



Planning Inspectorate

Department of the Environment

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GTN 1374

Mr Arthur Clark
19 St Michaels Avenue
Hemel Hempstead
Hertfordshire

Your Reference:

Our Reference:

T/APP/A1910/A/89/139707/P5

Date:

-5 APR 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0996/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a detached dwelling, integral garage and access to the rear of 19 St Michaels Avenue, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other interested persons. I have also considered those representations made directly by other interested persons to the Council at the application stage which have been forwarded to me. I inspected the site and its surroundings on 20 March 1990. The application is in outline with all detailed matters reserved for subsequent approval. Although the submitted plans show the approximate siting of the proposed dwelling, I shall treat this as being for illustrative purposes only.
2. From my inspection of the site and its surroundings and the representations made, I consider that the main issue in your appeal is whether the proposed development would harm the amenities and privacy of the occupiers of adjacent dwellings and detract from the appearance and character of the area.
3. The Council point out that whilst policies 63 and 64 of the Dacorum District Plan normally allow the residential development of small sites within the urban area this is subject to meeting the environmental guidelines of policies 18, 19 and 66, which they consider the proposals fail to do. They consider that a dwelling as illustrated on the submitted plan would intrude into the spacious street scene of Crofts Path. A dwelling set further back would reduce the rear garden to an unsatisfactory depth and could lead to overlooking of adjacent gardens. They consider that the site is only capable of accommodating a small dwelling of a size and density out of character with the area.
4. Annex A to Circular 15/84 advises that when considering a planning application for a particular site the character of the site and its surroundings, together with the design and layout of the proposed development need to be taken into account. Development Control Note 2 also explains that new development need not necessarily conform to the character of what already exists and that unless the area has some special architectural or other qualities that are worth preserving there may be no reason why new development should not be different in character.



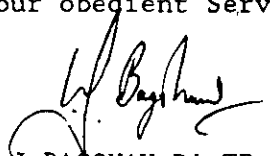
5. The appeal site is restricted in both width and depth. It could only accommodate a dwelling of very modest proportions, significantly smaller than existing dwellings in Crofts Path and St Michaels Avenue, some of which appear to have been extended in recent years. It would, in my opinion, look somewhat out of place in these particular surroundings. The appeal site would not allow the provision of, what I would regard to be, an adequate depth of rear garden and a satisfactory relationship to Nos. 19 and 21 St Michaels Avenue and their quiet rear gardens, in terms of maintaining privacy and a reasonable outlook, without protruding beyond the building line of adjoining dwellings in Crofts Path, to the east. In the latter case the proposed dwelling, even if set at an angle, would, in my opinion, significantly detract from the attractive appearance and spacious character of this road, which I consider to be worth preserving. Viewing the proposed dwelling from the east, against the background of your existing house would, in my opinion, exacerbate its cramped appearance and intrusive impact. It would also appear intrusive when observed from the northern arm of St Michaels Avenue. From some viewpoints a measure of screening might be provided by existing trees on the site. However, this would not be very effective during winter months and it would be wrong to rely on planting, whose retention cannot be guaranteed in the longer term, to mitigate the impact of the development,

6. The recent infill development in Thorncroft seems to me reflect the pattern of development in this small cul-de-sac and does not in this location appear cramped or detrimental to the amenities of neighbouring residential properties. I have had regard to the advice in Circular 15/84 and Planning Policy Guidance 3 to make the best use of urban land. However, in this case, this concern is outweighed by sound, specific planning objections. Although I find the proposal in accordance with policy 19 of the District Plan, I consider it to be contrary to the aims of policies 18 and 66. I note the references of both parties to the recent proposal for revising PPG3, but, as this is still in consultative draft form, I am unable to afford it any weight. I recognise that, despite the nature of one and the outline form of the other, the Inspector considering the previous appeals on the site (ref. T/APP/5252/A/81/10022 & 14435/G2) directed many of his conclusions to the illustrative siting of a proposed bungalow. Nevertheless, he concluded that the appeal site occupied a particularly sensitive position, a view which I share. However, I accord greater weight to the layout of houses in Crofts Path than local topography. I have considered all the other points made in the written representations but I have found none of sufficient importance to alter the conclusions, which have led me to my decision.

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

I am Sir

Your obedient Servant


W J BAGSHAW DipTP FRTPi MIHT
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

Mr A Clark
19 St Michaels Avenue
Hemel Hempstead
To Herts

<p>Detached Dwelling (Outline)</p> <p>.....</p> <p>.....</p> <p>at r/o 19 St Michael's Avenue; Hemel Hempstead;</p> <p>.....</p> <p>Herts</p>

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 2.6.89 and received with sufficient particulars on 6.6.89 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 have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings, and would adversely affect visual and general amenities and detract from the character of the area.

Dated ... Eighth ... 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.