

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E Greenham Ltd
11/13 Alexandra Road
Hemel Hempstead
Herts

..... Detached dwelling and garage
.....
at .. Adj. 40 Gravel Hill Terrace, 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 undated and received with sufficient particulars on 7 March 1988 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 would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 27th day of April 19 88

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.



**Department of the Environment and
Department of Transport**

Common Services

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**CHIEF EXECUTIVE
OFFICER**

6 MAR 1989

File Ref.

Refer to *CPO 613*

Cleared

E Greenham Ltd
11/13 Alexandra Road
HEMEL HEMPSTEAD
Hertfordshire
HP2 5BS

Your reference

Our reference T/APP/A1910/A/88/099682/P4		28596	
R. Date	2 MAR 89	Ack.	<i>3/23</i>
C.P.		Admin.	<i>3/21</i>
Receive		- 6 MAR 1989	
Comments		<i>3/23</i>	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0423/88

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the ~~Dacorum Borough Council to refuse~~ planning permission for the erection of a detached house and a new garage and driveway to the existing dwelling at 40 Gravel Hill Terrace, Hemel Hempstead. I have considered the written representations made by you, by the council and also those made by interested persons and forwarded by the council. I inspected the site on 13 December 1988.

2. The appeal site has a frontage of 8 m and a depth of about 19 m and comprises the end part of the rear garden of No. 40 Gravel Hill Terrace. No. 40 is a chalet bungalow and whilst it fronts onto Gravel Hill Terrace it appears to have been built as part of the Wrensfield development of similar dwellings in an open-plan layout. The proposal is to build a new 3-bedroom dwelling facing Gravel Hill Terrace partly incorporating the existing garage and to erect a new attached garage on the eastern end of the existing house. Those parts of the garden between the dwelling and both road frontages are open-plan and the rear garden alongside Gravel Hill Terrace is enclosed by a close-boarded fence about 1.8 m high. There are a number of conifer trees along the frontage to Gravel Hill Terrace and more substantial deciduous trees on the corner of the 2 roads and there is a conifer screen along the rear boundary with No. 1 Wrensfield. The dwellings in Gravel Hill Terrace near the appeal site vary in size and character but are for the most part a mixture of semi-detached and detached houses.

3. From my inspection of the site and its surroundings and the representations made, including the relevant policies in the Dacorum District Plan, it appears to me that there are 3 main issues in deciding this appeal. Firstly whether the proposed dwelling would cause demonstrable harm to the street scene in the locality, secondly whether the amenity of any of the adjoining occupiers would be likely to be harmed by way of lost privacy or overlooking to an unacceptable extent and thirdly whether the development would be cramped in relation to the established pattern of development in the surrounding area.

4. The character of the development in Gravel Hill Terrace varies considerably along its length. Near to the junction with Green End Road to the west of the site there are modern dwellings on both sides of the road, which are linked by their garages and which have a rather 'hard edged' appearance. Moving towards the appeal site the dwellings are more substantial and set back from the road behind mature hedges with trees featuring prominently in the street scene. The proposed dwelling

which has been designed to reflect the character of its immediate neighbours Nos 42/44 would not be unduly intrusive into this scene in my view. It would be set forward some 5 m in front of No. 42 but because of existing trees and hedges it would not be particularly prominent when viewed from this direction in my estimation. When viewed from the east from the corner of Cowper Road No. 40 is lost from view behind the tall hedge and the line of trees on the north side of Gravel Hill Terrace which extends westwards to the junction with Wrensfield. The dwelling would not be set forward of No. 40 and would not be visually out of place in my estimation, being well separated from the dwellings either side; the gap being much wider than that between Nos 19-25 on the opposite side of Gravel Hill Terrace which all occupy very narrow plots. I conclude on this issue that because of its particular design and its intended location in relation to its neighbours the proposed dwelling would not look out of place in the general street scene and would not cause any harm to it.

5. I have also considered the proposed new garage to No. 40 in relation to its impact on the street scene. There are several examples of garages being set forward of dwellings in Wrensfield and at West Linden on the other side of Wrensfield from No. 40 there are 2 garages which are very prominent. The existing garages do not harm the street scene in my view and neither would the proposed new garage.

6. The proposed house has been designed to reduce the amount of overlooking as far as possible bearing in mind the smallness of the site and the proximity of adjoining dwellings. I am satisfied that Nos 40 and 42 need not be overlooked but I am concerned that the privacy of the garden of No. 1 Wrensfield would be reduced if the development were to proceed. There is a screen of conifers which would reduce the amount of overlooking of the garden and deep mullions would prevent direct overlooking of the rear windows of No. 1. However even bearing in mind the fact that the proposed first floor windows would serve bedrooms as opposed to habitable rooms I consider that at a distance of only 5.5 m from the boundary these windows would erode the privacy of the garden of No. 1 to an unacceptable degree. The existing tall conifer hedge may well not be acceptable to any future occupiers of the proposed dwelling being fairly close to the rear windows and tightly enclosing the small rear garden. In my estimation there might well be pressure for its removal in order to improve the amenity of the new dwelling and without it the privacy of the neighbour's garden would be lost and I find therefore that the proposal is unacceptable in relation to this issue.

7. Although I do not consider that the dwelling would appear cramped in the context of the general street scene the proposed plot is considerably smaller than any other in the immediate surrounding area. The frontages of Nos 19-25 Gravel Hill Terrace are equally narrow but the plots are very deep giving them generous proportions overall. The rear garden area would be approximately 44 sq m and I consider that this would be a cramped and incongruous form of development out of character with its surroundings, which consists mainly of dwellings in good sized gardens. In reaching this conclusion I have borne in mind the recently constructed dwelling known as The Larches in Woodland Avenue which is a continuation of Gravel Hill Terrace to the west. Despite the similarities in plot size I find that the 2 situations are different. The nearest dwellings to The Larches are terraced houses facing Glen View Road which have small rear gardens. To the west is a wooded area, and the new dwelling is not incompatible with these surroundings in my view.

8. I have also taken into account all the other matters raised in the representations but none of them are of sufficient weight to lead me to any conclusion other than that the appeal should be dismissed.

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

I am Gentlemen
Your obedient Servant

David Harrison

DAVID HARRISON BA DipTP MRTPI
Inspector

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER