

CHIEF EXECUTIVE  
OFFICER

28 JUL 1982

File Ref. ....  
Refer to ..... CPO  
Cleared .....Department of the Environment and  
Department of Transport

Common Services

Room 1308 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 856  
Switchboard 0272-218811J L Pearse Esq  
21 Risedale Road  
HEMEL HEMPSTEAD  
Herts  
HP3 9NW

Your reference

5435

Our reference

T/APP/5252/A/82/3833/G8  
Date

27 JUL 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/1114/81

1. 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 garage and access onto the road, new pathway alongside the house and a kitchen extension at 21 Risedale Road, Hemel Hempstead, Hertfordshire. I have considered the written representations made by you, the council and also those made by another interested person. I inspected the site on 27 June 1982.
2. From the representations that have been made and from my inspection, I consider that a decision in this case turns on the effect the proposal would have on other property in the area.
3. In their case for refusing the application the council refer to previous extensions made to your house, which have had the effect of nearly doubling the original floor space. They point out that the proposed further extension and conversion of the enlarged property into 2 dwellings would result in a pair of semi-detached houses being turned into a terrace of 3 units. In their opinion the additional development and creation of a third dwelling, would increase activities connected with the site to the detriment of the amenities and privacy of other people living nearby.
4. They are also concerned to preserve the small open space flanking your property and separating it from the forecourt of the adjoining block of lock up garages. They contend that your intention to form an access to a garage within the site and a footpath along the side of the house would prove damaging to this local amenity. In their view the sacrifice of part of the open space to serve a development, which they consider open to objection on other grounds, would be unjustified.
5. Having now seen the area I understand the council's wish to prevent over-development and to protect the open space referred to. But I note that the proposed single storey kitchen extension would be some distance from houses fronting Risedale Hill to the north-west and shielded from them by the trees on the open space and by the block of lock up garages. Similarly, to the south-east, it would be screened from the gardens of Nos 23-27 Risedale Road, by the rearward 2-storey projection of your house. In this position it seems unlikely in my opinion to interfere seriously with the interests of residents in those properties.
6. I acknowledge that the introduction of an additional, separate dwelling may cause some increase in pedestrian and vehicular traffic to the site. But as the

proposed new footpath and garage accesses would be from the open space and existing forecourt I am not persuaded that such an increase would be sufficiently disturbing to other residents as to warrant refusing your appeal.

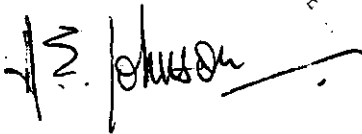
7. With regard to the open space, I note that among the conditions on which the council's Director of Technical Services is prepared to recommend an easement, is a restriction on the taking down, lopping or damaging in any way of the trees on the land. In my opinion, subject to this safeguard, the proposed accesses could be formed without significant change to the appearance of this attractive feature.

8. I have taken account of all other matters raised in the representations but do not consider them to be of such force as to affect my decision. For the reasons given and in exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for a garage and access onto the road, new pathway alongside the house and a kitchen extension at 21 Risedale Road, Hemel Hempstead in accordance with the terms of the application (No 4/1114/81), dated 25 July 1981 and the drawing submitted therewith.

9. This permission is subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

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

I am Sir  
Your obedient Servant



D E JOHNSON, FRTP RIBA  
Inspector

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF

D. 36147

IN THE COUNTY OF HERTFORD

To Mr. Pearce  
21 Lissdale Road  
Hemel Hempstead  
Herts

Reeders D. G. Designs  
84 High Street  
Markyate  
Herts

Two storey rear extension. Change of use of land  
from amenity green to garden access.  
at 21 Lissdale Road  
Hemel Hempstead

Brief  
description  
and location  
of proposed  
development.

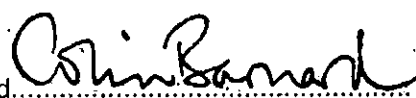
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 25 July 1981 and received with sufficient particulars on 25 August 1981 and shown on the plan(s) accompanying such application.

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

1. The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 1st day of October 1981

Signed



Designation Chief Planning Officer

## 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.

*Handwritten signature*