of the Environment

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Your reference

Our reference

T/APP/A1910/A/89/144695/P8

4 APR 1990

Date - 3 APR 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR ROBERT MARTIN
APPLICATION NO 4/0417/89

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 in outline for the erection of one detached house and garage at 12 Anglefield Road, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council. I inspected the site on 19 March 1990.
2. From the written representations made and from my inspection of the site and its surroundings I have concluded that the main issue in this appeal is whether the proposal would form an acceptable form of backland development and whether it would have an adverse affect on the amenities of the occupiers of the adjoining residential properties.
3. No 12 Anglefield Road consists of a large detached house situated on a plot about 23m wide and about 87.5 m deep situated on the north side of the road and adjoined by similar properties on either side. Your proposal is to divide the curtilage of the house in order to provide the site for an additional house at the rear on a plot about 38m deep approached by a driveway 2.13m wide running along the eastern boundary of the site. In order to construct the driveway it would be necessary to demolish the existing garage and it is proposed to form a new one on the western side of the house.
4. In dealing with this issue I am guided by Development Control Policy Note No 2, which although now over twenty years old still represents the Government's latest thinking on this matter. This Note states at paragraph 7 that "Tandem development, consisting of one house immediately behind the other and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front." I consider that these objections apply in this case. In my opinion, the Council's objections to the proposed access for servicing are valid as I can see considerable difficulties arising if the access is used by large delivery vans and refuse collection vehicles. Further the use of the driveway at the side of the house to gain access to the house at the rear would, in my view cause, an unacceptable degree of disturbance to the occupiers of both Nos 12 and 14 Anglefield Road. I appreciate that the house on the front of the plot is in the appellant's ownership at the present time but this does not, in my opinion, justify permitting unsatisfactory conditions which would persist for the life of the houses. Further the effect of creating an access way along the boundary of No 14 would result in the occupiers of



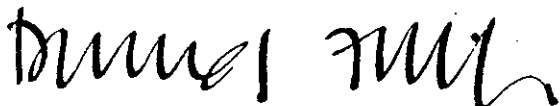
that property suffering from nuisance from noise and fumes from motor vehicles along their side boundary which at the present time enjoys the quiet outlook of a rear garden. Although there would be an adequate distance between the houses to prevent overlooking, in my view, the amenities of the adjoining occupiers would also be adversely effected by the erection of a house at the rear as it would introduce the curtilage of a dwelling house, with its attendant activities, into the core of the block and diminish the value of the rear gardens. You have drawn my attention to two houses that have been permitted at the rear of No 8 Anglefield Road with access from Kitsbury Road. However, while the location of the houses would be similar to your proposal, I do not consider that these houses should be used as a precedent to justify the form of backland development which you propose. For these reasons I consider that your proposal is unacceptable when judged against the issue that I have identified.

5. I have carefully considered the examples of development to which you have drawn my attention and which we visited on the site inspection. Although we saw a number of houses served from long drives I did not see any recent development which I consider to be comparable with the proposal under consideration. I have taken into account all the other matters raised in the representations but do not find them to be so cogent or compelling as to outweigh the considerations that led me to my conclusion.

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

I am Sir

Your obedient Servant



D W FRITH DipTP FRTPI FRICS
Inspector