

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Mr. and Mrs. Ferguson,
1 St. Margarets Close,
Berkhamsted,
Herts.

Mr. J.G. Lewis,
117 Chambersbury Lane,
Hemel Hempstead,
Herts.

..... One dwelling

.....

at 1 St. Margarets Close, Berkhamsted, Herts.

.....

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 7. August 1986 and received with sufficient particulars on 7. August 1986 and shown on the plan(s) accompanying such application..

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

1. Having regard to the limited area of the site and its relationship to existing residential properties, the proposed dwelling would represent over-development of this particular site.
2. The proposed dwelling due to its site and design and by reason of its prominent position on the corner of Swing Gate Lane and St. Margaret's Close would be detrimental to the visual amenities of the area.

Dated 17th day of September 19 86

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



**Department of the Environment and
Department of Transport**

Common Services

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**CHIEF EXECUTIVE
OFFICER**

18 MAY 1987

File No.

Refer to *CHO 18/5*

Cleared

20561

S J Brooker Esq DipT&CP MRTPI
Flatt & Mead
Planning & Land Dept
11 Marlowes
HEMEL HEMPSTEAD
Herts HP1 1LA

Your reference: SJB/CAG

Our reference: T/APP/A1910/A/87/062323/P3

Date

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.	15 MAY 87				
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 18 MAY 1987					
Comments					
30 MAY 1987					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 30 AND SCHEDULE 9
APPEAL BY MR & MRS FERGUSON
APPLICATION NO:- 4/1124/86

1. I have been appointed by the Secretary of State for the Environment to determine this appeal, which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of one dwelling on land adjacent to 1 St. Margarets Close, Berkhamsted. I have considered the written representations made by you and the council, together with those made by the Berkhamsted Town Council and an interested person. I inspected the site on 27 April 1987.
2. From what I have seen and read I consider that there are 2 main issues in this appeal. The first is whether implementing these proposals would result in unduly cramped development on what is at present a single residential plot. The second is whether the proposed design would detract unacceptably from the character of the pleasant surrounding area.
3. Regarding the first issue, I saw that a new dwelling had already been built on land originally within the curtilage of 1 St Margarets Close. The proposed house would stand about 2 m from No 1, necessitating the removal of a ground floor lavatory at that house. The gap would be considerably narrower than that between other houses in the street, which is a harmonious development of similarly designed buildings. I consider that implementing this would give a physically cramped appearance when viewed from the street. Also, the physical bulk of the new structure would intrude on those living at No 1, because of its proximity. The removal of a further portion of the original garden is of somewhat less account, in my view, because garden size is a subjective matter, and future residents at No 1 may be content with a smaller plot. Nevertheless, the outcome would be a house hemmed-in by close development with a small garden, as a result of trying to create 3 dwelling plots from one original site, with the original house losing important parts of its former amenities.
4. The cramped appearance that I have identified is bound up with the physical design. I acknowledge that a certain amount of ingenuity has gone into the design to ensure that no direct overlooking of No 1 results. Nevertheless, I consider that the result would be an unassimilated mixture of elements on the front elevation, and a plan shape which neither resembles its neighbours or is pleasing in its own right. To employ the phrase used in paragraph 20 of Circular 22/80, it is an obviously poor design out of scale and character with its surroundings, and I feel that no minor alteration is likely to make it acceptable.

5. In deciding this appeal I have taken into account the general presumption in favour of allowing proposals for development. However, I feel here that the resultant harm to the amenities of the neighbourhood overrides that presumption. I have taken into account all other matters raised in the representations, but they do not outweigh the planning considerations that have led to my decision.

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

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'Hoile', is written over the typed name.

C J HOILE MA(Oxon) DipTP MRTPI
Inspector