

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To W. J. Hughes, Esq.,
5 Broad Street,
HEMEL HEMPSTEAD,
Herts.

Brian B. Smith, Esq., M.S.A.A.T.,
45 Meadowcroft,
ST. ALBANS,
Herts.

Three storey side and rear extension

at 5 Broad Street, Hemel Hempstead.

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 14th July, 1980, and received with sufficient particulars on 18th July, 1980, and shown on the plan(s) accompanying such application..

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

The proposed development would represent over development of this particular site, affect adversely visual and general amenities and detract from the character of the area.

Dated 11th day of September, 1980, ...

Signed.....

Designation Director of Technical Services.

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



Department of the Environment

Room 13/09

Toilgate House Houlton Street Bristol BS2 9DJ

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.C.	B.C.	Admin.	File	
0272-218 063					
0272-218811					
2074					
Received				13 OCT 1981	
Your reference 80/AL/263					
Our reference T/APP/5252/A/81/2514/G9					
Date					

Messrs Murgatroyds
36 Holywell Hill
ST ALBANS
Herts
AL1 1BT

CHIEF EXECUTIVE

13 OCT 1981

Cleared

12 OCT 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR W J HUGHES
APPLICATION NO:- 4/1113/80

3371

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for a 3 storey side and rear extension to an old peoples' home at 5 Broad Street, Hemel Hempstead. I held a local inquiry into the appeal on 16 September 1981.
- The appeal premises comprise a substantial detached 3 storey house in a medium sized garden, situated in a long established residential area of Hemel Hempstead. To the west of the site is another detached house, to the east semi-detached houses. To the north, at the rear of the premises, and at an appreciably lower level, is a terrace of modern 2 storey houses, Pine Tree Close, and a small block of 2 storey flats. To the south, on the opposite side of Broad Street, are further dwellings. The appeal proposal would square off the existing L shaped building by extending it at the side and rear, mainly at 3 storey height.
- In support of your client's case it was stated that there is a substantial shortage of accommodation for elderly people in the area and a need to undertake building work on the premises to provide improved facilities. The proposals would have no serious effect on the amenities of nearby houses nor on the character of the area. The scheme had been drawn up to overcome objections to a previous proposal and the council's officers had recommended that it be approved.
- The council have refused permission because they consider that the proposal would involve over development of the site and would adversely affect the visual and general amenities of the area and detract from its residential character. Strong objections have been received from local residents, a number of whom made representations at the inquiry. The main objections include the following. The proposal would lead to a serious loss of privacy to nearby houses and their gardens and to serious loss of sunlight and outlook. The building as proposed would have an overbearing effect. It would lead to increased activity and general disturbance in the area and to increased on-street car parking, in an area with existing parking problems.
- From my inspection of the site and its surroundings and the representations made I consider that the main issue in the case is whether or not the proposed development would detract seriously from the character and amenities of this residential area.

6. Regarding the effect of the proposal on existing residential privacy the adjoining dwelling to the west, No 3 Broad Street, and its garden, are already overlooked by a number of windows in the existing side wall of your client's building and permission has already been granted for a single storey extension on this side of No 5. In my opinion the proposed extension would not have any unacceptable consequences for the standard of privacy at present enjoyed by No 3, as long as appropriate screening is provided on the boundary. I consider that loss of privacy is potentially more serious on the other side of the appeal site, particularly in relation to No 7 Broad Street. However the proposed design for the eastern elevation of the extension features Velux windows and windows with high sills on the upper floors and in my opinion these would do much to deal with the situation. I consider that the problem of the proposed new dining room windows could again be alleviated by suitable boundary screening. I recognise that some dwellings in Pine Tree Close, and to a lesser extent in the block of flats, would be vulnerable to increased overlooking if the appeal proposal were permitted, because of the resulting increase in the number of north facing windows on this part of Broad Street and because the extension would bring the windows nearer to Pine Tree Close. Your client recognises this and has suggested that the rear wall of his site should be raised by about 2 ft or an ever green screen planted. In my opinion both of these measures would be needed to safeguard the privacy of the rear gardens and living room windows. The bedroom windows could not be screened so effectively in this way but the distance between facing windows would be of the order of 110 ft and, while I would not wish to see a lesser distance, I take the view that, in itself, a gap of this size allows an acceptable standard of privacy.

7. Regarding the possible overbearing effect of the proposed building I recognise that it would appear as a 4 storey building seen from the north, because of the difference in levels, and that the extension would increase substantially the bulk of the building. However the roof height of the proposed extension is rather lower than that of the existing one and the new 3 storey structure would not extend much closer to Pine Tree Close than part of the existing building. In my opinion the building would not appear overbearing when seen from the rear. The scheme would bring a 3 storey building much closer to part of the side of No 7 Broad Street than at present. However part of No 5 is already as close, in my view an adequate distance would remain between the buildings, for a residential area of this character. I consider too that the appearance of the side elevation of No 5 would be improved by the extension. Local residents have objected that the extension would seriously reduce the outlook from their houses and gardens but given that the extension would not greatly increase the maximum dimensions of the existing building I am not satisfied that the proposal would have serious consequences in this respect. Likewise while I accept that the proposal would lead to some loss of sunlight to gardens and dwellings I am not persuaded that the loss would be so pronounced as to justify the refusal of permission.

8. The council and some local residents state that the extension would detract from the appearance of this pleasant residential area. I accept that the appeal scheme would make the building by far the largest in the street. However I do not consider that the proposed new structure would have any significant impact on the appearance of Broad Street itself and I am not satisfied that its effect on the area of rear gardens would be so obtrusive as to justify the refusal of permission.

9. I recognise the strong concern about the scale of the proposed extension in relation to the likely increase in activity and general disturbance. I am satisfied that the level of activity and disturbance associated with the house at present is quite low, and in my opinion this sort of use is more acceptable in a residential area than many other forms of institutional accommodation. At present the home has 7 bedrooms and 21 old people and your client estimates that, after the erection of

nine small bedrooms and the other changes the enlarged home would house about 26 old people. I cannot ignore the possibility that future occupancy would be higher, perhaps around 30 persons, and such an increase would lead to substantially higher levels of activity and disturbance than at present. Nonetheless I have concluded that likely future levels of activity would not be so high as to detract seriously from residential amenities.

10. During my inspection I observed that there is a substantial amount of residential parking on street in the vicinity of the appeal site. Your client's proposal would add about 5 spaces to the existing car parking available for the premises and the council indicated that this level of provision is satisfactory to them. I am satisfied that if the additional provision were made before the extension were to be occupied there should be no serious deterioration in car parking conditions in the vicinity.

11. I have examined the representations made about the provision of garden space for the residents of the home. I have considered these, and all the other representations made, including those relating to the former stable building, and the likely effect of the proposed development on the population balance of the area, but find that they do not outweigh the considerations leading to my conclusion that the appeal proposal is acceptable, provided that certain works are carried out to safeguard the amenities of the area. As I have indicated these works relate to the screening of the boundaries of the site, including tree planting, and the provision of car parking and access space. I note that your client is prepared to accept conditions on a permission in respect of these matters.

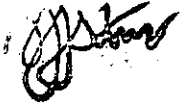
12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for an extension to an old peoples' home at 5 Broad Street, Hemel Hempstead, in accordance with the terms of the application (No 4/1113/80) dated 14 July 1980 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this permission;
2. the extension hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation have been completed in accordance with the approved plans;
3. before the extension hereby permitted is occupied, the height of the existing brick wall on the northern boundary of the site shall be raised, and fences shall be erected along the east and west boundaries of the site, as may be agreed with the local planning authority;
4. before the extension hereby permitted is occupied trees or shrubs shall be planted on the land in such positions and of such species as may be agreed with the local planning authority. Any trees or shrubs removed, dying, being seriously damaged or becoming seriously diseased within 2 years of planting, shall be replaced by specimens of similar size and species to those originally required to be planted.

13. Attention is drawn to the fact that an applicant for any consent agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the Authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to be 'A J J Street', written in a cursive style.

A J J STREET
Inspector