



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

Common Services

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**CHIEF EXECUTIVE  
OFFICER**

17 APR 1986

File ref. ....

Ref. to C.P.O. 17/4

C.P.O. ....

D Clarke Esq  
Drawing Services and  
and Planning Consultant  
47 Gravel Lane  
Boxmoor  
HEMEL HEMPSTEAD, Herts HP1 1SA

Your reference

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL T/APP/A1910/A/86/042730/P2				
Ref.	Date	Ack.		
C.P.O.	D.F.	16 APR 86	Admin.	File
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Received		17 APR 1986		
Comments				
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9				
APPEAL BY PHILIP BATH ESQ				
APPLICATION NO:- 4/1192/85				

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY PHILIP BATH ESQ  
APPLICATION NO:- 4/1192/85

- As you know I have been appointed by the Secretary of State for the Environment to determine the above appeal which is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a detached dwelling on land to the rear of No 2 Tannsfild Drive, Hemel Hempstead, Herts. I have considered the written representations made by you, the council, and also those made by other interested persons. I inspected the site on 10 March 1986.
- From the information thereby obtained I am of the opinion that the main issue in this instance is, bearing in mind the aims of those policies of the council which are relevant to this case, the effect of the proposal on the character and appearance of the locality.
- The appeal site is situated within entirely residential surroundings, comprising both older and more recent development, generally in the form of detached dwellings. Even though some newer housing appears to be at a somewhat higher density than elsewhere (notably the detailed units on the Ellingham Road/Berrymead junction) there still appears to me to be a reasonable separation between properties. So any further building hereabouts should to my mind respect this character.
- The council explain that certain provisions in the adopted Dacorum District Plan (1984) seek to ensure that any additional residential development meets acceptable standards in relation to a number of matters, including layout, design, privacy, and amenity space. I believe these objectives to be both consistent with government policy as expressed in Development and Control Policy Note No 2 and sensible in their approach; they therefore deserve strong support. It is on these grounds that it is claimed that this proposal should be resisted.
- Although you argue that this development would not be inconsistent with others nearby and thereby permissible, I prefer the submissions made by the council, supported by several local residents. The frontage dimensions of this plot would admittedly be similar to some other in the vicinity, and a little more than "The Firs" to the south; but its depth would be no more than the width of your clients rear garden, measuring less than 3 m. No other dwellings hereabouts seem to occupy such a restricted site, as is clearly shown on the plan occupying the council's statement. Accordingly I have no hesitation in concluding that what is suggested would be untypical, unduly out of place, and thus unsatisfactory. Furthermore a plot size of only some 200 sq m appears to me to be inadequate for the erection

of a detached house with integral garage, especially in the light of the nature of this part of Hemel Hempstead where most residential curtilages would seem to be somewhat more extensive. I therefore find that this project would represent over-development and should not be allowed to proceed.

6. Additional factors support my assessment in this respect. Firstly the appeal land is somewhat higher than the adjoining highway so any building here would be particularly noticeable and incongruous however well designed it may be in itself. Secondly, the resultant subdivision of your client's property would leave No 2 Tannsfield Drive with only a very small rear garden, which would not I believe be appropriate. And thirdly because the plot sizes of both this dwelling and that of the appeal proposal would be so limited it would be very difficult contrary to your assertions to provide and maintain reasonable levels of privacy, residential outlook and freedom from unneighbourly consequences. For all these reasons therefore and as well as those identified and explained above I believe that this development would be excessively out of step with the intentions of the council's established policies. It would also be open to severe and valid criticisms based on normal planning practice; these factors in my opinion amount to sound and clear cut objections of sufficient force as to justify withholding consent on this occasion.

7. I have taken into account all other matters raised including the accepted need to make additional building land available wherever possible and government advice as set out in Circular 22/80 and 14/85, but none are of such weight or in my opinion to lead to a different conclusion as the planning merits of this case to that which gives rise to my decision.

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

I am Sir  
Your obedient Servant



ARTHUR LEMON BA(Hons) DipTP MRTPI  
Inspector

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

## DACORUM BOROUGH COUNCIL

To      Mr P Bath                      Mr D Clarke  
          2 Tannsfield Drive        47 Gravel Lane  
          Hemel hempstead        Hemel Hempstead  
          Herts                        Herts

One Dwelling Outline

at ..... Rear 2 Tannsfield Drive  
 ..... 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 ..... 18th September 1985 ..... and received with sufficient particulars on ..... 20th September 1985 ..... and shown on the plan(s) accompanying such application.

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

The proposal represents an over-development of the total site in that there will be inadequate space around both new and existing houses for amenity purposes and to ensure adequate separation between dwellings.

Dated ..... 8th ..... day of ..... November ..... 19 85...

Signed.....

*W. B. B. B. B.*

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.