



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-

Andrew King and Associates
Folly Bridge House
Bulbourne
TRING
Hertfordshire
HP23 5QG

Your Ref:

Our Ref:

T/APP/A1910/A/96/27/1304/02

DEPARTMENT DACORUM BOROUGH COUNCIL					
Date				Ack.	
- 8 MAY 1997				OP	BC
Received				- 9 MAY 1997	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS A BELLAMY
APPLICATION NO: 4/0590/96

1. 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 for the construction of a detached dwelling and access drive on land at the rear of 11 Kingsdale Road, Berkhamsted. I conducted a hearing into the appeal on 9 April 1997.
2. The Council has no objection to the principle of residential development in the area, nor to the design of the house itself. Its concern is over the harm likely to be caused by development in this backland location to the spacious character of the area, as well as to the amenities of neighbours. The Council points out that the rear gardens of Nos 9 and 11 have a recent history of refusals of planning permissions and dismissed appeals for several residential schemes.
3. Both the Hertfordshire County Structure Plan Review and the adopted Dacorum Borough Local Plan designate Berkhamsted as a town where new housing should be concentrated. Each plan contains a number of policies relating to the control of development in residential areas. Of particular relevance are local plan policies 8 and 101 which set down respectively criteria for development in general and housing density in particular. These policies are augmented by environmental guidelines. National guidance on housing development is to be found in Planning Policy Guidance Note 3. Making the best use of urban land is encouraged both by the Government and the Council where conditions are acceptable and serious harm would not be caused.
4. From what I have heard, read and seen, I consider there to be 2 main issues. The first is the effect of the scheme on the character and appearance of the surrounding residential area; the second is its impact on neighbours' living conditions in terms of loss of privacy and dominance.



5. I noticed that the neighbourhood comprises an informal layout of detached houses and bungalows of a variety of ages and styles set in well-landscaped gardens. There has been, and there still remains pressure for development of larger gardens in Kingsdale Road and surrounding roads, and some development has taken place. Even so, the north side of Kingsdale Road in particular retains dwellings which have generous gardens and which are widely spaced from houses in Cross Oak and Graemes Dyke Roads beyond.

6. The land in the vicinity of the appeal site slopes down steeply from the north-west to the head of Kingsdale Road. Your clients propose a substantial 2-storey house with separate double garage located on a former tennis court in their garden between their existing house and 'Gillams', which itself is served from Cross Oak Road. The existing access drive to No 9 would be extended across its former rear garden to serve the appeal site, and I noticed the land has already been fenced off for this purpose. The application plan also shows a second potential housing plot on the rear part of the garden of No 9 and served by this driveway, although that plot is not part of this application.

7. I appreciate that use would be made of urban land as encouraged by the Government. I accept that the smaller plots which would be created from the sub-division of your clients' property would be of similar size to some others in the vicinity, such as those in the close behind Nos 13 and 15 to the south. However, it seems to me there is a marked difference in character between that close which comprises mainly bungalows discreetly located in a hollow, and the spacious sloping back gardens of properties on the north side of Kingsdale Road.

8. In my view, because of the substantial size of the proposed house and its separate double garage, together with its close proximity to No 11 and Gillams, accentuated by the slope of the land, the scheme would result in cramped development for the existing and proposed houses when compared to the prevailing form of development in Kingsdale Road. Furthermore, I consider a house here would intrude into this backland area and harm its open, spacious character. It also seems to me that if the present proposal were to be permitted, given the pressure for development in the area, it would be difficult for the Council to resist a dwelling on the plot behind No 9, so adding to the built form and further eroding the openness of these rear gardens. Consequently, I find the scheme would not accord with national and local policy objectives to prevent damage to the character and amenity of established residential areas.

9. Turning to the second issue and the matter of privacy, I appreciate that the house has been purposely designed to prevent direct overlooking between living and bedroom windows of adjacent dwellings. The garden is already screened from neighbouring properties along its northern and western boundaries by high hedges, while fencing or planting are proposed on the other, downhill, sides. I also accept that in suburban areas a degree of mutual overlooking of gardens from upper windows is difficult to avoid. Although another dwelling inserted amongst others is likely to have some effect on privacy currently enjoyed by neighbours, in view of the orientation of the house and the existing and proposed boundary screening, I do not consider loss of privacy to be a seriously harmful outcome in this case.

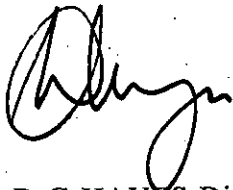
10. On dominance and outlook, I am mindful that householders cannot reasonably be protected from changes in what they see from their windows, but they can be protected from construction which is oppressive or blocks views at close quarters. Given the steep slope, I consider that the open outlook currently enjoyed from the rear of No 11 would be seriously

eroded by the dominance of a large house within 30 metres, as well as an even closer long garden fence. To the west, from what I could tell from my site visit, the occupants of Gillams would look down onto the new house through gaps in the conifer screen, mainly from one bedroom which doubles as a study. Whilst their outlook would be affected, the dominance of the new house would be appreciably less than from No 11 because of the screening and the fall of the land. Nevertheless, the dominant impact of the development from No 11 is sufficient to reinforce my conclusion that the scheme is unacceptable.

11. In reaching my decision, I have had regard to previous decisions and appeals on proposals for residential development at the rear of Nos 9 and 11, as well as other nearby locations. I have taken account of certain residents' concerns over potential increase in traffic in Kingsdale Road which would result from an extra dwelling. However, I do not consider the amount of traffic generated by 1 house would be so great as to cause a serious problem. I note the highway authority has no objection to the scheme. I have taken account of all the other matters raised, but none affect the considerations which have been influential in my determination of your clients' appeal.

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

Yours faithfully



D G HAYES DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr A King BA(Hons) B.PL MRTPI

Agent - Andrew King and Associates.

Mr and Mrs A Bellamy

Appellants.

FOR THE LOCAL PLANNING AUTHORITY

Miss F Maloney BA(Hons) DUPI MRTPI Senior Planning Officer, Dacorum BC.

INTERESTED PERSONS

Mr N Comben

'Gillams', Cross Oak Road, Berkhamsted, Herts, HP4 3NA.

Mrs P Craig

7 Kingsdale Road, Berkhamsted, Herts, HP4 3BS.

Mr D Elliott

14 Kingsdale Road, Berkhamsted, Herts, HP4 3BS.

Mr K Gay (joined at the site)

The Glade, Kingsdale Road, Berkhamsted, Herts, HP4 3BS.

DOCUMENTS

- | | | |
|-------------------|---|--|
| Document 1 | - | List of persons present at the hearing. |
| Document 2 | - | Notification of hearing and circulation list. |
| Document 3.1-3.11 | - | Letters of objection from Berkhamsted Town Council, Berkhamsted Citizens Association and neighbours. |
| Document 4 | - | Copy of previous refusal of planning permission on the site - April 1989. |
| Document 5 | - | Additional conditions suggested by the Council. |

PLANS

- | | | |
|--------------|---|--|
| Plan A.1-A.5 | - | Location map and application drawings. |
|--------------|---|--|



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0590/96

Mr & Mrs A Bellamy
11 Kingsdale Road
Berkhamsted
Herts

Mr A.King
Folly Bridge House
Bulbourne
Tring Herts
HP23 5QG

DEVELOPMENT ADDRESS AND DESCRIPTION

Land rear of 11 Kingsdale Road, Berkhamsted, Herts

ERECTION OF DETACHED DWELLING AND FORMATION OF ACCESS DRIVE

Your application for *full planning permission* dated 02.05.1996 and received on 07.05.1996 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 04.07.1996

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0590/96

Date of Decision: 04.07.1996



The proposed development would have a seriously detrimental effect on the amenities of surrounding properties, particularly Gillams, Cross Oak Road and would adversely affect the environment of the locality due to the topography of the site and proximity to nearby dwellings.