

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning 4/1214/81
Ref. No.Other
Ref. No.THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD
.....To Mr. & Mrs. B. Lilley,
8 Hall Park Gate,
Berkhamsted,
Herts.David Baker Architects,
10 Kensington Square,
London W8

..... single storey rear extension,

at ... 8 Hall Park Gate,
..... Berkhamsted,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 11th September 1981 and received with sufficient particulars on 14th September 1981 and shown on the plan(s) accompanying such application..

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

The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of the adjacent dwelling.

Dated 4th day of December 1981

Signed.....



Designation 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, Whitehall, London, S.W.1.) 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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CHIEF EXECUTIVE

- 6 SEP 1982

Messrs David Baker
Architects
5 Lyttelton Road
Hampstead Garden Suburb
LONDON
N2 0DW

Your reference

046

Our reference

T/APP/5252/A/82/06354/G7

Date

3 - SEP 1982

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS B LILLEY
APPLICATION NO:- 4/1214/81

5600

1. I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a single storey rear extension at 8 Hall Park Gate, Berkhamsted. I have considered the written representations made by you, the council and the occupier of 6 Hall Park Gate. I inspected the site on Tuesday 3 August 1982.

2. From my inspection of the appeal premises and surroundings and from the representations made, I am of the opinion that the main issue is whether the proposed window on the north wall of the kitchen would result in an undue loss of privacy to the occupiers of No 6 Hall Park Gate.

3. During my inspection I saw that an extension, similar to the one which is the subject of this appeal but without the window in the side wall, has been partly built under planning permission of 25 February 1982 so that the matter at issue is restricted to the effect of the proposed window in the side wall.

4. A person of about 1.9 m (5 ft 10 ins) in height has a height of eye of about 1.7 m. Such a person standing at the sink would be about 800 mm (2 ft 8 ins) back from the proposed window with its cill height of about 1.4 m (4 ft 6 ins) and would thus see down to a plane that is below the horizontal. The floor level of the kitchen is about one metre above ground level and although there is a fence and hedge of nearly 2 m in height on the boundary, it would be well below the window cill level and would therefore do little to obstruct the view.

5. The extension projects about 5 m beyond the back of the adjoining house, No 6 Hall Park Gate. The back of the house and the part of the back garden directly behind that house would be in line with the outlook from the proposed window, but they are at a level of about 1.5 m below the ground level of your clients' house and extension. As a result, although a person looking out of the proposed window would be unable to see to the ground level of the adjoining house and garden, I am satisfied from my inspection that, even if the person were a little less than 1.9 m in height there would be a direct view at a distance of about 7 m of most of the sun porch and the adjoining part of the

back garden of No 6 from about one metre above ground level. Since this is the part of the house and garden where most privacy is expected, I am of the opinion that the proposed window would result in an undue loss of privacy to the occupiers of No 6.

6. I note from the representations that the occupiers of No 6 are also concerned with the view from the proposed window of their first floor bathroom and WC windows but the viewline would be so oblique that I do not consider that any undue loss of privacy would result. Neither do I regard the possibility of cooking smells from the window as likely to result in any undue loss of amenity. On the other hand, I agree with the council in their opinion that the use of obscured glass would not overcome the nature of the objection because it is likely that the window would be open at the time that the occupiers of No 6 were outside in their garden.

7. I have taken account of all the other matters in the representations, apart from your question concerning the validity of condition 3 of the permission dated 25 February 1982 which is not a matter for my comment, but I am of the opinion that they do not outweigh the considerations that led me to my decision.

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

I am Gentlemen
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRTPI
Inspector