



# Planning Inspectorate

## Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	D.C.	Admin.	Date

Your reference

PAS

Our reference

T/AP/A1910/A/90/148073/P8

4 JUL 90

Received

5 JUL 1990

Sir

Comments

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR AND MRS G WOODMAN  
 APPLICATION NO: 4/0885/89

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 outline planning permission for the erection of a detached 3 bedroom house on land adjacent 3 Gaveston Drive, Berkhamstead. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on Thursday 7 June 1990.
2. I note that the layout plan submitted to the Council shows the siting of and means of access to the proposed house, but is marked "illustrative only". It follows that all matters of detail are reserved for subsequent approval and are not part of the scheme before me.
3. From the representations made and from my inspection of the site and the surrounding area, my view is that there are 2 main issues to be determined in this case. First, whether the scheme would be cramped overdevelopment of the site and so harm the character and appearance of the neighbourhood. Secondly, whether the amenities of neighbours would be harmed.
4. The appeal site is part of the garden which surrounds your clients' detached house which, with No 1 Gaveston Drive, stands on the south side of the road. The 2 existing houses occupy a frontage of around 80 m between Murray Road and Trevelyan Way.
5. I saw that houses on the north side of the road are laid out in a rather different fashion from Nos 1 and 3. Frontages are more modest, about 15 m wide, and gardens lie to front and rear only, the former being open plan. All the houses in the immediate neighbourhood are substantial.
6. The new plot would not only be significantly narrower than those opposite, but would also be radically different in width from the 2 adjoining plots, having a frontage of some 10.5 m. This disparity would, in my view, be the more obvious because the site is much closer to your clients' house than to 1 Gaveston Drive. So I conclude that any house here would inevitably appear cramped, squeezed in next to No 3, on a narrow plot, out of keeping with the more spacious surrounding development. This would be contrary to the provisions of the adopted Dacorum District Plan and would harm the appearance of the immediate area.

7. I also consider that approval of this scheme would make it more difficult for the Council to resist similar development on adjacent land at 1 Gaveston Drive. Together, 2 new houses would tend to alter the character of this part of the estate. This lends weight to my conclusion.

8. You suggest that the appeal site might be enlarged by inclusion of an area of land which I understand was part of an earlier scheme for the erection of a 4 bedroom detached house. Neither that earlier scheme, nor other possible alternatives to the appeal scheme are the subject of this case.

9. I now turn to the second issue, the effect of the scheme on the amenities of neighbours. The Council and interested persons refer variously to loss of outlook, privacy and to the size of the garden of the new house and of that remaining for the benefit of No 3. I shall deal with each matter in turn.

10. On the question of outlook, the new house would be built at a significantly lower level than houses on the opposite side of Gaveston Drive. So my view is that neighbours to the north would not suffer undue loss of outlook. From properties in Murray Road, the new house would be seen in a landscaped setting and I do not consider that it would be unreasonably dominant or intrusive.

11. I find that the privacy of neighbours could be protected by careful design. In this regard, I consider that it would be appropriate to attach a suitably worded condition to any planning permission to preclude overlooking windows and secure suitable boundary treatment.

12. If the rear garden of the new house was of the size shown on the illustrative plan, it would not, in my opinion, be too small for a 3 bedroom house. Because of the way in which No 3 was originally laid out and because the frontage to Trevelyan Way has since been completely screened with shrubs, I consider that your clients' house can be said to have a private amenity area to both west and south. So I do not consider that No 3 would have an unreasonably small private garden if the appeal site was developed.

13. None of this counts against the scheme.

14. I have considered all the other matters raised, including highway safety, references to the development of other sites and various appeal decisions. Certain details such as access and car parking provision could be controlled at the detail stage, if planning permission was granted. However, nothing causes me to alter my conclusion that there is a sound and clear cut reason for rejecting this scheme.

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

I am Sir  
Your obedient Servant

*A M Clemence.*

A M CLEMENCE BA(Hons) DipTP MRTPI  
Inspector

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



## DACORUM BOROUGH COUNCIL

Mr & Mrs G Woodmans  
3 Gaveston Drive  
To Berkhamsted  
Herts

Mr P A Smith  
66 Lower Icknield Way  
Chinnor  
Oxford

..... Detached three bedroom house (Outline) .....

at .. Land adjacent to 3 Gaveston Drive, Berkhamsted, .....  
..... 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 ..... 6.5.89 ..... and received with sufficient particulars on ..... 16.5.89 ..... 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 and an undesirable subdivision of an existing residential curtilage which, if allowed, would result in a cramped form of development to the detriment of the general amenity of the area.

Dated .. Seventeenth ..... 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.