

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To

John Guy, Esq.,
31 Hall Park Hill,
Berkhamsted,
Herts. .Nicholas Cook, Esq.,
61 Piper Road,
Ovingham,
Prudhoe,
Northumberland.

Erection of one detached dwellinghouse

at 31 Hall Park Hill, 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 20th September 1982 ... and received with sufficient particulars on 21st 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 have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
2. 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 23rd day of November 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.



Department of the Environment and
Department of Transport

Common Services

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CPO 1) HB
2) CPO
3) ~~Team~~
4) ~~1~~
5) Return 15
No Believing Report
to Mr. Villard

Mr N J Cook BA MRTP1
61 Piper Road
Ovingham
PRUDHOE
Northumberland

CLIFF EXECUTIVE

25 AUG 1983

Your reference

Cur reference

T/APP/5252/A/83/2603/PH3

Date

23 AUG 83

7470

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR J GUY
APPLICATION NO: 4/1144/82

1. I refer to this 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 one detached dwellinghouse at No 31 Hall Park Hill, Berkhamsted. I have considered the written representations made by you and by the council, and also those made by interested persons. I inspected the site on Thursday 30 June 1983.

2. From my inspection of the appeal site and its surroundings and the representations made, I take the view that the main issues in this case are first, whether or not the proposed development would lead to unacceptably poor levels of residential privacy and second, whether or not the erection of a detached dwelling on the appeal site would do material harm to the appearance of the vicinity.

3. On the first issue I consider that a house erected upon the appeal site would experience unacceptably poor levels of privacy due to the relationship between the appeal site and Mr Guy's house, which lies at a higher level and further back from Hall Park Hill than the adjoining house to the north, No 29 Hall Park Hill. I take the view that wherever a dwelling was erected on the appeal site its rear garden, which in my opinion should enjoy reasonable privacy, would be overlooked directly, and at very close range, from a main bedroom window and also from the edge of the swimming pool of Mr Guy's house. I am of the opinion too that for occupants of the proposed dwelling to have a rear garden of acceptable size it would be necessary for the house to be erected well forward on the plot. In such a position I consider that there would be some overlooking of the rear elevation of the dwelling from close by on Mr Guy's land. I am unable to accept Mr Guy's view that the situation would be one of looking over rather than overlooking and in my opinion the levels of privacy that would be enjoyed by occupants of the proposed house would be unacceptably worse than those enjoyed by occupants of existing dwellings to the north on Hall Park Hill.

4. On the second issue I have concluded, following my inspection, that the appeal site is situated in an attractive residential area. Dwellings in the vicinity are of substantial size and set in good sized plots. The appeal site is 35 ft wide and 80 ft deep, much smaller than is general nearby. In my opinion these dimensions would require that the proposed dwelling itself should be of modest size. I take the view that such a dwelling, whatever its detailed design, would look incongruous in its particular setting of spacious houses, and do material harm to the appearance of the vicinity.

C.P.O.

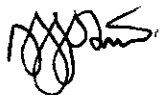
26 AUG 1983

5. In support of Mr Guy's case you contend that the approval at No 24 Hall Park Hill sets a compelling precedent. In particular you say that the site at No 24 is not materially larger than the appeal site and that the extent of overlooking and lack of privacy would be greater in the case of the permitted scheme at No 24 than it would be in the case before me. I have examined these contentions, and the site at No 24, very carefully, but it seems to me, with regard to my first issue, that there is a significant difference between the 2 cases in that the site at No 24 is materially wider. With regard to my second issue, although you contend that problems of overlooking and lack of privacy would be greater in respect of the dwelling approved at No 24 this does not alter my conclusion that occupants of a dwelling on the appeal site would experience unacceptably poor levels of privacy. In addition I must have regard to the consideration that if permission were granted in this case then in my view it would be difficult for the council, in all fairness, to refuse permission for other unsatisfactory developments elsewhere.

6. I have examined carefully the representations made about developments elsewhere in the vicinity, including the erection of "Radford" and of the dwellings in Fieldway, but from my inspection I am satisfied these developments do not provide compelling support for Mr Guy's case, because they do not, in my view, create conditions of unsatisfactory residential amenity nor do harm to their surroundings visually. I do not consider that there are any valid objections to the appeal scheme on traffic grounds. I have examined all the other matters raised, including the representations made about the desirability of having a smaller garden at Mr Guy's house, but in my opinion these considerations do not outweigh those leading to my decision that permission should be refused.

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

I am Sir
Your obedient Servant



A J J STREET BA DipTP MRTP
Inspector