



Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House, Houghton Street, Bristol, BS2 9DJ

Telex 449321

PLANNING DEPARTMENT

DACORUM DISTRICT COUNCIL

Direct line 0272-218927

Switchboard 0272-218811

21016

D H. Batambou

Rhoda

3-005

30 JUN 1987

CPO 30/10

Ref.				Ack.		GTN 2074		CPO	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File	Your reference			
						1203/86			
Received						Our reference			
30 JUN 1987						T/APP/A1910/A/86/060944/P4			
Comments						Date			
						29 JUN 87			

Mr A L Morrice
37 Adeyfield Road
HEMEL HEMPSTEAD
Herts
HP2 5DP

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1203/86

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for one dwelling and garage at the rear of No. 37 Adeyfield Road, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 11 May 1987.
- From my inspection of the site and surroundings and from the representations made I consider the main issue in this case to be the likely impact of the development on the amenities of neighbours.
- The appeal site forms part of the large rear garden of No. 37 Adeyfield Road, a detached house on the north side of Adeyfield Road. The land falls quite steeply towards the north-west and the site backs onto a large area of public open space. The area is predominantly residential, characterised by semi-detached and detached dwellings in mature settings. Nos 35, 37, 39 and 39A lie at the edge of the built-up area adjoining the open space and enjoy more spacious surroundings than most other properties in the vicinity. No. 39, adjoining the appeal site, is a bungalow located to the rear of its large garden, well behind the general building line of Adeyfield Road, and enjoying views across the valley and open space to the rear.
- The site is shown to be within the urban area on the Hemel Hempstead Proposals Map ... No. 3 in the Dacorum District Plan, which contains policies for new development aimed at maintaining and enhancing the quality of the environment in existing residential areas.
- On my visit to the appeal site I observed that it appeared large enough to accommodate a modest house or bungalow. However, it is also close to the neighbouring bungalow, No. 39, which has main living room and dining room windows facing onto the site. I appreciate that there is a high intervening hedge but this is largely beech, not very dense, and the occupants of No. 39 claim that it provides little screening in winter. In the circumstances I take the view that the occupants of this bungalow would suffer an unacceptable loss of visual amenity. Furthermore, in my opinion, the difficulties of avoiding overlooking from a dwelling in this location, either to main windows of No. 39 or the rear garden of No. 35 (which is at a lower level and not well screened), would impose unacceptable constraints on the detailed design of any such dwelling.

6. Your proposal involves the formation of a long access drive along the boundary between your property and the adjoining house, No. 35. The council do not appear to object to the width of the driveway but are concerned about its effect on the amenities of the occupiers of both properties. No. 35 has only minor windows on its flank wall and I am satisfied that its distance from the proposed access is sufficient to minimise any disturbance to the occupiers, when in their house, from any vehicular movements generated by the proposed dwelling. However, the access is lengthy and adjoins a significant portion of their garden. Whilst it may be possible to minimise the visual impact by suitable screening, nevertheless I consider there would be an increase in noise and disturbance resulting in an unacceptable loss of amenity to the occupiers when in their garden. There would be a similar impact on the garden area of your property which, whilst it might not inconvenience you personally, would be harmful to the amenities of any future occupiers of No. 37.

7. You claim that, because the proposed dwelling is in line with the adjoining building, No. 39 Adeyfield Road, the dwellings would not be sited in poor relationship with one another. However, this bungalow is set in a large plot with a good frontage to the road. The siting of No. 39 to the rear of its garden, and well behind the general building line on Adeyfield Road is thus, to my mind, more satisfactorily accommodated. Furthermore, given my views above as to the relationship between the appeal site and adjoining properties, I conclude that your proposal is inappropriate on this restricted backland plot. It could indeed represent a precedent for a similar subdivision of other plots to the detriment of the amenities afforded by the current spacious character of the area.

8. I have taken into account all other matters raised in the representations, including the concern about traffic danger on this busy road raised by some local residents, but I find nothing of sufficient weight to alter my decision.

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

I am Sir
Your obedient Servant



WENDY P BRETHERICK BA DipEd MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

A. Morrice, Esq.,
37 Adeyfield Road,
Hemel Hempstead,
Herts.

One dwelling and garage (outline) including
details of siting and means of access

at Rear 37 Adeyfield Road, Hemel Hempstead,
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 20 August 1986 and received with sufficient particulars on 26 August 1986 (amended 16.9.86) 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 undesirable form of backland development being served by a long and narrow means of access passing through the curtilage of an existing dwelling. Such development would have a detrimental impact on the amenities of adjoining occupiers and would result in dwellings being sited in poor relationship with one another.

Dated 21st day of October 1986.

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.