

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



## DACORUM BOROUGH COUNCIL

To Mr V W Whiley  
42 Long Meadow  
Markyate  
Herts

Brian B Smith  
11B Holywell Hill  
St Albans  
Herts

Detached dwelling

at Adjacent to 42 Long Meadow, markyate

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 ..... 28 March 1989 ..... and received with sufficient particulars on ..... 11 April 1989 ..... 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 proposed house would be sited too close to existing buildings resulting in a development that would be out of character with surrounding houses and would result in a loss of light to these properties.
2. The proposal would result in the reduction of available on-street parking.

Dated ..... Seventeenth ..... day of ..... August ..... 1989

Signed.....

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.



# Planning Inspectorate

Department of the Environment

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DACORUM BOROUGH COUNCIL

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Ack.

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C.P.O. T.C.P.M. D.P. D.C. B.C. Admin. File

Received

2 AUG 1990

Comments

Your Reference  
89/AL/182

Our Reference  
T/APP/A1910/A/90/149591/P5

1 AUG 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR V W WHILEY  
APPLICATION NO:- 4/0657/89

1. 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 the erection of a detached dwelling on land adjacent to 42 Long Meadow, Markyate. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made direct to the Council at the planning application stage and which have been forwarded to me. I inspected the site on the 17 July 1990.

2. At the site visit both I and the Council's representative were handed a plan which corrected an error on the application drawings. This relates to the position of the western site boundary and the adjacent vehicle turning area. On the basis that the revised plan does not fundamentally alter the proposal I intend to regard it as being in substitution of the application drawing. I have dated the plan 17 July 1990.

3. From my inspection of the site and its surroundings and from my reading of the representations, I consider that your client's appeal raises 3 main issues. Firstly whether the proposal would be so out of character with surrounding houses as to be harmful to the appearance of the locality, secondly whether the scheme would be detrimental to the amenities of neighbouring occupiers as a result a loss of light and finally, whether there would be a material increase in the amount of on-street parking.

4. The appeal site forms part of the "L" shaped garden of 42 Long Meadow and sits at the head of the cul-de-sac serving 44-52 Long Meadow. A high brick wall fronts the road around the garden of No 42. I accept what the Council says about the head of the cul-de-sac having a degree of spaciousness. This derives from the appeal site, the well covered bank beyond, the rear garden of No 42 and the 2 grassed amenity areas around the turning head, 1 of which I understand now belongs to your client. While I agree that the appeal site makes a contribution to the spacious and open appearance of the area, and accept that the proposal would reduce it, I am not convinced that the other features which I mention do not make as equally a significant contribution. These would remain and, to my mind, would assist this part of the estate



retaining its relative spaciousness and prevent the proposed development from appearing cramped and out of keeping.

5. With regard to the matter of residential amenity I believe that the residents who would be most affected by the proposal would be those living at No 44. There would most likely be some limited loss of early morning sunlight but given the separation distances involved and the orientation of the existing and proposed dwelling I do not consider there to be any prospect of a serious loss of daylight to the windows at the front of the house. Clearly the outlook for those at No 44 would be changed but given that the new dwelling would be about 2 m and 3 m from the southern and eastern boundaries respectively, and that views of the building would be softened by the large silver birch to the front of No 44, I am satisfied that no material harm would arise.

6. The new dwelling is designed to face to the east down the garden. The appropriate treatment of site boundaries would prevent any overlooking into neighbouring gardens or windows. At first floor level only a bathroom window and a small obscure glazed landing window face towards No 44 and the main first floor windows are, in my opinion sufficiently far away and so orientated as to prevent any serious overlooking of windows and immediate garden areas of Nos 40 and 42, the other adjacent properties. As a result I do not consider that the proposal would cause any material detriment to residents living around the appeal site.

7. I turn now to the matter of car parking. This is a matter of concern both to the Council and to local residents. At my visit I observed that most dwellings in the area had a garage and a parking space. I accept that in some cases this may not be sufficient. I also accept that car ownership rates may be increasing. In addition it is clear that the turning area is used for car parking, although that is not the purpose of the area and is a practice which can lead to difficulties and one not to be encouraged. Your client's proposal makes provision for the garaging/parking of 2 cars but falls slightly short of the requirements set out in the Interim Parking Guidelines adopted by the Council in October 1989. I am not sure of the practicalities of meeting these requirements, particularly that for communal parking, in what is essentially an infill type development. Even so, having carefully considered the representations I am not convinced that your client's proposal would, when considered within the context of the amount of development in the locality make any appreciable difference to the amount of on-street parking and consequent level of congestion. In this respect I note that there are no highway objections from the County Surveyor. I do not regard the slight shortfall below the Council's parking standards as likely to cause highway problems or to be sufficient reason to dismiss the appeal.

8. In reaching my conclusion I have had regard to all of the other matters raised in the representations, including those of the appropriate authorities and local residents about the course of the River Ver. Your client's have sought to resolve this matter but apparently with little success. In any event it appears to be a matter which can be left for resolution at a later stage if that is found necessary. Any works which may affect the watercourse would require the separate consent of the Thames Water Authority/National Rivers Authority before development could take place. I find neither this matter, nor any of the others raised, sufficiently compelling to alter my view that, subject to conditions along the lines suggested by the Council, the proposal is acceptable. I find the conditions suggested by the Council necessary for the reasons which they given with the exception of that seeking

the removal of permitted development rights in respect of extensions and additions. I do not regard such a restriction necessary to protect the privacy of those living at Nos 42 and 44.

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 erection of a detached dwelling and garage on land adjacent to 42 Long Meadow, Markyate in accordance with the application (No 4/657/89) dated 28 March 1989 and the plans submitted therewith, as amended by the plan dated 17 July 1990, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter.
2. prior to the occupation of the dwelling all boundary walls and fences shall be completed in accordance with details which shall first be submitted to and approved by the local planning authority.
3. prior to the occupation of the dwelling a new vehicular crossover shall be constructed in accordance with details which shall first be submitted to and approved by the local planning authority.
4. the window in side elevation D (Drg No 1) shall be fitted with opaque glazing and retained as such thereafter,
5. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that Order) no windows shall be inserted at first floor level in side elevation D and front elevation C (Drg No 1) other than those shown on the approved details.

10. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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 Gentlemen

Your obedient Servant



PETER J GOLDER DipTP MRTPI  
Inspector