



Planning Inspectorate
Department of the Environment

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DACORUM BOROUGH COUNCIL GTN 1874

Ref.				Ack.			
CPO	12.00 PM	DP	7	J.C.	Admin.	File	Year reference
Chief Executive							1/0736/88.
Dacorum B.C.							Our reference
22 FEB 1989							APP/A1910/A88/103632.
Clifford Centre							Date
Hemel Hempstead							21-2-89
Herts HPI 1HH.							
Dear Sir(s)/Madam							

TOWN AND COUNTRY PLANNING ACT 1971

APPEAL BY D. B. Rees (Builders) Ltd.

RE: SITE AT opp 'freclas' & 'cleas', George St, Berkhamstead.

1. I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 9 to the Act is Mr R. L. Miers.

BA Dip Soc Admin Dip Soc Work Solicitor

2. As notified by telephone recently, the Inspector will visit the site on 6 March 1989. It is understood that you will arrange for him/her to be met at the site at 11.00 am/pt to enable the inspection to be made.

3. Although it is necessary for the Inspector to be accompanied by representatives of both parties, he/she will not be able to hear representations about the appeal from either side.

28430

Yours faithfully

B. Gault

209C/88

HMSO Btl 045331/1

CHIEF EXECUTIVE
OFFICER

22 FEB 1989

File no.

Refer to

Cleared

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D B Rees (Builders) Ltd
62a Station Road
Kings Langley
Herts

Hooper Skillen Associates
43 High street
Rickmansworth
Herts
WD3 1ET

..... One dwelling
.....
at Land opposite "Frerdos" and "Cleos", George Street, Berkhamsted, Herts
.....

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 1988 and received with sufficient particulars on 22 April 1988 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 accommodation of a dwelling on this tapering and narrow plot would represent a cramped form of development within the street scene and could feature an exposed side garden with limited privacy from Bank Mill which is at a higher level.
2. Notwithstanding the details shown on Drawing Nos. 8775/3 and 8775/4, the application site does not include land relating to the residential curtilage of "Frerdos". This would prejudice the future provision of adequate parking facilities associated with this dwelling which is currently served by a detached double garage that is to be demolished to accommodate the proposal.

Dated 20 day of July 19 88

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 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.



**Department of the Environment and
Department of Transport**

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

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CHIEF EXECUTIVE
OFFICER

23 MAR 1989

File No.

Refer to 80 23/3

Cleared

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Stimpsons Planning and Architecture				Ack. Your reference			
C.P.O.	T.C.P.M.	D.P.	D.C.	J.C.	Admin.	File	3095/RP/SW
							Our reference
Received				Date			
23 MAR 1989				22 MAR 89			
Comments							

28830

Stimpsons Planning
14A St Albans Road
WATFORD
Herts
WD1 1RX

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY D B REES (BUILDERS) LTD
APPLICATION NO: 4/0736/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the demolition of existing garage and the erection of bungalow, and 2 parking spaces on land opposite "Frerdos" and "Cleos", George Street, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by Berkhamsted Town Council. I inspected the site on 6 March 1989.

2. The part of George Street where the appeal site is situated is a roughly-surfaced, unadopted road just south of highways known as Bank Mill and Ivy House Lane, which rise above the level of George Street to cross a railway north of the site. The south side of George Street is continuously developed with bungalows and houses backing onto a canal. The appeal site, positioned opposite 2 of these properties, is a relatively narrow strip of land between George Street and Bank Mill, and occupied in part by a double garage, but otherwise generally overgrown.

3. From the written representations and my inspection of the site and surrounding area it is my opinion that there are 2 main issues in this case. These are, firstly, whether the development would cause material detriment to the appearance and character of this part of George Street; and, secondly, whether the privacy of the occupiers of the proposed bungalow would be likely to be affected to an unacceptable extent by the proximity of Bank Mill.

4. The appeal site is well within the built-up area of Berkhamsted and, as you mention, Government guidance encourages the full and effective use of land in urban areas. Local planning policies, to which you also refer, state that Berkhamsted is one of the settlements where new housing development is to be concentrated, and this may be of particular significance given that the town is surrounded by Metropolitan Green Belt. On the other hand both Structure and District Plans indicate in general terms the need to have regard to environmental aspects when dealing with specific sites.

5. High Steps and Sunny Banks are 2 new dwellings constructed on previously under-used land north of George Street and a little to the west of the appeal site. You say that these developments have introduced a new element into the street scene in the area, and that these plots are in fact smaller than the appeal site, with

narrower frontages. Sunny Banks was allowed on appeal in 1984.
(T/APP/A1910/A/84/18116).

6. In my opinion there is a significant difference between the sites of these new dwellings and the current appeal site. This appeal site is noticeably shallower, having you say an average depth of 14 m. This factor, combined with the steep bank at the rear of the site, results in the bungalow being shown as sited closer to George Street than other dwellings nearby. The lie of the land means that it would also be at a perceptibly higher level than the street. It appears to me that, given the restricted width of George Street, a dwelling so well forward on its site would be conspicuous and obtrusive within the street scene, an effect that would be emphasized by the slight curve in the road at this point. In addition there would be very little space between the bungalow and the proposed rear retaining wall, and in my judgement the bungalow would appear squeezed-in between the bank and the road. The overall effect in my judgement would be material detriment to the street scene, and to the appearance and character of this part of George Street. The appeal should therefore be dismissed.

7. The garden of the bungalow would be to the side of the dwelling extending in a line parallel to, and at a lower level than, Bank Mill. It would be however higher than George Street. You consider these differences in level would minimize horizontal eye contact, and that persons on Bank Mill would look right over the site towards the more distant view.

8. In spite of the considerable vegetation along the edge of Bank Mill it is possible, certainly in winter time, to look directly down into the appeal site at various points. In my opinion because of the height and proximity of Bank Mill, additional screening would not completely prevent this overlooking. I consider that even if there may be few pedestrians on Bank Mill, the possibility of being so directly overlooked would be a serious intrusion on the privacy of future occupiers of the bungalow, and deprive them to a significant extent of the reasonable enjoyment of their garden. In coming to this view I have taken account of the appeal decision, (T/APP/A1910/A/85/040416), which relates to an area of land that partly coincides with the current appeal site. I conclude that the privacy of occupiers of the bungalow would be affected to an unacceptable extent and that this is an additional reason for refusing permission.

9. The Council also objects to the loss of the garage associated with Frerdos. George Street is quite narrow, and I accept that any development which encourages additional street parking would be likely to interfere with the passage of vehicles. However I observed that Frerdos does have hardstanding for at least one car, and in view of the small amount of traffic it is my opinion that the question of loss of garaging would not be so serious in itself as to justify dismissing this appeal. This does not however affect my conclusions on the main issues.

10. I have considered all the other matters raised in the representations but they are not sufficient to outweigh the reasons which have led to my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

R. L. Muers

R L MUERS BA DipSocAdmin DipSocWork Solicitor
Inspector