



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Ack.

Admin.

File

Hamptons Simpson and North

2 Chapel Lane

Pinner

Middx HA5 1AA

Your reference

Our reference

T/APP/A1910/A/89/138685/P8

12 MAR 1990

Received

Date

8 MAR 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY P C ALLEN

APPLICATION NO 4/0804/89

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 one two-storey three bed detached house with integral garage at No 5 Bulbourne Road Tring. I have considered the written representations made by you and by the Council and also those made by the Tring Town 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 February 1990.

2. From the written representations made and from my inspection of the site and its surroundings I have concluded that the main issues in this appeal are whether the proposed development (i) would be out of character with its surroundings; (ii) would be prejudicial to highway safety; and, (iii) would be detrimental to the amenities of the occupiers of the adjoining residential property by reason of overshadowing or loss of daylight. Although on the form of application for planning permission you state that the application which gives rise to this appeal is in outline, it is accompanied by detailed plans showing the design, siting and the materials to be used in the proposed house. These plans are not shown as being submitted for illustrative purposes only and I must therefore treat them as part of the application. As these detailed plans form part of the application, it would be inappropriate to treat this as an outline application.

3. No 5 Bulbourne Road is situated on the south side of the road a short distance east of the junction of Bulbourne Road, Wingrave Road, Icknield Way and Tring Ford Road. It forms part of a short ribbon of development on the edge of the settlement of New Mill. At the present time the appeal site is part of the garden of No 5 Bulbourne Road.

4. In the Council's opinion your proposed house would appear cramped and out of character with the surrounding development. The Council point to the fact that, while the area is characterised mainly by Victorian dwellings on relatively narrow frontages, in the vicinity of the appeal site the character changes and there is a much more open character east of the appeal site. They take the view that the proposal should be judged in relation to the character of the properties to the east rather than in relation to the properties in Wingrave Road. From my site inspection I saw that most of the houses in the length of Bulbourne Road up to No 11 are, with the exception of No 5 Victorian houses designed with a relatively narrow



frontage, and I accept your view that there are a number of houses with frontages less than the appeal site. However, the general character of this length of road is one of small houses set on fairly generous plots and in my view, this character would be seriously marred by the introduction of a house on the appeal site. Further, in my opinion, the erection of a new house on the appeal site would appear cramped and out of character with its surroundings and for this reason I find against you on the first issue.

5. The Council points out that Bulbourne Road carries a considerable amount of heavy traffic from nearby mills and a cement works and that the vehicles attracted to the shop at the corner of Bulbourne Road and Wingrave Road are already a potential traffic hazard. These factors combined with the fact that traffic is only beginning to decelerate when it enters the built up area at this point, in the Council's view, make it undesirable to form a further access at this point. I noted on my inspection that the existing house has at the present time a vehicular access and garage in a position similar to the one proposed for the new house. I also noted that, apart from Nos 12 to 16 (consec) Bulbourne Road which are served by an access road, all the houses in this length of the road have vehicular accesses. Although I recognise that it would not be possible to turn within the site and that vehicles using the garage would have to either reverse into or out of the site, in the light of the large number of similar accesses, I formed the view that the formation of a further access as proposed in itself would not increase the traffic hazards on this length of road to an extent that would justify refusing planning permission. However by building a house on this site No 5 Bulbourne Road will be deprived of its garage and some of its parking space. You indicate on the plans that it is proposed to erect a garage on the west side of No 5 but at the present time there is no vehicular parking space in this position. Although I note that the Council's more stringent car parking standards were adopted after this application was determined, it seems to me that the two houses could generate a parking demand of at least two cars per dwelling. This is a busy main road and it is important that the parking demands should be met within the curtilage of the houses. I am not satisfied, on the information before me that the car parking demands of both houses can be adequately met within their respective curtilages and it appears to me that any excess demand would lead to on street parking which could be detrimental to highway safety in this position.

6. In my opinion, the only property likely to be affected by your proposal, is the adjoining house No 6 Bulbourne Road. There are no windows in the flank wall of No 6 but it seems to me that the rear of that property would suffer a loss of sunlight and daylight by reason of the proposed building which would project beyond the rear wall of No 5 on its southwestern side. Because of the aspect, there would be a degree of overshadowing at certain times of the day which I consider to be unacceptable as it would adversely affect the amenities of the occupiers of No 5 Bulbourne Road.

7. I have had regard to your submissions regarding the development policies which seek to direct development to existing towns and to maximise the contribution from opportunities in existing towns. While these policies are of importance they cannot be allowed to override environmental considerations. I have taken into account all the other matters raised in the representations but do not find them to be so cogent or compelling as to outweigh the considerations that led me to my conclusion.

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

I am Gentlemen
Your obedient Servant .

D W Frith

D W FRITH DipTP FRTPI FRICS
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

LA



DACORUM BOROUGH COUNCIL

To Mr P C Allen
5 Bulbourne Road
Tring
Herts HP23 5HE

Hamptons Simpson & North
2 Chapel Lane
Pinner
Middlesex HA5 1AA

One dwelling (outline)

at ADJ.. 5. Bulbourne Road, . Tring.

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 28.4.89 and received with sufficient particulars on 3.6.89 and shown on the plan(s) accompanying such application.

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

1. Having regard to the narrow width of the site, the proposed detached house would appear cramped and out of character with surrounding development.
2. The use of the proposed access to the dwelling would be prejudicial to highway safety because vehicles cannot enter and leave the site in forward gear.

Dated 17 day of August 19 89

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.