

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



## DACORUM BOROUGH COUNCIL

To Mr. and Mrs. N. Odedra,  
63 Hillside Road,  
Southall,  
Middlesex  
UBL 2QE

Paul Burdess, Esq.,  
Architect,  
31 Ringshall,  
Berkhamsted,  
Herts.  
HP4 1ND

..... First floor and two storey extensions to form  
..... residential accommodation and ancillary retail floorspace  
.....  
at ..... Little Gaddesden Post Office and General Stores  
.....

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 ..... 18 April 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:—

The scheme represents an overdevelopment of a restricted site which is inadequate to accommodate satisfactorily the proposal together with the necessary amenities and would consequently adversely affect the amenity of No. 14A Little Gaddesden by reason of its bulk and overbearing appearance.

Dated ..... 13th ..... 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.



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Department of the Environment

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HP 1ND	7 APR 1989					
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Comments						
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Your reference

Our reference

T/APP/A1910/A/88/103671/P2

Date 5 APR 89

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR AND MRS OEDRA  
APPLICATION NO: 4/0738/88

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 first floor and a 2-storey extension to form residential accommodation and ancillary retail floor space at Little Gaddesden Post Office and General Stores, Little Gaddesden, Berkhamsted. I have considered all of the written representations made by you and by the council and the parish council and by interested persons. I inspected the site on 27 February 1989.

2. From the written representations and my site inspection I consider the main issue in determining the appeal is the likely effect of the proposals on the amenities of nearby residents.

3. Little Gaddesden is a small village situated about 5.5 km to the north of Berkhamsted. The Post Office and General Stores building is located towards the northern end of the village and lies within a designated conservation area. The building is a single-storey brick structure which was built in the 1940's. It has a central entrance door with shop windows on either side, and a small section of tiled pitched roof at the front with the remainder of the roof being covered with a corrugated sheet material sloping gently towards the rear. The building is set back on the eastern side of the road with a paved forecourt area and a small space at the rear, to which access is obtained along a driveway serving 2 garages in the same ownership as the adjoining dwelling to the south, No.14 Little Gaddesden. No.14 is an early C19 2-storey house with an attic, which is listed in Grade 2 as a building of special architectural or historic interest. No.14A, which adjoins the appeal site on the northern side, is a modern bungalow type dwelling with accommodation at first floor level within the pitched roof space.

4. You have explained that the Post Office and General Stores business was previously associated with one of the nearby dwellings but that this was sold separately some time ago. Since 1987 the business has been run by the appellants who live in Southall and commute each day. They have 3 small children and this is proving a considerable strain. It would be much more convenient for them and would increase security if they were able to live at the premises. The appellants are clearly popular in the village and local residents are very anxious that the business should continue to operate. Many villagers have written to support the present proposals, which were worked out following the refusal of an earlier application. The parish council however and a number of other villagers, whilst also wishing the business to continue,

have very strong reservations about the form of the proposed development, as do the council. The council would not object to the principle of the provision of a new dwelling in this rural situation, providing its occupation could be legally tied to the business, and their main concern is the likely impact of the dwelling on the amenities of the occupants of No.14A.

5. The opportunities to provide a dwelling on the site whilst retaining the existing business premises are very limited due to the restricted size of the site. The present proposal is to modify the interior of the existing building, to provide a small ground floor extension and car port to the rear, and to build a 3-bedroom flat at first floor level, which would extend back from the present front building line up to the boundaries of the site on all sides other than to the west. Rooms would be contained within the slope of the roof, with roof lights and dormer windows, to reduce the height and visual impact of the proposed dwelling and you have said the appellants would be prepared to reduce the height of the roof over the rear living/kitchen portion of the dwelling by say 900 mm (3 ft). The council have also suggested that, if the appeal were to be allowed, conditions should be attached requiring that certain windows should incorporate obscure glazing to prevent overlooking.

6. The proposed dwelling has clearly been carefully designed to meet the constraints of the site but it seems to me that, even with modifications and safeguards such as I have noted, the proposals would have a considerable impact on the amenities of adjoining residents. The south facing side wall of No.14A is separated from the side of the appeal building by a narrow access drive. The only window to a kitchen/breakfast room faces onto the driveway and an entrance hall doorway into the dwelling opens off it. Raising the height of the appeal property as proposed would overshadow and block out much of the daylight and sunlight that enters the kitchen/breakfast room and that side of the dwelling during most of the day. The proposed rear extension would also block out sunlight from the back of the dwelling and part of the garden area, and other parts of the garden would be directly overlooked from the proposed first floor living room windows. The proposed dwelling would seem intrusive and overbearing from No.14A, in my view, and also from the pleasant paved area to the rear of No.14. These adverse effects would detract from the amenities of the adjoining occupants to an unreasonable extent, in my judgement; I do not consider they could be overcome by attaching conditions to any approval and my conclusion therefore is that permission should be refused.

7. I also consider the proposals would not be wholly satisfactory from the point of view of future occupants of the proposed dwelling in that space within the dwelling would be constrained and there would be no private amenity space outside the dwelling for normal family activities, such as drying washing and toddlers play, and this confirms my conclusion.

8. I have taken into account the support in the village for the appellants and the business as well as the other matters raised in favour of the appeal, but these do not outweigh the considerations leading to my conclusion.

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

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I am Sir  
Your obedient Servant

*K. Barton*

K Barton BArch DipTP Regd Archt  
Inspector

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Chief Planning Officer

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