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Your reference

Our reference

T/APP/A1910/A/85/040416/P7

Date

-6 MAR 86

ACT COUNCIL

C. Admin. File

Received

-7 MAR 1986

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 dependant 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 foot-path 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

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

RB

DACORUM BOROUGH COUNCIL

To Mrs L Cooke & Mrs M Wood
"Cleo" George Street
Berkhamsted

P J Fountaine
27 Castle Street
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