

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mrs G Hughes
45 Newell Road
Hemel Hempstead
Herts

Poulter & Francis
57 Marlowes
Hemel Hempstead
Herts

.....One dwelling - Outline.....
.....
at ... Land r/o 45 Newell 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 dated17th September 1982..... and received with sufficient particulars on21st September 1982..... 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 constitute undesirable backland development which would be unsatisfactorily sited in relation to existing properties.
- (2) The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated15th..... day ofNovember.....19 82....

Signed.....

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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.



Common Services

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL		
Ref.	861	4-10-1
Switchboard	0272-218811	D.P.
J.C.	Admin.	File

Messrs Poulter & Francis
Chartered Surveyors
57 Marlowes
HEMEL HEMPSTEAD
Hertfordshire
HP1 1LE

CHIEF EXECUTIVE

23 SEP 1983

Your reference

BF/JES/5088

Our reference

T/APP/5252/A/83/003714/PH3

Date

22 SEP 1983

23 SEP 1983

RETURN TO MR FOR
COMMITTEE REPORT

7584

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS GLADYS HUGHES
APPLICATION NO: 4/1120/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of Dacorum District Council to refuse planning permission for the erection of one detached bungalow and replacement garage on land to side and rear of 45 Newell Road, Hemel Hempstead, Hertfordshire. I have considered all the written representations made on behalf of your client and the council and also those made by interested persons. I inspected the site on Monday 8 August 1983.
2. From the representations made and from my inspection of the site I conclude that the main issue in this appeal is whether the development as proposed is an acceptable addition to development in Newell Road or an undesirable development of backland.
3. The proposal is to sub-divide the gardens so that a joint vehicular access is created and that part of the rear garden furthest from the house is developed residentially.
4. Newell Road rises from south-west to north-east and No. 45 is a largish bungalow located towards the north-east boundary of its double width rectangular site fronting the south-east side about $\frac{1}{3}$ of the way up the hill. The south-east half of the south-west boundary is with No. 49A Newell Road, a bungalow standing close to that boundary and reached by an access track between Nos 49 and 51 Newell Road. Surrounding development to the north-east in Newell Road comprises detached houses on largish plots; to the south-east are detached houses on medium sized plots fronting Belmont Road; to the south-west are moderately sized detached and semi-detached houses on appropriately sized plots and to the north-west on the farther side of Newell Road is a mix of low density dwellings of various types.
5. Your client's proposal is for development of backland and the main thrust of her case is precedent created some 20 years ago when No. 49A was built. Backland may be developed if the conditions are right and in my view the conditions were and are right for No. 49A. However, I do not think that the same thing falls for the appeal proposal. The qualitative difference is in the size of the plot. The appeal site is essentially one-half of the area of No. 49A and whilst as before stated No. 49A is backland development no parallel can be drawn with the appeal project. In my opinion the appeal site, although as large or larger than most of the regularly

laid out house plots directly fronting a highway in the immediate vicinity, is simply too small to satisfactorily accommodate a dwelling as proposed no matter what design and siting is chosen.

6. I accept the contention that there is no evidence that development of No. 49A has had any of the harmful results expected by the council in this case but the appeal site projects into an area of garden land and any building erected and observing normal layout requirements of aspect, prospect, etc on it would in my view tend to be sited as shown on the illustrative drawing. The building would therefore come close to 2 of the boundaries and possess but a limited amount of space around it. In these circumstances I consider that the activity created by development as proposed would unacceptably impinge upon the quiet and privacy of the area and the project would be seriously out of keeping with the character of this part of Newell and Belmont Roads leading to a cramped and relatively overcrowded appearance with consequent substantial loss of environmental quality and amenity. It is for this reason that I think it would be wrong to allow it.

7. Undoubtedly, the site is well located in relation to the town centre and public transport and is a very attractive, well kept and screened parcel of land. I note that all services are available, that any development on the site would be about 140 ft from the rear faces of the Belmont Road houses and accept your client's contention that the proposed replacement garage and access, which by my estimation is some 140 ft long, is not unsuitable, especially if a dustbin point is provided nearer to the road frontage as suggested. Nevertheless, these factors do not form reasons why permission should be granted in this case if it is unsatisfactory as set out in paragraphs 5 and 6 above.

8. I have taken account of all the other matters raised, including the number of representations received for and against the proposals and that the council originally refused planning permission for development of No. 49A Newell Road, but they are not sufficient to outweigh the considerations that have led me to my conclusions.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'W A Greenoff', with a stylized flourish at the end.

W A GREENOFF DiplArch RIBA
Inspector