

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

RB

## DACORUM BOROUGH COUNCIL

To Mrs L Cooke & Mrs M Wood P J Fountaine  
 "Cleo" George Street 27 Castle Street  
 Berkhamsted Berkhamstead  
 Herts

..... One dwelling (outline) .....

at ... Cleo/South View, George Street, 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 ..... 18.8.85 ..... and received with sufficient particulars on ..... 20.8.85 ..... and shown on the plan(s) accompanying such application.

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

Having regard to the limited area of the site and its topography, its development for one dwelling would result in an unsatisfactory form of residential development with inadequate amenities and would be detrimental to the general and visual amenities of the adjacent properties.

Dated ..... 16th ..... day of ... October ..... 19 ..85..

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.

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Your reference

Our reference:

T/APP/A1910/A/85/040416/APP

Date

6 MAR 86

I.C.

Admin.

File

Received

-7 MAR 1986

SCHEDULE 9

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MRS L COOK AND MRS M WOOD  
APPLICATION NO:- 4/1069/85

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwelling on land forming part of the curtilages "Cleo" and "South View", George Street, Berkhamstead. I have considered the written representations made by you, by the council and also those made by interested persons. I inspected the site on 17 February 1986.

2. From my consideration of the representations and as a result of my inspection I am of the opinion the main issues raised by this appeal are:

i. whether the proposed development would be harmful to the visual and residential amenities of the occupiers of neighbouring dwellings; and

ii. whether its future occupiers would enjoy a reasonable standard of residential amenity.

3. The appeal site is situated on a strip of land separating George Street from Bank Mill and has common boundaries with those 2 highways. The latter rises to cross the railway bridge and is therefore a variable height above the appeal site but not less than about 1.5 m at its lowest point. The appeal site itself is about 0.75 m above the narrow carriageway of George Street along its whole length of about 32.0 m. In contrast to its frontage the depth of the site is quite shallow and averages about 13.0 m, its widest point coinciding with the point where the difference in level is also the greatest.

4. The geometry of the site imposes obvious restrictions on the scope for designing the proposed dwelling. The illustrative Feasibility Plan forwarded with your clients' representations shows a lateral layout for a 2-bedroomed bungalow set more or less on a level with the George Street carriageway. By this means access to a parking area and garage is made possible and any objection to the proposed development on the grounds of possible obstruction by traffic generated by the proposal is largely overcome. It is obvious too from the illustrative elevation that a bungalow on the appeal site could be erected without being unreasonably overbearing or intrusive to a degree that would affect the visual amenities of those occupying the dwellings opposite.

5. However, the restrictions of the site would require that the proposed bungalow were erected very close to the George Street carriageway and as a consequence much closer to the properties on the opposite side than was the case with the recent development nearby. I was unable to see the layout of those bungalows sufficiently

well to make comparisons but I have no doubt that the only possible design for a dwelling on the appeal site would result in every habitable room being dependent for its main light from windows on its southern elevation. It seems inevitable that, in those circumstances, some overlooking of the properties opposite would occur to the detriment of their occupiers unless screening which did not also unreasonably affect the light to the proposed dwelling could be incorporated into the development. The prospect of that being feasible appears unlikely to me.

6. It is, however, the quality of residential amenity which could be provided by the proposed dwelling that is most affected by the restrictions of the appeal site. Irrespective of whether the floor levels of the proposed dwelling were to approximate to the existing level of the site or as illustrated it would be necessary to retain the northern most part of the site by a retaining wall. As a result the effective depth of the site for building purposes would be reduced to less than 10.0 m. Although the remaining parts of the site have been shown as garden area that part of the site nearest to Bank Mill would be largely inaccessible. The garden would be unlikely to provide much privacy from the view of passers-by on the elevated footpath of Bank Mill unless it too were planted and used for screening, but as with the George Street frontage, that could only be at the expense of lighting the interior. It seems to me that development on the appeal site whilst being feasible in the manner shown and not imposing an unreasonable effect on the occupiers of neighbouring properties would, inevitably, provide a poor standard of residential amenity because of the cramped and exposed conditions which the occupiers would be subject to and, on balance, I am of the opinion it should not be permitted.

7. I have considered all other matters raised in the representations but none of these seem as important to me as those which lead me to my decision.

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

I am Sir

Your obedient Servant



MICHAEL GRIFFIN BSc(Eng) CEng MICE DipTE  
Inspector