



DEPARTMENT OF THE ENVIRONMENT

Room 1505

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 160

Switchboard 0272-21881

GTN 2074

CHIEF EXECUTIVE
OFFICER

10 SEP 1986

File Ref.

Refer to

Cleared

17757

CHIEF EXECUTIVE
DACORUM BC
CIVIC CENTRE
HEMEL HEMPSTEAD
HERTS. HP1 1HH

Your reference

4/0623/86

Our reference

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.

Date

APP/11910

18/05/86

Ack.

C.P.O.

D.P.

8/9/86

B.C.

Admin.

File

Received

10 SEP 1986

Comments

10 COPY SENT MB
CB
DANNE

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1971

APPEAL BY E.H. SMITH (SITE; LAND ADJ TO H4 STRA

FORD WAY, HEMEL HEMPSTEAD)

1. I [~~refer to~~][enclose a copy of] an appeal made to the Secretary of State under Section 36 of the 1971 Act. The appeal forms and documents will be examined to make sure that the Secretary of State has jurisdiction to decide the appeal. Unless you hear to the contrary you may assume that the appeal is in order.
2. The Council should now complete a questionnaire in respect of this appeal, and return it to me by 22/9/86. Please ensure that the Department's reference number is quoted on the questionnaire.
3. The appellant has agreed to adopt the written method. If you agree to this procedure, please submit the Council's statement by 6/10/86. You should send a copy of the statement direct to the appellant or agent and confirm to me that you have done this.
4. The Secretary of State attaches considerable importance to observance of this timetable so that the written representations procedure - which was designed as a speedy and cost effective procedural option - can be operated successfully and expeditiously. He would therefore be particularly grateful if your Council could keep to the above timetable, and contact the Department as soon as possible in case of difficulty.
5. The Council should immediately notify local residents and others (eg Parish Councils and Preservation Societies) who may be affected, including those persons or bodies who made representations at application stage. Your Council will wish to decide the precise form of notification; but the following points are particularly important and we would suggest that the letter indicates

the location of the site and a description of the appeal proposals;

that the appeal is being dealt with by the written procedure;

that they may make their views known by writing to Room 1505 at the Department's Bristol Office, not later than 4 weeks from the date of this letter, quoting the Department's reference number; but that these may be taken into account only if they are disclosed to the Council and the appellant. (With this in mind, you may consider suggesting that it is very helpful if they can provide 2 additional copies which we can forward quickly);

where the appellant's grounds of appeal (on Form TCP201) can be inspected;

where, and approximately when the Council's statement will be available; interested persons should be asked to check by telephone that it is ready before coming to inspect, and advised that they should not delay submitting their own representations if the statement is not available;

that we will send a copy of the decision letter on the appeal only to those who ask for one.

The Council's statement should include copies of the notification letter, and a list of the names and addresses of those to whom it was sent.

6. May I also draw the Council's attention to paragraph 11 and Table 1 of Circular 38/81, concerning the recommended format for the Council's statement? It is important that the Statement clearly identifies the planning policies on which the Council have relied; and you are asked to ensure that the statement indicates, in respect of the site:

whether or not the old Development Plan has been revoked;

the current structure plan situation, including any proposals for alteration or amendment, and the stage these have reached;

the current local plan situation, including subject or action area local plans, any proposals for alteration etc and the stage reached.

Council's may also save time and the commitment of resources by keeping statements as concise as possible.

7. We do need the co-operation of all parties to achieve the timetable for written representations appeals set out in Circular 38/81. Perhaps you would contact me if you wish to add to your reasons for refusal but for some reason cannot do so within the time allowed. A revised schedule for the submission of your statement can then be agreed. If you do not do this we may consider it necessary to proceed without your Council's statement.

Yours faithfully PP MISS H. PITMAN .

18836



Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

GTN 2074

2 DEC 1986

20.22.12

Mr A E King
Dovecot Barn
Alder Park Meadows
Long Marston
TRING
Herts

Ac.					
	D.P.	DC	B.C	Admin.	File
22 DEC 86					
Received					
Comments					

Your reference

Our reference

T/APP/A1910/A/86/55461/P4

Date

19 DEC 86

(105)

~~19 DEC 86~~
~~3/20~~
~~3/20~~
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~~3/20~~

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY E H SMITH
APPLICATION NO: 4/0623/86

- As you are aware 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 a detached dwelling on land adjacent to No 44 Stratford Way, Hemel Hempstead, Herts. I have considered the written representations made by you, by the council and by interested persons. I visited the site on Monday 1 December 1986.
- From my visit and from the representations made I consider the main issue to be decided is whether the site is adequate for the dwelling proposed, without being unduly detrimental to the amenities of nearby occupiers or the street scene as a whole.
- The appeal site, the side garden to No 44, lies on the northern side of Stratford Way having residential development on 3 sides. To the south is a main railway line. A hedge marks the front boundary whilst a tall conifer screen is located across the site in line with the frontage of the existing house.
- In support of this appeal you argue that the site would have a frontage similar to others in Stratford Way and the proposed dwelling, within the existing building line, would have side paths, car parking facilities and a garden area adequate to meet the needs of many occupiers. You also emphasise the need to make full use of urban land as outlined within Circular 15/84 and in the light of Circular 22/80, you feel that refusal in this instance is inappropriate.
- The council consider that, because of the very limited area of land available, this proposal would result in a cramped form of development which would be detrimental to the character and amenity of the area. The authority also point out that this proposal would result in a loss of light to the kitchen window to the adjacent dwelling.
- The appeal site, not unduly differing in width from others on the north side of Stratford Way, lies within a predominantly residential area where in my opinion, there would be no objection to the principle of an additional dwelling. Although within a frontage of 2 storey detached houses, I nevertheless do not believe that a detached dwelling as proposed in this location would be seriously harmful to the character of the area as a whole or that the development would appear unreasonably cramped within the overall street scene. Nor can I accept that the degree of interference to outlook or privacy to adjacent properties in Catlin Street at the rear,

notwithstanding differing levels, would be sufficient to justify turning away this appeal.

7. Clearly the rear amenity space on this site would be less than may be desirable within a more comprehensive housing development. However I am sure that there are many families who would prefer a smaller garden and in the circumstances of the appeal site I consider that the area available would not be unreasonably restricted within the existing surroundings. Furthermore whilst noting that this proposal would have an effect on the light able to reach the kitchen window in the flank wall of No 44, it would nevertheless seem from the information available, that notwithstanding the presence of a rear conservatory, this room is not entirely reliant for its natural light on this side window.

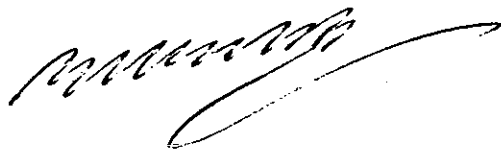
8. I can understand and support the council in their concern to prevent development likely to be seriously detrimental to either the character of an area or the residential amenities of existing occupiers. In this case however, I am not convinced that on balance, the impact of this proposal would be such as to justify withholding planning permission and overriding the normal presumption in favour of development within Circular 14/85.

9. I have taken account of all the other matters raised but they are not of sufficient weight to alter my decision.

10. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for a detached dwelling on land adjacent to No 44 Stratford Way, Hemel Hempstead, Herts in accordance with the terms of application (Ref 4/0623/86) dated 30 April 1986 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiry of 5 years from the date of this letter.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



G S WEBB CEng MICE
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DD

DACORUM BOROUGH COUNCIL

To Mr E H Smith
Highbanks
Glendale
Hemel Hempstead
Herts

Mr A E King
Wetherby House
The Hemmings
Shootersway
Berkhamsted
Herts

*Directo Barn
Alderspark Meadows
Long Maston
Herts*

..... Detached Dwelling

.....

at Adj. 44 Stratford Way

..... 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 30th April 1986 and received with sufficient particulars on 24 June 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 represents overdevelopment of this particular site resulting in inadequate amenity area about the dwelling and would adversely affect visual and general amenities of the area.
2. Proposal would have a detrimental impact on the amenities of the adjoining property resulting in inadequate garden area remaining for that property and significant loss of light to flank elevation window.

Dated Fifteenth day of July 19 86

Signed.....

W. B. B. B. B.

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 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.