

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R M Bride
8 Dammersley Close
Markyate
Herts

J Noerr MSST
22/24 Common Road
Kensworth
Beds
LU6 3RG

One dwelling (Outline)

at 8 Dammersley Close, Markyate

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 22 April 1988 and received with sufficient particulars on 29 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 proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development, by reason of the topography and the limited size of the site would have an unsatisfactory relationship with No 8 Dammersley Close.

Dated 23 day of June 1988

Signed

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.



Planning Inspectorate

Department of the Environment

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29127
CHIEF EXECUTIVE
OFFICER

17 APR 1989

File No.
Refer to *CP 0 14/4*

Clerk

Mr J Noerr
22/24 Common Road
Kensworth
NR DUNSTABLE
Beds
LU6 3RG

Your reference

OUR REFERENCE			
DAM/APP/AT910/A/88/105844/P7			
Ref.	Date	Ack.	
CPC	13 APR 89	Sic	
Received 17 APR 1989			
36 AND SCHEDULE 9			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR R M BRIDE
APPLICATION NO:- 4/0780/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for construction of a bungalow, garage and crossover on land at 8 Dammersley Close, Markyate. I have considered the written representations made by you and by the Council and also those made by the Markyate Parish Council and 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 20 March 1989.
2. The appeal site is part of the rear garden of No 8 Dammersley Close. This Close serves a small estate of detached and semi-detached bungalows of generally similar design to the south-west of London Road, Markyate. Dammersley Close rises from London Road and the site is at a noticeably higher level than No 8.
3. From my inspection of the site and its surroundings and my consideration of the representations made, I consider that the main issue in this case is whether the proposal constitutes over-development of the site detrimental to the character and appearance of the area and to the amenities of the occupants of No 8.
4. The Council acknowledges that in principle there is no policy objection to the proposed development which falls to be considered on its merits. In this respect concern is expressed about the restricted size of the site with particular regard to private amenity space and the relationship between the proposed dwelling and No 8.
5. You argue that the proposed density of development is not excessive and that in terms of topography the site is adequate to enable achievement of a satisfactory relationship with No 8, and that the proposal constitutes infill development such as the Council now accepts is appropriate in Markyate.
6. At present No 8 has a rear garden some 20m deep by 16m wide. The proposed development would reduce the depth of this garden to about 6m. Although No 8 also has front and side gardens these extend from the dwelling by only about 5m. The effect of hiving off part of the curtilage as proposed would be to leave the property with only a narrow band of garden on 3 sides



with a driveway on the fourth. This garden space would in my opinion be significantly and noticeably less than typical garden sizes on this small estate.

7. I am aware that the proposal is in outline only, and that siting of the proposed dwelling would be a reserved matter. Nevertheless, if the proposed dwelling is to be sympathetic in scale to neighbouring housing and to respect the established building line in Dammersley Close, both of which I regard as essential in order to avoid harm to the character and appearance of the area, I believe there is very little scope for departing from the site layout shown on the submitted drawing. This would result in a rear garden as little as 3m deep with side and front gardens extending about 6m from the proposed dwelling, similar in layout to the remaining garden at No 8.

8. In my opinion, having regard to the extent and layout of garden space for the existing and proposed dwellings, neither property would have sufficient private amenity space to meet the reasonable needs of occupants. In addition, both properties would have gardens noticeably smaller than is typical on the estate and in my view this would be detrimental to the character and appearance of the area.

9. A further consequence of the small garden sizes would be to limit the separation between the proposed dwelling and Nos 8 and 19. In my opinion this would lead to a cramped relationship between these dwellings which would be out of character with the wide spacing on this part of Dammersley Close and harmful to the appearance of the street scene.

10. I have concluded that the proposal would constitute over-development of the site, by reason of inadequate private amenity space for the proposed dwelling and No 8 and of the cramped relationship between the proposal and Nos 8 and 19, which would be detrimental to the character and appearance of the area and thereby unacceptable.

11. I have taken account of all other matters raised but none is sufficient to outweigh the conclusion on the main issue which has led me to my decision.

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

I am Sir
Your obedient Servant

Neil Roberts

NEIL ROBERTS BA DipTP MRTPI
Inspector

3 m (10 ft), and the land remaining to the rear of No. 8 would be 6 m (20 ft), each having a width of 17 m (56 ft). This is clearly inadequate. Additionally, the application site is on rising land above No. 8 Dammersley Close and, as such, the proximity of the new development, which will be very close to the existing bungalow because of the limited size of the plot, would create an unsatisfactory relationship between the two dwellings.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development, by reason of the topography and the limited size of the site would have an unsatisfactory relationship with No. 8 Dammersley Close.

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