

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr Baptist Mr B Johnson
 "Summerfield" 13 Deans Furlong
 Trooper Road Tring
 Aldbury

..... Single storey rear extension and balcony.

at "Summerfield", Trooper Road, Aldbury.

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 18th June 1984 and received with sufficient particulars on 19th June 1984 and shown on the plan(s) accompanying such application..

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

The use of the balcony as a sitting out area would result in overlooking of the adjoining private garden and a loss of privacy for the occupants of the adjoining house.

Dated 18th day of July 19 84 ..

Signed.....

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.

Department of the Environment and
Department of Transport



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CHIEF EXECUTIVE
OFFICER

20 MAY 1985

File Ref. *OLO 20/5*
Refer to *OLO 20/5*

Mr H B Baptist
Summerfield
Trooper Road
Aldbury
Tring
Hertfordshire
HP23 5RW

Your reference

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
T/APP/A1910/A/84/23340/P4					
Ref.	Date			Ack.	
C.P.O.	D.P.	C.	D.C.	Admin.	File
					17 MAY 1985
Received <i>20</i> 20 MAY 1985					
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0827/84

- As you are aware I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for a single storey extension with balcony at Summerfield, Trooper Road, Aldbury, Tring, Hertfordshire. I have considered the written representations made by you, by the council and by an interested person. I visited the site on Tuesday 26 March 1985.
- From my visit and from the representations made, I consider the main issue to be decided is whether the development proposed, by virtue of overlooking, would result in an undue loss of privacy to the neighbouring occupiers.
- The appeal property, located on the west side of Trooper Road, is a detached house and garden within a predominantly residential frontage. At the time of my visit, the extension the subject of this appeal, had already been built and regarded by the council as being within the limits of 'permitted development'.
- In support of your appeal you contend that, due to the distance from the neighbouring property and the position of this sitting out area, the degree of lost privacy to those living at Barleycombe would not be serious. It is pointed out that the balcony proposed would not be greatly used but is intended to improve the appearance of the extension flat roof. Other balconies to properties in the neighbourhood are brought to my notice.
- The council state that the appeal premises lies in both the Chiltern Area of Outstanding Natural Beauty and the Aldbury Conservation Area. It is pointed out that, without the balcony the single storey extension has already been built as 'permitted development'. The authority consider however that whilst the balcony proposed would make a pleasant sitting out area, its use nevertheless would give rise to significant overlooking of the rear garden to the adjacent house, with loss of privacy to occupiers. It is also felt that the extension roof could be attractively finished by other means without the need for balcony railings.
- As a result of information available to me, I am now satisfied that the provision of balcony railings on the roof of the recently built single storey extension at your property constitutes development and planning permission is required.
- In deciding the merits of a proposal, I consider it to be of the utmost importance to have regard to the probable impact on neighbouring residents and whether approval of the development would unduly detract from amenities currently

enjoyed. In this case, having viewed from the rear bedroom window of your house, I am in no doubt, despite your arguments to the contrary, that use of the extension roof as a sitting out area would have a substantial effect on the living environment of adjoining occupiers.

8. Although the degree of overlooking of windows to 'Barleycombe' may not be serious, my main concern however would be the loss of privacy in other respects. Not only is a large part of the rear garden of this property in clear view but of greater significance in my judgement, would be the unpleasant and uncomfortable feeling of being overlooked when in the garden at the same time as the sitting out area is in use. I accept that the number of times when the roof would be used for this purpose may be limited. However it would seem to me that on the occasions when the weather is suitable for sitting out is the time when the neighbours are most likely to be in their garden when this loss of amenity would be most felt.

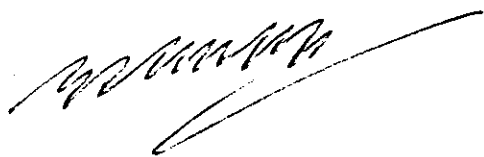
9. I have concluded in consequence that to allow your appeal would encourage and enable the safe use of the single storey roof for a purpose beyond the extension of the dwelling floor area. Such a use in my view, would be undesirable, causing an unwarranted loss of privacy to neighbouring occupiers and making their property a less pleasant place to live in. Furthermore I am not convinced that any aesthetic improvement to the extension which may be gained by the provision of a balustrade, would be significant or that it could not be achieved by a more acceptable means.

10. Note has been taken of other properties in the vicinity where balconies exist. Although I am not aware of the circumstances of these cases, I do not however consider that they can be regarded as justification for allowing this proposal. Each application has to be dealt with on individual merit and it is on this basis that my decision has been reached.

11. I have taken account of all the other matters raised but they are not of sufficient weight to alter my decision.

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

I am Sir
Your obedient Servant



G S WEBB CEng MICE
Inspector