D.C.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/0715/84

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Alath Construction Ltd
24 Lincoln Court
Berkhamsted

Mr A E King
Fairways
Lockers Park Lane
Hemel Hempstead

4 dwellings and estate road

at Halcyon Shootersway Lane
Berkhamsted

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 24.5.84 and received with sufficient particulars on 24.5.84 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 erection of four houses on this site would constitute development at a density which would be out of keeping and incompatible with the existing development in the locality.
2. The proposal represents over-development of this particular site, would affect adversely visual and general amenities and detract from the character of the area.
3. The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
4. The proposed development would result in the loss of a group of trees which are important features in the local landscape.

Dated 19th day of July 19 84

Signed [signature]

Chief Planning Officer

P/D.15

SEE NOTES OVERLEAF

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.

(3) 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 District 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.

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Your reference

Our reference T/APP/A1910/A/84/18117-and-20211

Date 30 NOV 84

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY ALATH CONSTRUCTION LTD
APPLICATION NOS:- (A) 4/0523/84 AND (B) 4/0715/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against the decisions of the Dacorum District Council to refuse planning permission for A. the erection of 5 dwellings and private access drive and B. the erection of 4 dwellings and private access drive at "Halcyon", Shootersway Lane, Berkhamsted. I held an informal hearing into the appeals on Tuesday 6 November 1984 at the Civic Centre, Hemel Hempstead.

2. From my inspection of the appeal site and the surrounding area and bearing in mind the representations made, including those contained in letters forwarded to me, I consider that the main issue in each case is whether what is proposed would be an over-development having regard particularly to the residential character and appearance of Shootersway Lane, also the amenities of those who live nearby in Winston Gardens and the convenience of highway users in the area.

3. The appeal site is situated on the southern side of Shootersway Lane and I think that development would relate directly to this lane; the site being opened up by the proposed access roadway from its frontage to this lane. Though I am aware from my own inspection and from those who reside in Winston Gardens, that those who live on the western side of this street in particular, would notice the change if development were to take place, from the pleasant back garden of the bungalow known as "Halcyon" to that of houses, however attractively the latter might be designed. But the view over another's land is not in itself a valid planning objection to development, rather it has to be the development which is damaging to the amenity not the loss of a pleasant outlook. I have dealt with the development in the context of Shootersway Lane, where the consequences of over-development if this were to be the case would be primarily felt; though of course the consequences of over-development could have some repercussions on the amenities of those who live in Winston Gardens and in a wider context on those who use the highways in the area. And if development were to be acceptable within the context of Shootersway Lane then I do not feel that the amenities of those who live in Winston Gardens or the convenience of highway users would be, in themselves, overriding matters.

4. Shootersway Lane is rather unique having many characteristics of a country lane - a narrow carriageway, grass verges containing trees, an absence of metalled footpaths and no street lighting. And I think that the existing housing, for the most part, makes a significant contribution to the overall character, being loosely-knit individual dwellings in a generally spacious setting. It is a private

street, and in my view has considerable charm representing as it does a simple rural-like extension of nearby more conventional urban areas.

5. The redevelopment which has taken place on the northern side opposite the appeal site is closely-knit, and is repetitious throughout the design and lay-out of its houses and garages. However I accept that in part, this new development could be regarded as a transitional link with development round the corner in Ridgway, but this does not apply to the appeal site where I think it is most important that the essentials of the overall character of housing in Shootersway Lane should be retained.

6. Development of plots 1 and 2 in both schemes (A-5 houses: B-4 houses) I think would reflect the overall character I have referred to; and bring some enhancement due to the quality of design of the dwellings themselves. But such improvement would, to my mind, be clearly outweighed in scheme A. by the sudden contrast of 3 dwellings on the back part of the site which would appear to be squeezed in on less than half of the area of the whole site, rather in the manner of a more traditional housing estate and quite out of character with Shootersway Lane. Scheme A. for 5 houses I consider would be an over-development and bring a discordant element in an area where the harmony is provided by generous spacing of much of its development.

7. Scheme B. for 4 houses has more regard than scheme A. to Shootersway Lane and the setting the lane provides for its dwellings. However though I appreciate the individuality of the housing designs and the group effect, nevertheless I think that throughout this development there has to be a feeling of spaciousness reflecting that found in Shootersway Lane generally and amounting to more than gaps between buildings or which can be assessed by overall density. The whole development and not simply the front part (plots 1 and 2) has to have a setting of quality, for I consider it is important that in opening up the site for development that the quality of spaciousness is found here, at a beginning and turn in the lane.

8. The loss of some trees has to be accepted if the site is to be developed by more than 2 dwellings, and though the retention of the group referred to as G3 in the Tree Preservation Order could perhaps inhibit the development of the southern end of the site, the removal of these trees does not mean that there should be 2 dwellings built there for the reasons I have already mentioned. I am not certain therefore how a third house could be introduced into the development; but I am certain that what is proposed ie development by the erection of 4 or 5 houses on the appeal site would be over-development in that due regard would not have been paid to the character and setting of Shootersway Lane. The fact that some of the recent development in or off the lane has not always taken this fully into account does not justify either of your clients' present proposals. The area may be undergoing change, but in doing so I think it is important that what contributes to its charm and character is not lost or seriously eroded.

9. I am also aware of the need to consider the full housing possibilities of a residential site and of the advice of government circular 22/80, but in this particular instance I think that 1 or 2 houses too many would be at the expense of significant harm to an area which must be regarded as something out of the ordinary. I have also considered the other matters raised in the representations however the considerations that have led me to my decision are not outweighed by these other matters.

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

I am Sir
Your obedient Servant

C C EYRES FRTPI
Inspector