

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0488/91

Mr & Mrs C Denham
51 Langley Hill
Kings Langley

Architeknic
39-41 North Road
London
N7 9DP

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

51 Langley Hill, Kings Langley,
TWO STOREY SIDE & REAR EXTENSIONS

Your application for *full planning permission (householder)* dated 12.04.1991 and received on 15.04.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

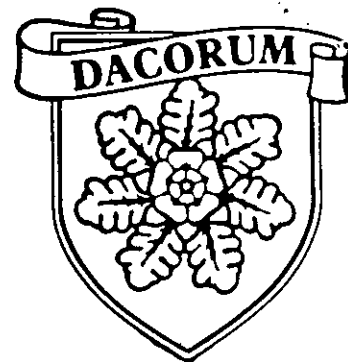
Director of Planning

Date of Decision: 31.05.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0488/91

Date of Decision: 31.05.1991



The works of excavation required for the construction of the underground swimming pool would result in the loss of a large section of boundary hedging and trees, which would have an adverse effect of the environmental character of the area to the detriment of the amenities of adjacent properties.



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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							Your reference
Ref.	Town Planners					Ack.	F22419D
DoP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	Our reference
							APP/A1910/A/91/193299/P4
Received				26 FEB 1992		25 FEB 1992	
Comments							

Sir & Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY MR & MRS C DENHAM
 APPLICATION NO: 4/0488/91

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the erection of two-storey side and rear extensions together with the construction of a basement with swimming pool on land at 51 Langley Hill, Kings Langley. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 7 January 1992.
- Although the extensions referred to in paragraph 1 are part of the subject matter of what is before me, I note that they were permitted separately in 1989 and that the matters in dispute relate only to the basement and swimming pool.
- From the written representations received and from my inspection of the site and the surrounding area, I consider that the main issue to be decided is the likely effect of the proposed construction works on the survival of the adjacent boundary hedges and trees and the ability of any necessary replacement planting to thrive given the area available for root growth and development.
- The proposed basement with its underground swimming pool would be built immediately to the rear of the approved rear extension and extending some 7 m beyond this. From your drawing Reference 224/05B this would involve an excavation of some 5.5-6 m below the level of the existing patio and garden. The sides of this cavity would be lined by sheet piles which would act as permanent shuttering for the concrete retaining walls of the pool.
- The proposed basement would extend practically the entire width of the garden with a margin to the east and west of some 500 mm. The Council contends that because of this restricted width the proposed excavation works would lead to the loss of the hedges and trees along these boundaries to the detriment both of visual amenity and the privacy of adjoining occupiers. They cite references in the draft Dacorum Local Plan and the existing Dacorum District Plan which place



stress on the high environmental standards expected in new development and on the priority they attach to the retention of existing trees and woodlands.

6. I fully support the Council's view that the loss of these two hedges, which are some 2.5 m in height, would adversely affect the character of this area and lead to a loss of privacy for adjoining occupiers. However, it seems to me that provided suitable precautions are taken in the excavation, in the setting in place of the piling and to avoid disturbing the area of soil beyond the piling, there is no reason why the hedges should not survive essentially in their present state. Should any part or parts of these hedges require replacement I believe that the width available, assuming that as now there would be no impediment to a similar amount of root growth on the other side of these boundaries, should be adequate to ensure the establishment of any new planting given proper soil preparation.

7. I have taken into account all other matters raised in the written representations, but find no matter of such weight as to override my conclusions.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of two-storey side and rear extensions together with the construction of a basement with swimming pool on land at 51 Langley Hill, Kings Langley in accordance with the terms of the application (No 4/0488/91) dated 12 April 1991 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of five years from the date of this letter;

2. the materials used externally shall match both in colour and texture those of the existing building of which this development will form a part;

3. no development shall take place until there has been submitted to and approved by the local planning authority details of the intended measures for the protection of the boundary hedges in line with the basement development on its eastern and western sides;

4. should any part or parts of the hedges identified in condition 3 die, be removed or become seriously damaged or diseased within a period of five years from the completion of the development these shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

9. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir & Madam
Your obedient Servant

C. J. Gossop.

DR C J GOSSOP BSc MA PhD MRTPI
Inspector