

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs S Newton
13 Western Road
Tring
Herts

Jeffrey Powell Associates
53 Cambridge Street
Aylesbury
Bucks HP20 1RP

..... Four semi-detached houses (Outline)

.....

at Land at Queen Street/rear of 13 Western Road

..... Tring

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 30 March 1990 and received with sufficient particulars on 26 April 1990 and shown on the plan(s) accompanying such application.

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

1. In the opinion of the local planning authority, the amount of development proposed on this site would appear cramped and out of character with nearby and adjacent development, and would consequently be harmful to the appearance and character of this part of the Tring Conservation Area.
2. There is inadequate provision for vehicle parking within the site to meet guideline standards adopted by the local planning authority to serve the four proposed houses and the existing house, No. 13 Western Road.
3. The amount of proposed housing would have a detrimental effect on the amenities and privacy enjoyed by occupants of adjacent dwellings, by reason of their rear gardens being overlooked by the proposed development. In turn, given the configuration and design of adjacent and nearby dwellings, the rear garden of unit No. 1 (as shown on plan 4/0689/90) would be overlooked by the existing neighbouring dwellings to an unacceptable degree.

Dated Ninth day of August 19 90

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 the date 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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Mrs S Newton
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HP23 4BG

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
Ref	Your reference				
220/TORM	DP	DC	CC	APPL	Our reference
					T/APP/A1910/A/91/176932/P8
Date					E/91/807477/P8
20 SEP 91					A/91/184459/P8
					E/91/807906/P8

Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20 AND SCHEDULE 3
APPLICATION NOS: 4/0689/90, 4/0521/90CA, 4/1393/90 AND
4/1394/90CA

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against the decisions of the Dacorum Borough Council to refuse:
 - a. planning permission and conservation area consent for the erection of 2 No. pairs of semi-detached houses on land at Queen Street at the rear of 13 Western Road, Tring; and
 - b. planning permission and conservation area consent for erection of 1 No. pair of semi-detached and 1 No. linked detached house on the aforesaid site.
2. I have considered all the written representations made by you, by the Council and also those made by other interested persons including those made directly to the Council and forwarded to me. I inspected the site on 20 August 1991.
3. The applications for conservation area consent describe the proposed works as being for the erection of dwellings. However, the works which require conservation area consent are the demolition of the double garage and the partial demolition of a boundary wall. I shall deal with these appeals against the refusal of conservation area consent as if the applications had been made in that form.
4. The site in relation to applications a. forms the south-eastern half of the grounds of No. 13 Western Road. It contains part of the cultivated area of the rear garden to that property plus an uncultivated area, a double garage and hardstanding area. While the garage abuts a rear service road its access is from Queen Street; the hardstanding area, set behind double gates, is accessed from the rear service road.
5. The north-eastern and south-western boundaries of the site are defined by high brick walls, the latter set at the back of the pavement to Queen Street.



6. The sites in relation to applications b. form the whole grounds of No. 13 Western Road.

7. Unrestricted parking is permitted along both sides of Queen Street except adjacent to the junctions with Western Road, where single yellow line markings prohibit parking between 8 am and 6.30 pm. Adjacent to the junction of Queen Street and King Street parking is prohibited at all times (double yellow line markings) on the north-eastern side of Queen Street.

8. The site lies within the designated Tring Conservation Area.

9. From my inspection of the sites and the surrounding area and from the written representations received, I am of the opinion that the decisions in these cases rest on whether or not the proposals would preserve or enhance the character or appearance of the Conservation Area; on the adequacy of on-site car parking provisions; and on the effect of the proposals on the residential amenities of existing and prospective residents in the area.

10. The Council indicate that in principle there is no objection to some form of residential development on this site or to the demolition of the double garage, but consider that both proposals would, if permitted, be detrimental to the general amenities of the area in that the development would be cramped; would lack adequate car parking provision; would adversely affect the residential amenities of No. 11 Western Road and, in the case of applications a. would affect the residential amenities of unit No. 1; and would remove a section of wall which presents a pleasant feature in the street scene.

11. The Queen Street frontages present a mixture of uses and variations in appearance with the major feature being the boundary wall to the grounds of No. 13 Western Road. The Council accepts that the wall is of no special quality. The proposals would result in the demolition of the garage and some 30 m of the boundary wall.

12. It would seem to me that the density of the developments proposed would be out of keeping with the generally low-density development in the area contained within the block surrounded by Western Road, Queen Street, King Street and Langdon Street. In this area the properties have, for the most part, long rear garden areas. Both the proposals would introduce a cramped form of development that would neither preserve nor enhance the character or appearance of this part of the Conservation Area. I note that there is an area of high-density development to the south of King Street, but do not consider that this site visually relates with that area.

13. The parking/garaging provision in relation to the proposals indicate that the minimum space per dwelling for the parking of 2 cars would be available. In such circumstances it would appear that the Council's car parking standards would be achieved. However, in relation to the application for 4 dwellings no provision has been made for any replacement car provision to No. 13 Western Road.

14. The development of this site for residential purposes in the form proposed would result in the overlooking of the rear gardens of

No. 11 Western Road. While in most residential developments some overlooking of the grounds of adjacent property occurs care has to be exercised, when new proposals for development are introduced in already developed areas, to ensure that the existing residential amenities of adjoining properties are not unduly affected. In this case, in view of the density of the development proposed, I am of the opinion that the residential amenities of the occupiers of No. 11 Western Road would be adversely affected.

15. I am not convinced by the Council's argument that the same would apply in relation to the rear garden of unit No. 1 (application No. 4/0689/90). The nearest point of the garden would be some 18 m from the main part of No. 11 Western Road, and any prospective purchaser of the new property would be aware of the proximity of that building to their rear garden area.

16. I now turn to the objection raised by a large number of interested persons in that the proposals would lead to a loss of on-street parking spaces in Queen Street. This would clearly be so as there are no parking restrictions applicable to the street's frontage of the site. However, I do not consider that the loss of some on-street parking facilities in Queen Street would by itself warrant the dismissal of these appeals.

17. It is claimed by a third party that there is reason to believe there is a restrictive covenant which requires the owner of No. 13 Western Road to provide and forever after to maintain a boundary of at least 6 ft high along, inter alia, the south-west side of the property. However, any control by private covenant is an entirely separate matter from development control under the Town and Country Planning Acts, and therefore is of no concern in relation to these appeals.

18. It has also been stated that there is no need for the proposed developments as there is already an adequate supply of housing land in the district. The Council confirm the adequacy of a 5-year supply of housing land. The fact that there is an identified supply does not in itself preclude residential development on other sites. As with other planning applications each case has to be considered on its own merits.

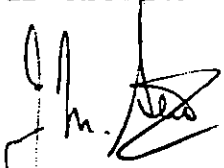
19. I am drawn to the conclusion that both proposals would lead to an over-development of the site, and that they would unduly affect the residential amenities of the occupiers of No. 11 Western Road. Accordingly, I consider that both your appeals against the refusals of outline planning permission must fail.

20. While I can see no objection in principle to the demolition of the double garage and part of the south-western boundary wall of No. 13 Western Road, I consider that it would be inappropriate at this time to grant conservation area consent in view of the fact that the proposals for the demolition of the sites are unacceptable. Consent for the demolition of unlisted buildings within a Conservation Area is normally only granted when there are acceptable and detailed plans for the subsequent development of the site. Accordingly, your appeals against the refusals of conservation area consent must be rejected.

21. I have taken into account all the other matters raised in the written representations, but do not find therein any reasons that outweigh the considerations which have led me to these conclusions.

22. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Madam
Your obedient Servant

A handwritten signature in black ink, appearing to be 'J M Steers', written over a horizontal line.

J M STEERS DA(Manc) Architect
Inspector