

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Arntrend Ltd
The Cedars
Cholesbury Road
Wigginton
Tring Herts

Payne Cullen Partnership
101 High Street
Tring
Herts

Conversion of house into two self-contained flats
(Duplicate applications)
at 10 Meadow Close, Tring

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 3 April 1990 and received with sufficient particulars on 4 April 1990 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The existing dwelling is small in size (ie less than 110 sq m net floor area) and in the opinion of the local planning authority the conversion of the property cannot be carried out without adversely affecting the amenity and character of the residential area generally and, in particular, of adjoining properties.

Dated ... Fifth ... day of ... June ... 19 90

Signed *Wm Barnard*

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 the date 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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1) JCS
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Messrs Arntrend Ltd
The Cedars
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Herts
HP23 6JQ

Gentlemen

| PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL | | | | | | |
|--|----------|------|------|------|--------|-------------|
| Ref. | | | | | | Ack. |
| C.P.O. | T.C.P.M. | D.P. | D.C. | B.C. | Admin. | File |
| | | | | | | |
| Received | | | | | | 19 SEP 1990 |
| Comments | | | | | | |

Our reference:
T/APP/A1910/A/90/160160/P5
Date:

19 SEP 90

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO 4/0549/90

- 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 conversion of a dwelling to form two flats at 10, Meadow Close, Tring. I have considered the written representations made by you and the Borough and Town Councils, and also those made by interested persons, both direct to me and to the Council at the time of the application. I inspected the site on 10 September 1990.
- From my inspection of the site and its surroundings, and from the written representations, I consider that the main issues in this appeal are the impact of the proposed conversion on the character of the locality, and the effect upon the amenities of neighbours due to loss of privacy and transmission of noise.
- The adopted Dacorum District Plan requires that in residential development particular regard should be paid to a range of matters aimed at the creation of a satisfactory environment, and notes the value of design guidance. The draft Borough Local Plan proposes a policy of greater detail dealing with the conversion of dwellings into flats. This policy stems from detailed non statutory guidelines. The appeal proposal would conflict with the draft policy and the guidelines because its floor area is below the 110 sq m specified in both. It is acknowledged that these guidelines go some way beyond the advice of Circular 22/80 in the detailed control they imply on internal space standards, and for this reason I do not find that the lack of compliance with them means that the proposal would cause harm to any important planning interest. I do not however dispute the value of the guidelines to the Council as an indication of circumstances in which closer examination may be required.
- The proposed flats would be situated on each floor of a semi detached dwelling. A small rear garden would serve the upper flat, whilst the lower flat would have use of the front garden. The Council and local residents consider that this arrangement would be detrimental to the character of the street because it would lead to domestic uses of the front garden which are normally confined to the rear. Whilst I accept that it would be unfortunate

if the front garden became crowded with garden sheds and the like, this could be adequately controlled by the removal of permitted development rights as they apply to this land. Recreational activities seem to me to be as normal in a front garden as in a rear one, and the remaining example of an objection is that washing may be hung in the front garden. This may take place; on the other hand it is unlikely to be a permanent feature, may not take place at all, and cannot be prevented in other dwellings. To my mind it is not a sufficiently harmful aspect of the proposal to outweigh the benefits of an increase in housing stock and the normal presumption in favour of development.

5. Turning now to the effect on the amenity of neighbours, it seems to me that the potential for harm is limited to two matters. Firstly the Council instance a loss of privacy for adjacent residents due the introduction of domestic activity into the front garden, and due to the overall intensification of use of the building. I reject this analysis. The Council are also concerned to maintain the stock of family dwellings, and it seems to me that the use of the property as flats occupied by single people, couples or at most a small family have in total less potential for disturbance arising from the use of the outside space than would a family use of the existing dwelling.

6. The second possibility is raised by neighbours, and arises from the likelihood of noise being transmitted through walls at first floor level, where a living room would be situated against a bedroom in the adjacent property. You object to the possibility of the imposition of conditions in this regard which may lead to a scheme beyond the requirements of the building regulations. To my mind the layout is likely to give rise to harm to the amenity of the adjoining residents unless the greatest care is employed in insulation, and unless an adequate scheme were possible permission would have to be withheld. I have no reason to believe that it would not be possible to devise a suitable scheme, and the Councils evidence leads to the view that this could be achieved by adherence to the building regulations. I therefore accept your view that a condition would be unnecessary.

7. The Council propose that the permission should be limited to a period of two years. No reason is given for a more restrictive approach than that required by the Act, and I see no reason to restrict the permission in this way.

8. I have taken into account all other matters raised in the written representations, including the representations concerning the retention of family dwellings, and your evidence as to the preference in the market for the dwellings you propose to provide. No other matters raised outweigh the planning considerations which have led me to my conclusions.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal, and grant planning permission for the conversion of a dwelling to form two flats at 10, Meadow Close, Tring, in accordance with the terms of the application (ref 4/0549/90) dated 3 April 1990, and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than five years from the date of this letter.

2. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that Order) no permanent structures shall be erected in the northern garden of the premises to which this permission relates.

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

I am Gentlemen

Your obedient Servant

A handwritten signature in cursive script, reading "David Ward".

David Ward BSc(Hons) CEng MICE FIHT
Inspector