

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Mr. G.A. Stevens and  
Mr. S.V. Blandamer  
84 Kings Road  
Berkhamsted  
Herts.

Mr. S.J. Blandamer  
Chartered Architect  
4 Red Lion Street  
Chesham  
Bucks HP5 1HF

One dwelling
at Rear of 84 and 86 Kings 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 20 March 1989 and received with sufficient particulars on 20 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 proposed dwellinghouse would be detrimental to the amenity of the adjoining dwellinghouses by reason of:
  - a. The loss of privacy due to overlooking from windows within the north eastern and south western flank walls of the new dwelling.
  - b. The close proximity and height of the new dwelling in relation to windows within the south western flank wall of No. 36 Ashlyns Road causing a loss of light and overbearing impact.

Cont.

Dated ..... day of ..... 19

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

#### 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.

Ref: 4/0520/89

2. The carriageway width of the existing unadopted road which would serve the proposed house measures less than 4.8 m in width and therefore does not accord with Table A of Hertfordshire County Council's "Residential Roads in Hertfordshire (1982)". To permit an additional unit served by this substandard unadopted road would therefore be contrary to policy.
3. The existing unadopted road referred to in Reason 2 is inadequate in width for use by service and emergency vehicles and makes no provision for a turning area for use by such vehicles. Paragraph 2.4.5. of Hertfordshire County Council's "Residential Roads in Hertfordshire (1982)" specifies that the refuse carry distance should not exceed 30 metres where such a turning head is not provided.
4. The visibility associated with the junction of the unadopted road referred to in Reason 2 and Upper Ashlyns Road is substandard.
5. The pleasant character of the Ashlyns Road locality derives from the informality of its highway system, including the restricted carriageway width and the intermittent footways and the present relatively low levels of vehicular movement. Any additional development, involving new residential properties served by the Ashlyns Road network, would require the associated upgrading of the highway infrastructure. The upgrading of the system would include changes to the junctions with Kings Road, the junction of Upper Ashlyns Road with Ashlyns Road, the junction of the unadopted road with Upper Ashlyns Road in order to improve highway visibility.
6. The necessary upgrading of the whole of the existing highway network as referred to in Reason 5 would be seriously detrimental to the existing character of the Ashlyns Road locality.
7. To permit the proposal would establish a precedent for other similar and larger scale residential proposals, the cumulative effect of which would add extra traffic movements so as to alter irrevocably the character of the Ashlyns Road locality.
8. The increase in traffic movements as referred to in Reason 7 would result in the increased use of the substandard junctions of Ashlyns Road with Kings Road to the detriment of highway safety.

Dated 12 September 1989

Signed



Chief Planning Officer