

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs J Halford
4 Whitewood Road
Berkhamsted
Herts

P J Fountaine
27 Castle Street
Berkhamsted
Herts

..... One dwelling. (OUTLINE).....
.....
at r/o. No.4. Whitewood. 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 28.4.88 and received with sufficient particulars on 26.5.88 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, by the nature of the topography of the site and the proximity of other residential curtilages, would be poorly sited in relation to existing dwellings.
2. The proposed access to the development, at an angle to the turning head of the cul-de-sac, is inadequate and unsuitable for the traffic that would be generated.

Dated 15th day of August 1988

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.



**Department of the Environment and
Department of Transport**

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

Council Ref: 4/0998/88

D/474/JBL/P

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28501

P J Fountaine Esq
27 Castle Street
BERKHAMSTEAD
Herts
HP4 2DW

CHIEF EXECUTIVE OFFICER		Your reference	
27 FEB 1989		PLANNING DEPARTMENT	
File Ref.	Ref.	Date	23 FEB 89
Refer to	Our reference DATE/APP/A1910/A/88/104629/P6		
Cleared	27 FEB 1989		
Received		Comments	

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS J HALFORD
APPLICATION NO: 4/0998/88

1. I have been appointed by the Secretary of State for the Environment to determine this appeal. It is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of one dwelling at the rear of No 4 Whitewood Road, Berkhamstead. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 7 February 1989.
2. Whitewood Road is a short cul-de-sac of 2-storey houses on the south side of the hill overlooking the town. The line of the road is across the slope of the hill with a row of dwellings, equally spaced, along the northern side at a lower level than the road. At the head of the cul-de-sac there are 2 dwellings Nos 15 and 6 with a public footpath between them. On the higher ground on the south side of the hammerhead turning area there is your client's house at No 4 and the adjoining No 2. Behind then the ground rises up to the dwellings fronting Finch Road, to which Whitewood Road has access. The curtilage of No 4, a grassed area, extends to the south and east of the house and is bounded by an unmade track running behind the gardens of the long row of terrace dwellings lying to the east in Shrublands Avenue.
3. The proposal under appeal is to erect a dwelling on the eastern section of the curtilage behind No 4. Access would be provided along the boundary with No 6 to the south-east corner of the hammerhead at the end of the road. From the representations made and my inspection of the site and surroundings the issue on which I assess the appeal is the effect that the development would have on the character of the area and on residential amenities.
4. My general impression is that the awkward ground contours of this locality were recognised when the layout of the houses in Whitewood Road was decided. Symmetrical though their siting around the turning area may be, it seems to me that this part of the hillside has been comprehensively developed and good use made of the available land. Although there is sufficient land for a dwelling on the appeal site and while accepting your general submission that irregular sited houses are a not unusual feature in Berkhamstead, I do not feel that a further dwelling here would be satisfactory. Of necessity, because of the ground contours, the dwelling would be sited some distance into the site and would have no road frontage. As such it would break the established pattern of housing along the road and would consolidate the built environment, already closely developed, to a marked extent. In my view this would be out of keeping and adversely affect the residential character of Whitewood Road.

5. With regard to the effect on neighbours there is not much scope available in the choice of siting the dwelling, which both parties recognise should be a bungalow. In the position indicated in your illustrative plan I feel that its closeness to the boundary behind the rear wall of No 4 would have a cramping effect on that house; and that being on higher ground than No 6 where the first floor windows of the latter would be about the same level as the bungalow, the occupants of that home would experience a feeling of being overlooked and loss of privacy - which I do not think that the high hedge standing on lower ground would satisfactorily overcome. The access to the road would be likely to extend further along the boundary with the garden of No 6 than in other houses in the road, where the short front gardens only are used to provide access, and be a source of disturbance to that property; and the front garden of No 4 would also be reduced to provide the access. I give less weight to the concern about entering the hammerhead at this point, which I do not consider an overriding issue. But I am of the opinion that in the small scale of the surroundings the proposed development would be unneighbourly and reduce the enjoyment of people living nearby in their homes.

6. My conclusion is that planning permission should not be granted. I have taken into account all the other matters raised in the written representations and am of the opinion they do not outweigh the considerations on which I have based my decision.

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

I am Sir

Your obedient Servant



R P DANNREUTHER
Inspector