

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

Town Planning

Ref. No. ....

14/0880/74

Other

Ref. No. ....

1128/74D

THE DISTRICT COUNCIL OF .....

DACORUM

IN THE COUNTY OF HERTFORD .....

To Panstar Properties Ltd.,  
37 St. Ann's Road,  
Harrow,  
Middlesex.  
HA1 1 DU

Agent: Tollit Rendle Barr Assoc.,  
The Studios  
Baresfoot,  
Berkhamsted,  
Herts. HP4 2SZ

Dwelling house
at Land fronting Charles Street at rear of 15 Torrington 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 **9th September, 1974** and received with sufficient particulars on **11th September, 1974** 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 proposed development would be unsatisfactory in this particular location where, because of the steeply rising ground, there would be overlooking and reduction of privacy for the occupants of adjoining properties.
- (2) In the opinion of the Local Planning Authority the proposal would represent over-development of the site.

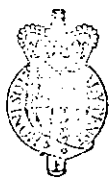
Dated **Ninth** day of **November** 19**74**

Signed **Director of Technical Services**

Designation .....

## 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, Whitehall, London, S.W.1.) 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.



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37 St Ann's Road  
HARROW  
Middlesex  
HA1 1JU

Your reference

LJC/EM

Our reference

T/APP/5252/A/74/12644/G5

Date

24 JUL 1975

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY PANSTAR PROPERTIES LIMITED

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwellinghouse on land fronting Charles Street at the rear of 15 Torrington Road, Berkhamsted. I held a local inquiry into the appeal on 20 May 1975.
2. From my inspection of the site and its surroundings, and from the representations made, I find that the determining issues in this case are whether the erection of a dwelling on this land as proposed would materially impair the residential amenities of adjoining properties, and whether it would constitute over-intensive development of the plot.
3. Since I was subsequently able to see the examples to which you drew attention at the inquiry, I of course accept that there is other 'back-to-back' development on sloping ground in the vicinity of the appeal site as you have claimed. I also recognise that in a town such as Berkhamstead, which is built on the sides of a valley, there will inevitably be some overlooking of dwellings by others occupying higher ground particularly in the older sections of the town. In this respect, however, the acceptability or otherwise of new development must clearly depend upon the extent to which, by present day standards, it would adversely affect the privacy or other amenities of neighbouring residents and this proposal must be considered on its own merits in that light.
4. In this case, the ground falls away steeply from the south-west boundary of the site fronting Charles Street so that even the existing garages at the top of this escarpment are prominent in the view from its lower slopes. It seems to me, therefore, that with a 2 storey structure occupying the whole of the Charles Street frontage and a rear extension incorporating a further garden level below it, the new dwelling proposed would appear particularly conspicuous from the rear of the properties at Nos 15 and 17 Torrington Road which it would tend to dominate from very much higher ground. In my view, it would also oppressively dominate and overshadow the back gardens of the houses at the top of Cowper Road, particularly Nos 14 and 15, as well as the rear of those premises which are only 65 to 70 ft away and I consider that their occupiers would suffer an unacceptable loss of amenity thereby.
5. The plans submitted show windows only in the south-west and south-east elevations of the proposed dwelling and, as you have pointed out, this would effectively overcome the main objection to your clients' previous application

(8/267/73) that all bedrooms and principal living rooms would have windows looking down the garden towards No 15 Torrington Road. In this case, however, the window of Bedroom I as shown in the street level plan would a good deal more closely overlook the back garden of No 14 Cowper Road and I consider that, in terms of open space outside them, the windows of Bedrooms 2 and 3 at garden level would be undesirably close to the site boundary on that flank.

6. In this respect, the council's representatives did indicate at the inquiry that they were prepared to accept the submitted plans as being illustrative only and, although the inclusion of integral garages could cause some problems, I acknowledge that the dwelling could be redesigned with these bedroom windows in its north-west elevation so that that at street level would overlook only the top end of the garden at No 17 Torrington Road which is probably not greatly used. However, because of the narrow width of the site, the garden level windows would still closely abut that boundary and this arrangement would in no way reduce the extent to which the new structure would dominate and overshadow neighbouring properties. Indeed, it seems to me that this narrow and steeply sloping plot is altogether unsuitable to accommodate a detached dwelling, particularly one incorporating a double garage, and I consider that this proposal would undoubtedly represent over-intensive development of the site.

7. In reaching these conclusions, I have considered all the other matters raised but do not find them of sufficient importance to affect my decision. For the above reasons, therefore, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir  
Your obedient Servant

*B. P. Young*

B P YOUNG CB  
Inspector