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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL			
9 <sup>th</sup> DJ		Ackn <sup>d</sup>	
0272 218 865	DC	DC	Admin.
0272 218 811			File
Received 28 JUN 1983			
Your reference Comments			
Our reference T/APP/5252/A/83/00070/PH3			
Date 27 JUN 83			

Mr R E McCormack  
2 Chillwell Gardens  
SOUTH OXHEY  
Hertfordshire

Sir

TOWN AND COUNTRY PLANNING CT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/1083/82

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a 3 bedroom house with a garage and the construction of a vehicular and a pedestrian access on land at 34 Icknield Way, Tring, Hertfordshire. I have considered the written representations made by you and by the council and also those made by one other party and interested persons.

2. I note the difference of opinion between you and solicitors acting for the executors of the late Mr E R Hawes over the legal status of an agreement to buy the appeal site, but, as you served notices on the person you believed to be the owner of the appeal site in accordance with the provisions of the Town and Country Planning Act 1971 Section 27, both at the application and appeal stages, I intend to determine your appeal.

3. From the written representations made and from my inspection of the appeal site and its surroundings on 3 May 1983, my opinion is that this case turns on whether the proposal would significantly harm the neighbours' amenities and unduly mar the appearance and character of the area of which the appeal site is part.

4. On the first consideration, I accept that the 2-storey detached house in Christchurch Road next to the appeal site has no windows facing it and that the proposed house could be designed to avoid overlooking between its main living rooms and those of the existing houses on either side. However, the proposed house would stand near the 2-storey pair of semi-detached houses that front onto Icknield Way and next to their back gardens. I am convinced that, in this position, the proposed house would totally overshadow and spoil the outlook from the back main living rooms and back gardens of those nearby houses and that the normal noise and activities of a household and its visitors on the small appeal site would annoy and disturb the neighbours at times, both in their homes and back gardens, where people usually go to enjoy their quiet, private, outdoor leisure pursuits and relaxation.

5. I find therefore, that your proposal would significantly harm the neighbours' amenities.

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6. Turning to the second consideration, I take the point that the proposed house could look like the 2-storey detached house that stands on the opposite side of Christchurch Road beyond the long back gardens of the houses with frontages on Icknield Way.

7. However, I am sure that the proposed house would appear as an unwarranted, dominant, intrusive feature in the generally pleasant long open gap provided by the long, mature, landscaped back gardens of the houses with frontages on Icknield Way. Furthermore, some of the main living room windows of the proposed house would be close to the tall, thick privet hedge on the roadside and south-east boundaries of the appeal site. It seems to me that there could be pressure from the future occupants of the proposed house for this attractive feature to be lowered or removed.

8. I conclude therefore, that your proposal would unduly mar the appearance and character of the area of which the appeal site is part and that it is unacceptable.

9. Having taken full account of all the other matters raised in the written representations of this case and the examples of local residential development, I am of the opinion that these matters do not outweigh the considerations that led me to my decision. Accordingly, for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Sir

Your obedient Servant



R HODGE FRTPPI DipTP(Notts)  
Inspector