



## Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

PLANNING DEPARTMENT 1374  
DACORUM BOROUGH COUNCIL

Mr J E Rayner  
21 Kinderscout  
HEMEL HEMPSTEAD  
Herts  
HP3 8HW

					Ack
C.D.	T.C.P.M.	D.P.	D.G.	B.C.	Our Reference:
					T/APP/AT9107A/89/141757/P3
					Your Reference:
Received 10 MAY 1990					Date:
Comments					9 MAY 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO. 4/0824/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. The appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 2-bedroom detached dwelling at 21 Kinderscout, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other parties. I inspected the site on 1 May 1990.
2. I note that your application was submitted to the Council in outline. However, the submitted plan shows the siting of the proposed dwelling, and I make it clear that I regard this siting as part of the application because there is no clear indication that this is not the case.
3. Kinderscout is a road with modern dwellings, and your house is situated near a point where the road goes through a bend amounting to about 90 degrees. The dwelling you propose would be located in what is now your side garden next to the bend in the road. The application plan also shows that there would be 2 parking spaces at the rear of the site.
4. From my inspection of the appeal site and its surroundings, and from the representations made, I consider that the decision in this case turns on whether your project would harm the appearance of the street scene.
5. You have argued against the Council's claim that your project would amount to gross over-development of the site by saying that no yardstick has been provided by the Council. You have drawn my attention to the fact that dwellings in the area are of various shapes and sizes, and have commented that the proposed dwelling would occupy a smaller proportion of the site than is the case with 2 other dwellings nearby (one of these being the next dwelling at no 23). You have also pointed out that elsewhere in Hemel Hempstead planning permission has been granted for dwellings on smaller plots than the appeal site.
6. However, although you have put together a careful argument, this is based very much on a statistical approach which, as the Council point out, takes no account of how the other dwellings mentioned fit into their surroundings. A yardstick of the



sort you refer to would be unable to take account of variations between the settings of different sites. Indeed, of the other dwellings you mentioned that I saw, none were directly comparable with what would be built on the appeal site.

7. The circumstances of the appeal site itself and its setting concern me more: the Council have referred to the site being fairly prominent, and I believe that is a correct assessment, as it is located immediately adjacent to a bend in the road on sloping ground. It therefore seems to me that a dwelling in the position you propose, with a minimal front garden and only about 3m from the highway, would appear obtrusive in the street scene when viewed on either approach along Kinderscout and from next to it on the bend itself. I am sure that a cramped, over-developed appearance would result. The impact on the street scene would be made worse, in my opinion, because in order to achieve satisfactory visibility at the point where vehicles would emerge onto Kinderscout from the parking spaces a good deal of vegetation would have to be removed around the bend. I saw when I visited Hemel Hempstead that this vegetation has a softening effect on the street scene at present, an effect which would be seriously reduced at least if your project were to go ahead.

8. I have taken account of all the other matters raised. I do not believe that there would be any serious loss of privacy to the occupants of no 23, and my adverse conclusion on your appeal does not depend on such arguments. However, that conclusion is not overcome by what you say about the need for small dwellings. None of the other matters is as important as those that have led to my decision.

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

I am Sir  
Your obedient Servant



M J CROFT MA DipTP MRTPI MBIM  
Inspector

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



## DACORUM BOROUGH COUNCIL

John E. Rayner  
21 Kinderscout  
Hemel Hempstead  
Herts.

To

Detached two bedroom dwelling (Outline)

at 21 Kinderscout, Hemel Hempstead, 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 8 May 1989 and received with sufficient particulars on 8 May 1989 and shown on the plan(s) accompanying such application.

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

The proposal represents a gross overdevelopment of the site resulting in an untypically small dwelling and reduced plot size which together would affect adversely the visual and general amenities and detract from the character of the area.

Dated first 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.