

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To A Blacklock Esq
"Fortuna"
Kingsland Road
Hemel Hempstead

D Clarke Esq
47 Gravel Lane
Hemel Hempstead
Herts.

..... Detached Bungalow

at .. Adjoining 'Fortuna' Kingsland Road

... 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 14.5.1990 and received with sufficient particulars on 14.5.1990 and shown on the plan(s) accompanying such application.

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

1. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 22nd day of June 1990

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

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

DACORUM BOROUGH COUNCIL

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Ack.

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0272-218811

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Admin.

File GTN

1374

Mr David Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
Hertfordshire
HP1 1SA.

Received

12 NOV 1990

Comments

Your reference:

9035

Our reference:

T/APP/A1910/A/90/163757/P5

Date:

- 9 NOV 90

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY ANTHONY BLACKLOCK

APPLICATION NO: -4/0735/90

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 bungalow on land adjoining "Fortuna", Kingsland Road, Boxmoor, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 24 September 1990.
2. From my inspection of the site and its surroundings and the written representations I consider that the main issues in this appeal are firstly, whether erection of the proposed bungalow would constitute overdevelopment out of keeping with the character and appearance of the area, and secondly whether occupiers of existing residential properties would be subjected to excessive overlooking or disturbance if this development were to proceed.
3. As far as the first matter is concerned, Development Control Policy Note No 2, "Development in Residential Areas", states at paragraph 4 that, unless an area has some special architectural or other qualities that are worth preserving, there may be no reason why new development should not be different in character. I did not gain an impression that there is a such a strong overall pattern of development in this part of Hemel Hempstead to which new housing should conform, as there is a mixture of semi-detached and two-storey dwellings facing the south side of Kingsland Road, while there are blocks of three-storey flats to the south of the appeal site. This piece of land is smaller than any other plots nearby, but in an area where there is already a variety of plot sizes and dwelling types I do not consider this to be a decisive obstacle to development.
4. I accept that the area of the rear garden would be restricted, but paragraph 14 of Annex A to Circular 22/80 points out that functional requirements within a residential development, such as rear garden size, are for the most part a matter for the developers and their customers. Consequently I do not consider the limited rear garden to be objectionable. However, in view of the small size of the garden, I am imposing a condition removing permitted development rights to a dwelling under the Town and Country Planning General Development Order 1988. I therefore find that constructing a small bungalow on this restricted plot would be not be so out of keeping with its surroundings as to constitute unacceptable overdevelopment, especially as most of the site is already largely occupied by a garage and other



domestic outbuildings. I arrive at these conclusions solely on the merits of this case. This decision does not indicate that planning permission would necessarily be forthcoming for the erection of additional dwellings on any other nearby plots.

5. Turning to the second issue, Development Control Policy Note 2 states at paragraph 7 that "Tandem" development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and lack of privacy suffered by the house in front. In this instance, access to the proposed bungalow would be comparatively straightforward over a trackway shared with a factory to the east, which has been subdivided to provide floorspace for a number of commercial concerns. In addition, loss of privacy to the existing house at the front would be minimal as the proposal would be single storey only, and there is an intervening garage to reduce further the possibility of mutual overlooking between the two dwellings.

6. I appreciate that use of this garage immediately to the north of the proposed bungalow would be likely to give rise to some disturbance to its future occupants from vehicles manoeuvring in a shallow forecourt close to its front windows and doors. However, to my mind such activity would be likely to be intermittent in nature, and would therefore be acceptable. In conclusion, I am satisfied that neither existing residents nor occupiers of the proposed bungalow would be subjected to unsatisfactory amenity standards if this development were to take place, provided conditions suggested by the local planning authority concerning boundary screen walls/fences, and maintenance of adequate off-street parking of cars, were to be imposed.

7. In reaching my conclusions on this appeal I have taken careful account of all the matters raised in the representations, including the precise legal status of the appellant's rights over the shared access, but do not consider these to be of sufficient weight to alter my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached bungalow on land adjoining "Fortuna", Kingsland Road, Boxmoor, Hemel Hempstead, in accordance with the terms of the application no 4/0735/90 dated 14 May 1990, and the plans submitted therewith, subject to the following conditions:-

1. the development hereby permitted shall be begun not later than five years from the date of this letter;

2. notwithstanding the provisions of the Town and Country Planning General Development Order 1988, Part 1 of Schedule 2, Classes A, B, C, D, E, and F, (or any order revoking and re-enacting that order) no extensions shall be made to the dwelling hereby permitted, no garages or other outbuildings shall be erected on the site, and no additional hardstandings shall be formed, without the prior permission of the local planning authority;

3. no development shall take place until details of boundary screen walls and/or fences have been submitted to and approved by the local planning authority, including, where necessary, the retention of existing boundary walls/fences, and the dwelling shall not be occupied until such approved screen walls and/or fences have been erected;

4. notwithstanding the provisions of the Town and Country Planning General Development Order 1988, Part 1 of Schedule 2, (or any order revoking and re-enacting that order) the existing garage immediately to the east of the proposed bungalow shall be used only in conjunction with the dwelling hereby permitted solely for the parking of private cars, and shall not be used for any other purpose without the prior permission of the local planning authority.

9. 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 consent, agreement, or approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order, or regulation other than section 57 of the Town and Country Planning Act 1990.

I am Sir

Your obedient Servant

I. Currie

I W CURRIE BA MPhil ARICS MRTPI
Inspector