

YJ



Department of the Environment and Department of Transport

Common Services

Room 117 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

DACORUM DISTRICT COUNCIL

Direct line 0272-218-927

Ref.

Switchboard 0272-218811

C.P.O.

D.P.

D.C.

B.C.

Admin.

File

GTN 2074

J Roscoe Milne
26 Guildford Street
LUTON
Beds
LU1 2NR

Received

11 MAR 1987

Comments

Your reference

Our reference

T/APP/A1910/A/86/056275/P3

Date

10 MAR 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ROYAL BRITISH LEGION CLUB
APPLICATION NO: 4/0592/86

1. As you know 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 planning permission for ground and first floor extensions and internal alterations at Royal British Legion Club, Queensway, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 26 January 1987.
2. From my reading of the written representations and my visit to the site and its surroundings I consider the main issue of this case is whether the proposed extended building would unacceptably intrude into the visual amenity of the street scene or the outlook and privacy of nearby dwellings.
3. I noted that the appeal site is prominently located toward the brow of a hill and on the outside a bend on Queensway. There is a shallow grassed area to the front of the site within which is a mature copper beech tree subject to the Tree Preservation Order. The site falls steeply towards the rear where there is a car park which is separated from the rear gardens of dwellings in St Paul's Avenue by a 6 ft high close-boarded fence. The access to that car park runs between the existing club building and the eastern boundary of the site beyond which there is a single storey brick and timber building used as a girl guides headquarters with an older red brick single storey scouts hut beyond that. On the western side of the building is an open strip with trees growing within and beyond the 6 ft high close-boarded fence which marks the boundary between the site and 2 storey dwellings on lower land.
4. The existing club building is of single storey prefabricated construction with a flat roof. To the rear however the falling site levels have allowed for the formation of a cellar below the main building floor level giving the building a 2 storeyed appearance at that point. External walls of the building are finished with metal and wood cladding materials above a brick plinth.
5. Notwithstanding the prominence of the appeal site the existing single storey building has a satisfactory appearance when seen in the context of the guides and scouts headquarters on adjoining land or in relation to the high boundary wall fronting hospital buildings on the opposite side of Queensway. Its visual relationship to dwellings on lower land to the west is softened by the large protected tree toward

the front of the site and by other trees close to the side boundary which provide a partial backcloth to the building.

6. Following examination of the proposal however I am not convinced that the extended building proposed would similarly integrate into its surroundings. I appreciate that considerable attention has been given to the detailed design and finished appearance of the building. I have also noted that the net increase in floor area amounts to 56%, although that area could be further increased by the use of the upper void over the concert room for a snooker room. Notwithstanding those design features however I consider that the extended building would have the unmistakable appearance of a 2 storey structure of considerably greater mass than the existing building. That larger structure would not in my opinion sit easily on this tightly constrained site and would visually overwhelm other buildings, open spaces and trees which contribute to the scale and character of the pleasant street scene. The building would also appear dominant in relation to the single storey guides headquarters and the 2 storey flat roofed dwellings which are on lower land adjoining. Whilst therefore I accept that there may be scope for some alteration and extension of the building in this particular setting it is my view that the extension proposed constitutes an excessive and incongruous development of the site.

7. With regard to the matter of overlooking of surrounding dwellings which has been raised by the council and interested persons I noted the short distance between the proposed extended building and flats facing the western side boundary of the site. Windows are placed in that elevation of the club building to the lounge and games room at raised ground floor level and to an office and 2 bedrooms of the steward's flat at first floor level. Door openings to the ground floor accommodation are also made in that elevation and served by a raised footway.

8. I am conscious that trees close to the common boundary would provide some screening of kitchen and bedroom windows of the flats which face the appeal site. Such screening effect would however vary during the seasons but would not in my opinion be sufficient at any time of the year to overcome a perceived loss of privacy derived from the numerous and high level of openings in the western elevation of the building. It is possible that that damaging effect could be reduced by the rearrangement of the first floor accommodation and by amendments to window sizes and designs. On the basis of the detailed plans subject to this appeal however I consider the proposal involves an unacceptable reduction in the reasonable expectations for privacy of occupiers of neighbouring dwellings. It is accordingly my conclusion that the proposal would cause harm to visual amenity and to the enjoyment of existing dwellings to the extent that planning permission should be withheld.

9. I have taken account of all other matters raised in the written representations but do not consider them sufficient to outweigh my conclusions on the planning issues involved.

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

I am Sir
Your obedient Servant



D J CLACK BA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To The Royal British Legion Club Ltd
Queensway
Hemel Hempstead
Herts

J Roscoe Milne Partnership
Old School, Church Street,
Shillington
Hitchin
Herts

..... Ground and first floor extensions and internal
..... alterations
.....
at ... Royal British Legion Club, Queensway, Hemel Hempstead
.....

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 10th April 1986 (amended 20.6.86) and received with sufficient particulars on 25th April 1986 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 proposal to increase substantially the height and massing of the building will result in it having an over dominating effect on nearby residents.
- (2) The proposed windows in the west elevation will result in unacceptable overlooking of adjacent flats in Queensway.
- (3) The proposals will adversely affect the copper beech tree on the Queensway frontage.

Dated 17th day of July 19 86

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.