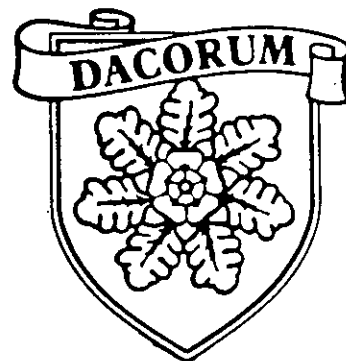


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0458/91

Mompford Developments Ltd  
Dunsley House  
London Road  
Tring  
HERTS

Mr B Branwhite  
Barclays Bank Chambers  
65 High Street  
TRING

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Miswell Orchard, Miswell Lane, Tring,  
SIX DWELLINGS WITH GARAGES (OUTLINE)

Your application for *outline planning permission* dated 03.04.1991 and received on 08.04.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

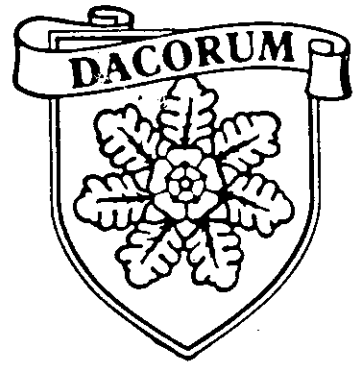
Director of Planning

Date of Decision: 13.06.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0458/91

Date of Decision: 13.06.1991



1. The proposal represents a gross overdevelopment of the site which would appear cramped and would adversely affect 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 at present enjoyed by occupants of nearby dwellings.
3. The proposed access drive to serve four of the proposed dwellings is likely to cause disturbance to the occupiers of these dwellings by movement of traffic and is liable to place an unwarranted burden on the various services.



# Planning Inspectorate

Department of the Environment

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C/860/AM/P

11/2/91  
2/5/91

R C Bunn FRICS MRTPI  
248 Wendover Road  
AYLESBURY  
Bucks  
HP21 9PD

| PLANNING DEPARTMENT<br>DACORUM BOROUGH COUNCIL |          |      |      |             |        |      |
|--|----------|------|------|-------------|--------|------|
| Ref.   |          |      |      | Ack         |        |      |
| C.P.O.   | T.C.P.M. | D.P. | U.C. | B.C.        | Admin. | File |
|  |          |      |      |             | Date   |      |
| Received                                       |          |      |      | 20 DEC 1991 |        |      |
| Comments                                       |          |      |      |             |        |      |

Your reference

Our reference

1910/A/91/190927/P7

18 DEC 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MOMPORD DEVELOPMENTS LTD  
APPLICATION NO: 4/0458/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of Dacorum Borough Council to refuse outline planning permission for the demolition of existing property and the erection of 6 dwellings with garaging at Miswell Orchard, Miswell Lane, Tring. I have considered the representations made by you and the Council, and those made by Tring Town Council and other interested persons. I inspected the site on 19 November 1991.

2. From my inspection of the site and its surroundings and my consideration of the representations, I believe that there are 2 main issues in determining this appeal. The first is the effect of the scheme on the character and appearance of the area, and the second is the implications for neighbours living conditions with particular regard to overlooking and outlook.

3. Planning permission has been granted for 4 dwellings on the appeal site and there is no objection therefore to the principle of housing development. The Council also recognise the need to make the most effective use of land within urban areas, but they argue that 6 dwellings would be an over-development of the site. Such a scheme would spoil the character of the area and the amenities enjoyed by residents. I shall look at each of these matters in turn.

4. The site fronts onto Miswell Lane but its southern side boundary runs along the back gardens of houses in Buckingham Road, a side road off Miswell Lane. In my view there is quite a difference in character between the housing along this part of Miswell Lane and that along Buckingham Road. The former is at a lower density and consists almost entirely of frontage development, whereas the more recent housing in Buckingham Road is more tightly spaced and some of it is arranged around short culs-de-sac. Because the appeal site fronts onto Miswell Lane and is largely screened from Buckingham Road by the existing houses, I believe that the appeal scheme should be assessed in relation to the character along Miswell Lane.

5. I know that the application is in outline and that the layout is only for illustrative purposes but it seems to me that although

100%



RECYCLED PAPER

there may be scope for fine tuning, 6 dwellings could be accommodated only by a layout on these lines. In my opinion this would be at odds with the established character along Miswell Lane because of the backland dwellings and the generally tighter spacing within the appeal site.

6. The dwellings which would be most affected by the appeal proposals are those along Buckingham Road and Weavers Road. I accept that No 113 Miswell Lane is closer and I note that the occupier supports the appeal scheme. However No 113 only has a side wall with no main windows overlooking the appeal site whilst it is the backs of the Buckingham Road and Weavers Road houses which face directly onto the site.

7. I believe that the development of the site on the lines shown in the layout would affect the outlook from the back of the Weavers Road houses, but I do not consider that this would be unacceptable because of the length of their back gardens. The houses in Buckingham Road, however, have much shorter gardens and to my mind their outlook and privacy would be seriously harmed. You say that the proposed dwellings could be sited differently from the illustrative layout but I believe that the site is too tight to overcome this problem. I acknowledge your point about the Buckingham Road gardens not meeting the current standards, but the houses pre-date these and I do not think it reasonable for the occupants to be penalised for this.

8. On the main issues I find sound planning objections to the appeal scheme. The Council also allege that the use of the access drive would disturb the occupants of No 113 and the proposed houses but I do not think that this would be significant in view of the limited amount of traffic and the screening of No 113. As for the cherry tree in the garden of 8 Weavers Road I agree that this is worth preserving, but I consider that it would be possible to amend the layout in this part of the site to safeguard this. Both parties refer to recent appeal decisions in Tring but in my opinion the circumstances of this case are materially different.

9. I have taken into account all other matters raised in the representations but have found nothing to alter my conclusions.

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

I am Sir  
Your obedient Servant

*J D Micklethwaite*

J D MICKLETHWAITE BA DipTP MRTPI  
Inspector