

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

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To M Z Navaz Esq  
6 Coombe Gardens  
Berkhamsted  
HertsMessrs Payne Cullen  
Partnership  
101 High Street  
Tring  
Herts

Garage and Landscaping .....

at 6 Coombe Gardens, Berkhamsted .....

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  
 ..... 8 May 1982 ..... and received with sufficient particulars on  
 ..... 13 May 1982 ..... and shown on the plan(s) accompanying such  
 application.

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

The proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.

Dated ..... 18 ..... day of ..... June ..... 19 ..... 82

Signed ..... *Colin Board* .....  
 Designation Chief Planning Officer

## NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



# Department of the Environment and Department of Transport

Common Services

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	C.	B.C.	Admin.	File
9-DJ					
Direct line 0272 218 950 Switchboard 0272 218 811					
11 MAR 1983 Comment: RETURN TO M.B. FOR COMMITTEE REPORT Your reference: MESA/VK/W.395 Our reference: T/APP/5252/A/82/011473/GA Date: 10 MAR 1983					

Messrs Penny and Thorne

Solicitors  
175 High Street  
BERKHAMSTED  
Herts  
HP4 3HG

CHIEF EXECUTIVE  
OFFICER

11 MAR 1983

File Ref. ....

Refer to .... C.P.O. ....

Cleared .....

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR M Z NAVAZ  
 APPLICATION NO:- 4/0554/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for a garage and landscaping at 6 Coombe Gardens, Berkhamsted, Herts.

2. I have considered the written representations made by you and by the council and also those made by other interested persons and I inspected the site and its surroundings on Monday 24 January 1983 and as a result have come to the conclusion that the main issue is whether the proposed garage would amount to over-development of the site, adversely affecting the amenities of adjoining dwellings and the character of the area.

3. You explained on behalf of your client that the proposed garage was unusually long because it was designed to accommodate 2 of the 3 cars owned by the family, parked one behind the other. The design also took advantage of the fall in the ground, about 3 ft from front to rear of the garage, to provide an inspection pit for car maintenance, which was a family hobby. The west wall of the garage would only be about 4 ft above the boundary fence to the adjoining dwelling No 5 Coombe Gardens, not 6 ft as the occupiers had claimed. Moreover it would not extend for two-thirds of the length of the 60 ft garden because it would only be about 30 ft long. If it were considered to be too large, or visually intrusive, trees could be planted at the bottom of the garden which would screen it from view.

4. I agree that the length of the garage would not be two-thirds of the length of the rear garden, but it would clearly extend along rather more than half its length because it would be spaced about 3 ft away from the rear wall of the appeal property. I noted the steep fall in the ground from the north side of the appeal property and the adjoining dwellings, towards their rear boundaries along the (A41) Road, and from approximate measurements it appeared to me that the garage would project about 2 ft above the boundary fence of No 5 Coombe Gardens at its southern end, and about 5 ft above the top of the fence at its northern end, because this fence stepped down with the fall in the ground.

5. Since this western wall of the proposed garage would be virtually on the boundary with No 5 Coombe Gardens I formed the opinion that it would be very dominating and oppressive, and adversely affect the amenities of the occupiers

of the adjoining dwelling both from their rear windows and in their garden. I also formed the opinion that because of its length and height, it would be very prominent and intrusive to the occupiers of other adjacent dwellings.

6. From the High Street (A41 Road) I noted that the appeal property and the adjoining dwellings on the south side of Coombe Gardens, were very prominent indeed because they stood high above the road and their upward sloping gardens were very exposed to view. You claimed that there were other garages as long as the appeal proposal elsewhere in the estate, but I could see no separate building or extension to the rear of the dwellings along the south side of Coombe Gardens which was nearly so prominent as, in my opinion, the appeal proposal would be.

7. The council drew attention to the advice given in Development Control Policy Note No 10 paragraph 7, regarding the use of trees as an adjunct to new development, "not to conceal, but to enhance and soften the impact of new buildings in their setting". Whilst I accept that the tree planting you proposed might help, in the long term, to soften the effect of the garage from some viewpoints, I am of the opinion that it could not be relied upon to screen it from view in the way you mentioned because of its size and very prominent and exposed position high above the road.

8. I have every sympathy with your client in the many problems he has encountered in building his recent extension, and can well understand his desire to have proper accommodation for the family cars, and to provide maintenance facilities. However, for the reasons I have given, I believe the proposed garage would have a very adverse effect on the amenities of adjoining dwellings particularly No 5 Coombe Gardens, and on the character of the area. I have therefore come to the conclusion that planning permission should not be granted.

9. I have taken into account all the other matters raised in the written representations including the various possible modifications you mentioned and particularly the suggestion that the garage might be closed up to the wall of the newly built car port so as to reduce its apparent projection. I am unable to consider alternatives when deciding this appeal, but would suggest that they might be discussed with the council's officers to see if any other proposals are likely to be acceptable.

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

*P. R. Gibbs*

P R GIBBS MA AADip RIBA  
Inspector