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HP4 2RQ

18 JAN 1990

Your reference

Our reference

T/APP/A1910/A/89/128047/P4
 T/APP/A1910/A/89/138091/P4

Date

17 JAN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR AND MRS PAYNE
 APPLICATION NO:- 4/0243/89 AND 4/1063/89

1. I have been appointed by the Secretary of State for the Environment to determine the above appeals against the decisions of the Dacorum Borough Council to refuse outline planning permission for the erection of a. 6 Category one elderly persons flats and b. 3 town houses at Rose Corner, Doctors Commons Road, Berkhamsted, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council and 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 20 November 1989.
2. I note that these are applications for outline planning permission with all matters reserved and I have therefore treated the layouts shown on the sketch plans as being for illustrative purposes only.
3. From my inspection of the site and my examination of the representations made I consider the main issues in this case are whether the proposals would have adequate amenity space, create a safety hazard for traffic and pedestrians, harm the character of the area, and intrude on the privacy of occupants of the neighbouring houses.
4. Turning first to the proposal for housing for elderly persons there have been several illustrative plans submitted 2 showing parking at the rear approached via an access road one with and one without a flat forming an arch above it and a third showing parking provision at the front of the site.
5. The triangular shape of the site means that the amount of useable rear garden that could be provided with the proposal is very limited. I recognise that elderly persons tend not to require a large amount of amenity space nevertheless, to my mind, with parking at the rear, the amount of useable garden space would be unacceptably small. Even with the parking at the front of the site I consider the garden space at the rear would be very limited and could lead to intrusion on the privacy of the rear rooms of the ground floor flats. Thus I find this aspect weighs against the proposal.
6. The Council's standards require 5 parking spaces and I consider that it would be difficult to provide these at the front of the development without having some unacceptably close to the windows of habitable rooms and with inadequate sightlines for safe turning into the road. Though I did not find the traffic fast moving, the

road is moderately busy at times, for example with parents driving to and from the 2 schools in it. I am also mindful of the pedestrian flows including those to and from the schools nearby and the fact that the drivers would be elderly. Therefore in my judgement the reversing of cars either into or out of the parking spaces over the pavement would be an unacceptable hazard and inconvenience to pedestrians and traffic.

7. I do not consider that the 2 storey building itself would necessarily be out of character with the substantial houses in the road. Though there would remain substantial gaps between the site boundaries and the adjacent houses the proposal runs up almost to the boundaries of the site and to my mind would look rather cramped. More importantly, in my view, the provision of a row of parking spaces at the front of the site would create a character quite different from the other residential properties in the road and would cause unacceptable harm to the street scene.

8. I am satisfied that it would be possible to avoid windows to habitable rooms facing north-east and south-west towards the adjoining houses. There would be some element of overlooking the rear garden of Angleside but this in large measure results from that garden running at an angle behind the appeal site. It would be most severe in relation to any north-west facing windows in upper flats at the north-east end of the site but I am satisfied that these could be restricted to windows for bedrooms and non-habitable rooms. Therefore I consider that the proposal would not intrude unacceptably on the privacy of the neighbouring residents.

9. In considering the proposal for 3 town houses, though the application is for outline planning permission, I have had regard for the general scale of the provision in your illustrative plan. I consider that the size of the amenity area for each would be very small and to my mind it would be quite unsuitable for family houses of the size shown on your illustrative plan.

10. You have suggested that 7 parking spaces could be provided with further reduction of the garden space and this would meet the Council's standard for family houses of the type shown on your illustrative plan. However I consider that there could not be turning provision within the site and if parking took place both in the garages and on the aprons in front of them this would result in awkward manoeuvring movements onto the road if the garaged car was required first. There would also be reversing either into or out of the parking. To my mind the overall result would be an unacceptable safety hazard and inconvenience to pedestrians and traffic.

11. I am satisfied that problems of overlooking could be avoided by careful planning of the location of windows as indicated in paragraph 8 above. I noted that the houses on either side have a third storey set in their roofs and on the opposite side of the road there are 3-storey town houses and a school set well back in its grounds. There is also considerable variation in the scale and style of housing and though there is a building line for the small group of houses to the south this is not carried through, Angleside being set much further back. Thus I do not consider that the proposal would necessarily harm the character of the area in those respects. However the proposal would occupy nearly the whole width of the site and in my opinion it would look somewhat cramped and this does add weight to the objections on other grounds.

12. In reaching my decision I have taken account of the other matters raised, but these do not alter my conclusion on the main issues.

13. For the above reasons, and in exercise of powers transferred to me I hereby dismiss these appeals.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'M Foulkes', written in dark ink.

M FOULKES CEng BSc(Eng) MICE
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr & Mrs Payne
Rose Corner
Doctors Common Road
Berkhamsted
Herts

CGB Partnership
Heatherways
Frithsden Copse
Berkhamsted HP4 2RQ

..... Three town houses (OUTLINE)
.....
at Rose Corner,
..... Doctors Common 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 16. June. 1989 and received with sufficient particulars on 19. June. 1989 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 an excessive form of development on this restricted site which is inadequate to accommodate satisfactorily the buildings with necessary amenity space, and would if permitted be harmful to the general character of the area and the amenities of the adjacent properties.

Dated 13 day of September 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.