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28 JAN 1981

FILE
No.

DATE

155

Gentlemen

Your reference

NRA/cb

Our reference

T/APP/5252/A/80/11830/G10

Date

27 JAN 1981

CHIEF EXECUTIVE

28 JAN 1981

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G H BULCOCK
APPLICATION NO:- 4/0907/80

1. I refer to this appeal, which I have been appointed to determine against the decision of the Dacorum District Council to refuse outline planning permission for the construction of one detached dwelling on land at the rear of Sapele, Felden Lane, Bovington. I have considered the written representations made by you, by the council and by other interested persons. I inspected the site on 18 December 1980.
2. From my consideration of the representations made and from my inspection of the site I am of the opinion that the main aspects of this appeal to be resolved are whether development of the site, which is a backland would result in a significant adverse effect on the amenity of neighbouring properties by way of overlooking, loss of privacy and daylight, and whether an access can be provided which would not encroach too much on the site of Sapele itself, and would not result in other disadvantages.
3. The council and many of the interested persons who have made representations, have pointed out the undesirability of backland development in this locality. I have taken account of their views but am not overly swayed by them, since, from my own observation, a great deal of similar development has already taken place nearby and I note that development of an immediately adjacent site has recently been allowed on appeal. The decision whether the site at Sapele should be allowed for development must therefore depend on its individual characteristics rather than the present or desired characteristics of the area.
4. I note that the area is allocated primarily for residential purposes. The site is quite large and though somewhat narrower in proportion to its area than many of the nearby sites there is little doubt that it would be considered suitable for development if it had a frontage onto one of the roads, but the special problems which arise because it is a backland development must be considered.
5. From my inspection of the site I am of the opinion that some loss of amenity by overlooking would be suffered by neighbours, particularly by the occupants of Roefield House and No 6 Roefield Close. By the careful design and siting of the proposed house and by the use of suitable screening it would, no doubt, be possible to limit this loss of amenity, but because of the natural slope of the ground there is risk that the 2 houses might suffer some loss of daylight consequent on the provision of the required screening.

6. Because, in my opinion, the problems arising from development of the site itself are not conclusive, the main problem is that of access. Since there will be little extra traffic, the proposed access is probably adequate where it joins the access to Sapele and debouches onto Felden Lane, but it will be very long, will pass very close to Sapele and will encroach significantly on the surface area of Sapele, such that the remaining area might not have been considered large enough for a house if it had been that size in the first place. There will be some loss of amenity suffered by the occupants of Sapele itself. The proposed drive is very much longer than for any other developments in the area, except for those which have been turned into properly laid out culs-de-sac. Obviously the provision of delivery services over a single lane access some 85 m from Felden Lane will cause difficulties. There may also be problems of surface water run off due to the long straight access and the slope of the site. These aspects are sufficient, in my opinion, to make the development of the site undesirable from a planning viewpoint.

7. I have taken into account all the other matters raised in the written representations but do not regard them as sufficient to outweigh the main considerations which have led to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

M. C. Eveleigh.

M C EVELEIGH
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To G. H. Bulcock Esq.,
 Sapele,
 Felden Lane,
 Hemel Hempstead, Herts.

Messrs. Aitchisons,
 63 Marlowes,
 Hemel Hempstead,
 Herts.

One dwelling - outline.

at Sapele,

Felden Lane, Hemel Hempstead.

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 12th June 1980 and received with sufficient particulars on 12th June 1980 and shown on the plan(s) accompanying such application.

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

The proposed development would constitute undesirable backland development which would be unsatisfactorily sited in relation to existing properties and detrimental to the amenities of the area.

Dated 16th day of July 1980

Signed



Designation Director of Technical Services.

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.