

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. R.M. Phipps,
23 Hall Park,
Berkhamsted,
Herts.

Mr. C.R. Stanbridge,
14 Lyme Avenue,
Northchurch,
Berkhamsted,
Herts.

..... One dwelling (Outline)
.....
at 23 Hall Park, 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 **11 March 1988** and received with sufficient particulars on **22 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:—

The application site is too restricted in width to accommodate the proposed development, which would appear cramped in relation to adjoining dwellinghouses and the street scene.

Dated **10th** ... day of ... **June** 19 **88**

Signed..... *Wm. Barnard*

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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CHIEF EXECUTIVE
OFFICER

17 JUL 1989

File no.
Relet to *clo 1877*
Cleared

Prudential Property Services
Land Department
47 Sycamore Road
AMERSHAM
Bucks
HP6 5EQ

Your reference

XRSS/WJB 30192

Our reference PLANNING DEPARTMENT
T/APP/A/1910/A/88/111087/P4A

Date 14 JUL 89

CHIEF EXECUTIVE OFFICER

Received 19 JUL 1989

SCHEDULE 9

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY MR R H PHIPPS
APPLICATION NO: 4/0517/88

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 outline planning permission for 2 storey detached house with garaging, 23 Hall Park, Berkhamstead. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by other parties and interested persons to the Council which have been forwarded to me. I inspected the site on 31 May 1989.

2. From what I have seen and read of this matter, I have come to the conclusion that the decision in this case turns on whether or not the proposed dwelling would have a cramped appearance that would detract from the visual amenities of the locality.

3. Hall Park is set in a built up residential area that lies to the south-east of Berkhamstead. This road is one of a number of similar roads which rise up from the A41 in a southerly direction. It is characterised by detached houses with generally wide frontages. There has been a significant amount of infilling on wide plots in Hall Park and the adjoining roads, a process that is continuing. The plot comprises the southern strip of the garden to No 23, and it is set above this dwelling. It has a frontage onto Hall Road, whilst its eastern and southern frontages abut the gardens of adjoining dwellings.

4. There are no policy objections to infilling development, or the sub-division of plots, in this locality. However, the Dacorum District Plan requires that all new development should pay particular regard to the design, layout and residential amenities of the locality in which it is set. The appeal site lies in a long established and attractive residential area, which provides its residents with a pleasant environment. Hence I regard it as being a matter of importance that the design requirements of the District Plan are upheld here.

5. The Council consider the proposed plot to be out of character with the adjoining plots, as it is not of a comparable width. Following the granting of planning permission upon appeal for a dwelling on a relatively narrow plot hereabouts, the Council has granted planning permission for the development of plots which are of a similar width to that proposed where it considers that they are in character with the surrounding frontages. However, it has refused consent upon plots of a similar width where it regards them as being out of character with adjoining plots. In this instance, the Council considers that the proposed plot would appear to be squeezed in and hence out of character when seen alongside Nos 23 and 25, as it is much narrower than these.

6. I accept that the proposal is compatible with the density of development within the surrounding area. The width of the plots of the houses opposite, and those on the eastern side of the road below No 21, are only marginally wider than the proposed plot. Further, you pointed out to me plots which were narrower. Hence I find the proposed plot would not be uncharacteristic of the whole area, nor would the dwelling upon it appear to be cramped if it were set in the midst of the plots to which you drew my attention.

7. However, the proposed plot would be set below No 25 to the south, and above No 23 to the north, beyond and below which lies No 21. These plots are of a considerably greater width than the proposed plot. Hence its narrow width would, to my mind, result in it appearing to have been squeezed in amongst these more spacious plots, lending to any dwelling upon it a cramped feeling. This would be exacerbated by the fall across the site, which leaves only a narrow platform of land upon which to erect a dwelling. I have therefore concluded that the proposed house would have a cramped appearance which would detract from the visual amenities of the immediate locality.

8. You refer to Circular 15/84, which as you note, encourages the optimum use to be made of urban land in order to prevent pressure for development in the Green Belt and the countryside. To my mind, the policy being followed by the Council with respect to infilling development, and the sub-division of plots, complies with the advice in both this Circular, and the related Circulars to which you refer. However, I do not find in these Circulars any intimation that the visual amenities of existing residential localities may be significantly diminished when infilling development takes place.

9. The Council indicate that the proposed development is likely to give rise to severe problems of overlooking between your client's home and the proposed dwelling. In my opinion, this problem could be prevented by careful design together with the appropriate treatment of the boundaries. I have considered all other matters raised, but I find that none of these is of such import as to override the conclusion on the major issue that has led to my decision.

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

I am Gentlemen
Your obedient Servant

Geoffrey S.S. Lane

GEOFFREY S S LANE DiplArch DiplTP RIBA MRTPI
Inspector