D.C.

Town Planning Ref. No. 4/0831/84

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr & Mrs R Howes
33 Ashlyns Road
Berkhamsted
Herts

Mr A E King
Fairways
Lockers Park Lane
Hemel Hempstead Herts

Dwelling, two garages and access

at Land rear of 33 Ashlyns Road
Berkhamsted

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 19.6.84 and received with sufficient particulars on 21.6.84 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 an undesirable sub-division of an existing residential curtilage which would result in a form of housing out of scale and character with adjoining and nearby development, proving detrimental to the general amenity of the area.

2. Access to the site is near to the inside of bend in Upper Ashlyns Road close to its junction with Ashlyns Road. In the opinion of the local planning authority, a new access at this point with poor visibility would constitute a potential danger to other road users.

Dated 19th day of July 19 84.

Signed [signature]
Chief Planning Officer

P/D.15

SEE NOTES OVERLEAF

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.

A/137X/SAH/P

Department of the Environment and Department of Transport
Common Services
Room 1309 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218 865
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GTN 2074

Ref. | Ack

Mr A E King BA(Hons) BPhil MRTPI
Fairways
Lockers Park Lane
HEMEL HEMPSTEAD
Hertfordshire
HP1 1TH

Admin. | Your reference

Received -2 MAY 1985

Our reference T/APP/A1910/A/84/021447 /021517/P7

Date -1 MAY 1985

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY MR R E HOWES
APPLICATION NOS: 4/0465/84, 4/0831/84

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals against the decisions of the Dacorum Borough Council to refuse planning permission for the erection of one dwelling, 2 garages and an access on land at 33 Ashlyns Road, Berkhamsted. I held an informal hearing into the appeals on 20 March 1985.

2. I note that both the applications the subject of these appeals sought full planning permission and were refused by the Council for similar reasons. The difference between the proposals is the design of the dwelling: the first is a more conventional design; the second is a smaller chalet-type house with first floor dormers. Both have the same access arrangements.

3. In my opinion there are 2 main issues in these appeals. They are: first, the effect of the proposed developments on the character and appearance of the surrounding residential area, and secondly, whether there are any material objections to the proposed access and parking arrangements.

4. Ashlyns Road and Upper Ashlyns Road form part of the southern suburbs of Berkhamsted and consist, in the main, of relatively large houses in well-treed, sizeable gardens. This pleasant environment is enhanced by the nearby school playing fields and the large mature trees along Upper Ashlyns Road which are the subject of a Tree Preservation Order.

5. Your client's property is situated at the junction of Upper Ashlyns Road with Ashlyns Road. There is housing on all sides: to the south-west is the garage and gable end of 2 Upper Ashlyns Road; to the east, on the other side of the road is No 1, a large, detached house of long-standing and a bungalow dating from the sixties. Your client proposes to mirror this development to some degree by building a dwelling on a plot consisting of about half his rear garden.

6. This garden, because of the change in levels, the trees therein and its position near the road junction, in my view contributes greatly to the attractive and spacious nature of this part of town. Thus, whilst it may be possible to build a house on this small site which would be acceptable in terms of modern housing estate standards, your proposal would, I consider, destroy the agreeable quality of the area to an unacceptable degree. It would produce a cramped form of development and the removal of the fence and the established hedge and bushes would also destroy the sense of enclosure.

7. I have taken note of your reference to the 3 new housing developments nearby. However, there are significant material differences between them and the appeal proposals for other considerations to apply. The 2 houses at the nearby junction are large properties with big gardens; the other 2 developments are culs-de-sac laid out to modern standards which have a distinct and separate visual unity.

8. As to the second issue, I note that the existing gateway and garage to your client's house are next to the southern boundary. You propose to create a new access further along the frontage near the road junction. You also propose to replace the existing garage in a new double unit; the other half would be for the new house. Because of the horizontal and vertical alignment of the road, the proximity of the new access to the road junction and the width of the road, I consider that this shared access and parking area, despite the turning head, would produce conflict when cars are manoeuvring and parking. Problems would also occur when service vehicles are visiting both sites. Therefore, I consider the proposed access and parking arrangements to be unacceptable and hazardous to road safety.

9. I have taken into account all other matters raised in the representations, but none are sufficient to outweigh the planning considerations leading to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Sir
Your obedient Servant

T COOKSON DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA(Hons) BPl MRTPI	- of Fairways, Lockers Park Lane, Hemel Hempstead, HPl 1TH.

FOR THE PLANNING AUTHORITY

Mrs D A Heywood BSc(Hons) DipTP MRTPI	- Planning Assistant, Dacorum Borough Council.

INTERESTED PERSONS

Mrs D Osen	- 36 Ashlyns Road, Berkhamsted.
Miss A Chowns	- 37 Ashlyns Road, Berkhamsted.
Mrs P Pashley	- 26 Ashlyns Road, Berkhamsted.
Mrs R Franc	- 20 Ashlyns Road, Berkhamsted.
Dr C Partridge	- 1 Upper Ashlyns Road, Berkhamsted.
Mr J Carter	- Ward Councillor of 1 Chalet Close, Shooters Way Lane, Berkhamsted.
Mr J D MacEwan	- 25 Ashlyns Road, Berkhamsted.
Mr B F Bradley	- 22 Ashlyns Road, Berkhamsted.

DOCUMENTS

DOCUMENT 1 - List of persons present at the inquiry.

" 2 - Copy of the notice of the inquiry.

" 3 - Copies of replies received.

" 4 - List of persons stated to be opposed to the proposal.

" 5 - Extracts from local newspapers.

PLANS

PLAN A - Land ownership in vicinity of appeal site.

PHOTOGRAPHS

PHOTOGRAPH 1 - View of upper Ashlyns Road looking north-eastwards.

" 2 - View of Upper Ashlyns Road looking south.