



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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31 Cardiff Road
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LU1 1PP

Your Ref:

SRJ/HCP5133

Our Ref:

TAAPP/A1910/A/96/261965/PS

Date: 3 JUN 1996

Dear Sirs

- 4 JUN 1996

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/1069/95RM

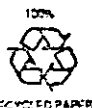
1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the failure of the Dacorum Borough Council to give within the prescribed period notice of their decision in respect of an application for the erection of 2 semi-detached houses on land at 144 High Street, Markyate. I have considered the written representations made by you and by the Council and also those made by an interested person. I inspected the site on 25 April 1996.

2. The application sought approval of reserved matters following a grant of outline planning permission for a pair of semi-detached houses on the appeal site in 1995. Amended plans were submitted at the application stage and I determine the appeal on the basis of drawing number A.1795-01.B.

3. After the submission of the appeal the Council resolved that, had it been in a position to determine the application, it would have refused to approve the details because the siting and design of the proposed development would have a seriously detrimental effect on the amenities of No 142 High Street by reason of its intrusive and overbearing appearance, overshadowing and loss of light.

4. I am required by Section 54A of the Act to determine the appeal in accordance with relevant development plan provisions unless material considerations indicate otherwise. The development plan comprises the Hertfordshire County Structure Plan Review (1991) and the Dacorum Borough Local Plan adopted by the Council in 1995. Both plans identify Markyate as a village beyond the Green Belt where development is permitted if it is compatible with the existing character of the settlement. As a result the Council accepts that the principle of the residential development of this former coach garage and depot is acceptable, as reflected by its grant of outline planning permission. Other local plan policies seek to ensure that development achieves a high standard and is appropriate in terms of a range of detailed criteria including layout, siting and bulk in relation to adjoining property and the wider area.

5. From the foregoing, the representations made, and my inspection of the site and its surroundings, I consider that the main issue is the effect of the proposal on the living conditions of the occupants of the adjoining house at 142 High Street with regard to outlook and overshadowing.



6. Prior to the approval of the existing outline planning permission an application for the erection of four one-person flats was refused by the Council and dismissed on appeal. Among other things, the Inspector was concerned about overshadowing and the effect of the building on the outlook from No 142. I regard this decision as a material consideration to be taken into account.
7. The appeal plans show the houses sited in a very similar location to that shown in an illustrative site plan which accompanied the approved outline planning permission. However, you accept that siting was a condition of that permission. Because of the narrow width of the site the proposed houses have integral garages. These are designed to project out from the main front wall by about 2.5m. I appreciate that the footprint has been set back into the site to meet the highway authority's requirement for a 6m deep parking space leading to the garages. The effect of this is to push the main bulk of the houses further into the site.
8. No 142, the detached house adjoining the north western boundary, is situated at the back edge of the footpath and along the joint boundary. It has been the subject of a two storey extension at the rear. From the plans submitted, I estimate that the nearest of the two proposed houses would project beyond the extended rear wall of No 142 by about 7.5m at a distance of less than 1m from the joint boundary. I accept that the ground level can be excavated and that the roof would be hipped. I also note that the landing window on the side wall would be obscurely glazed and that this could be controlled in the future by means of a planning condition so that any potential for overlooking could be avoided. However, in my judgement the depth and bulk of the nearest house would be unacceptably intrusive when seen from the rear of No 142. I consider that it would lead the occupiers of that house to experience an unreasonable degree of overshadowing and loss of daylight.
9. I appreciate that these are relatively small houses and that the outline permission was granted with a not dissimilar scheme used for illustrative purposes. However, in my judgement there remains scope for compromise in both the design and layout of the houses and, given the generous footpath width at this point, in the length of set back required for the garage driveway. An acceptable design solution should be possible avoiding the degree of harm which I have identified.
10. I also acknowledge that coaches may well have been parked close to the joint boundary with No 142 and that in general terms the development can lead the way to an environmental improvement when the dilapidated former garage is removed. Nevertheless, this does not outweigh the harm which would be caused by the proposal in my view.
11. I have considered all of the other matters raised but I find nothing which alters the balance of my conclusions.
12. For the above reasons, and in exercise of the powers transferred to me, I hereby ~~dismiss this appeal~~ and refuse planning permission for the development described in paragraph 1.

Yours faithfully

Philip A. Goodman

PHILIP A GOODMAN BA(HONS) DMS MRTPI MIMgt
Inspector