

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



## DACORUM BOROUGH COUNCIL

To Mr & Mrs B West  
25 Crossfell Road  
Hemel Hempstead  
Herts

Capener Cross Partnership  
Salter House  
Cherry Bounce  
Hemel Hempstead  
Herts

Detached Dwelling

at Adj 25 Crossfell Road, 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 ..... and received with sufficient particulars on ..... **11.7.90** ..... and shown on the plan(s) accompanying such application,

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

1. Use of the proposed vehicular access would have a seriously detrimental effect on the privacy and amenities at present enjoyed by occupants of adjacent dwellings.
2. The proposal represents a cramped form of development which would prove severely injurious to the general character and amenity of the area.

Dated ... 7 ... day of ... September ... 1990

Signed .....

SEE NOTES OVERLEAF

P/D. 15

XXXXXXXXXXXXXXXXXXXXX  
COUNCIL PLANNING OFFICE  
DIRECTOR OF PLANNING

## 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 the date 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.



**Planning Inspectorate  
Department of the Environment**

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218  
Switchboard 0272-218811

927

Capener Cross Partnership  
Salter House  
Cherry Bounce  
HEMEL HEMPSTEAD  
Herts  
HP1 3AS

PLANNING DEPARTMENT						GTN 1974
DACORUM BOROUGH COUNCIL						Your reference
Ack. 8905						
CIM	CPI	CP		Admin.	Our reference	
					T/APP/A	910/A/90/168341/P4
Received				30 JAN 1991		Date
Comments						

29 JAN 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR & MRS B WEST  
APPLICATION NO: 4-1006-90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a detached dwelling on land adjacent to 25 Crossfell Road, Leverstock Green, Hemel Hempstead. I have considered the written representations made by you and by the Council, and also those made by the Leverstock Green Village Association and other interested persons. I have also considered the written representations made directly by the Leverstock Green Village Association and other interested persons to the Council which have been forwarded to me. I inspected the site on 17 December 1990.

2. From my inspection of the site and its surroundings and my consideration of the written representations made, I judge that the main issues in this case are first the effect the proposal would have on the character and appearance of the surrounding residential area, and secondly the implications for neighbours' living conditions with particular reference to privacy, noise and disturbance.

3. On the first issue the appeal site is located within the urban area of Hemel Hempstead on an established residential road. It is presently used as part of the garden of No 25 and comprises a corner plot between Nos 25 and 27 Crossfell Road. These are both detached properties which front onto a small turning head which is separated from the main part of the street by a small traffic island. At the time of my site visit I observed only a fairly ordinary mixed area of housing with a variety of types and styles of properties and differing widths of frontages. Although there is an existing unbuilt gap between No 25 and 27 I do not accept that this gap makes a significant contribution to the street scene bearing in mind the differing types of development and space between properties in other parts of the street.

4. The Council considers that the proposed dwelling would appear cramped in relation to the adjacent dwellings with resultant loss of character to this corner of Crossfell Road. In my view the proposed detached dwelling would be similar in bulk and design to existing properties and would be in keeping with the character of adjacent development. I do not therefore consider that the proposed dwelling would give the street a cramped or terraced appearance. I note that it would be about 1.2 m from the side wall of No 27 and I believe that this is a sufficient gap to retain the detached character of this part of the street. In any event I do not consider that the area has any special architectural or other qualities that are



worth preserving and following the advice contained in Development Control Policy Note 2 I find no reason why new development should not be different in character. I conclude that the proposal would not significantly effect the character and appearance of the surrounding residential area.

5. The Council is concerned that the proposal is contrary to its environmental guidelines set out in the Dacorum District Plan. The proposal complies in general terms with Policy 63 which states that Hemel Hempstead is one of the urban areas in which housing development will be concentrated. In addition Policy 64 provides that planning permission will normally be granted for residential development on small sites within the urban area of Hemel Hempstead. Since I do not consider that the proposal would materially affect the surrounding residential area I do not believe there would be any significant conflict between the proposal and the objectives of Policies 18 and 66 to maintain and enhance the quality of the environment in residential areas.

6. On the second issue the Council considers that the scheme would be detrimental to the living conditions of the occupiers of adjacent properties due to increased use of the shared access. When I visited the site I saw that this area is already used for the access and parking of vehicles by the occupants of No 25. In my view the traffic movements generated by a single dwelling would not markedly exacerbate any noise or disturbance having regard to the existing use of the forecourt area. I also note that the kitchen and the main entrance area are the only windows of No 25 which overlook the additional parking space and in my view this will not cause any material loss of privacy to that property.

7. You have drawn support for the scheme from national policy. In my opinion the proposal would realise the development potential of an underused site and would be an effective use of land within the existing urban area consistent with the advice contained in Planning Policy Guidance Note 3 and Circular 15/84.

8. I have considered carefully the implications of the proposed development for highway safety and congestion on Crossfell Road. The Council accepts that the scheme complies with its interim parking guidelines in that 3 off-street spaces would be provided. The guidelines also state that double parking is acceptable within a dwelling curtilage. I note the concern of interested persons regarding parking problems in the vicinity of the appeal site. I consider however that the parking provision within the site is such that any increase in on-street parking resulting from the proposal would be minimal and there would therefore be no material conflict with Policy 19 of the District Plan. In my opinion the proposed development would not therefore have any significant effect on highway safety and congestion on Crossfell Road.

9. I have noted the concern expressed by interested persons that if the appeal were allowed it would be more difficult for the Council to resist similar proposals within the estate. I have decided this case on its own particular facts and conclude that no material harm would result. Since each case is decided on its own merits this would not prevent the Council resisting other applications where appropriate.

10. I have also considered the garden space which is available and whether this would provide satisfactory living conditions for future occupiers. Since the house would be positioned side on to prevent loss of privacy to adjacent properties the main garden area is to the side of the house rather than to the rear. I am however satisfied that this side garden area would have sufficient privacy and is of a depth so as to provide a good sized garden and reasonable living conditions for future occupiers. In addition I note that the Council considers that the existing dwelling would retain a fairly large garden area.

11. I have also considered the comments of interested persons relating to restrictive covenants. Although they may have other legal remedies I do consider that the existence of such restrictions in this case is a planning consideration. \* not \*

12. I have taken account of the other matters raised in the representations including the considerable weight of objections from local residents but do not consider that there are any of sufficient weight to override those that have led me to my decision.

13. The Council has suggested a number of conditions that might be imposed should I be minded to allow this appeal. Apart from the standard condition I consider that condition 6.2.2 is necessary to preserve the character and appearance of the area, and condition 6.2.3 is necessary in the interests of highway safety as amended to reflect the advice contained in Circular 1/85.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached dwelling on land adjacent to 25 Crossfell Road, Leverstock Green, Hemel Hempstead in accordance with the terms of the application (No 4/1006/90) dated 11 July 1990 subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. no development shall take place until details of materials to be used externally have been submitted to and approved in writing by the local planning authority and the development hereby permitted shall be carried out in the materials so approved;
3. the development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the submitted plan for 3 cars to be parked and those parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.

15. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen  
Your obedient Servant

CW Hoare

C W HOARE LLB Solicitor  
Inspector

\* sentence corrected by Inspector  
in letter d'd 9.5.91. to  
Hepburn's agent.