

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Colum Kelly
 21 Church Street
 Hemel Hempstead
 Herts.

Bungalow and garage (Outline)

at 21 Church Street, 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 8 October 1982 and received with sufficient particulars on 8 October 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 is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
- (2) The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 3rd day of December 19 82

Signed

Colin Barnard

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.

CPO

~~1) MB~~
~~2) CB~~
~~3) NW~~
~~4) TEAM~~



Department of the Environment and
Department of Transport

Common Services

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CHIEF EXECUTIVE
OFFICER

27 OCT 1983

The Ref.
Refer to *CPO*
Cleared

Mr C Kelly
21 Church Street
HEMEL HEMPSTEAD
Herts

Your reference		TOWN COUNCIL	
Our reference			
Ref.	T/APP/A1910/A/83/000720/PH2		
Date	26 OCT 1983	File	

Sir

Received	28 OCT 1983
Comments	

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1219/82

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a bungalow and garage in the rear garden of your home at the above address. I have considered the written representations made by you and by the council and I inspected the site on 23 August 1983.
2. Although the application is said to be concerned with the erection of a bungalow - which is generally regarded as being a single storied structure - you later, in regard to question 9(a) of your application form stated that the building was to have 2 floors. Given these facts I have therefore concluded that you are seeking permission to erect a 2 storied structure of the type often referred to as a chalet bungalow and have, consequently, judged your application as if it referred to such a building.
3. From my consideration of the written representations and my inspection of the site and surroundings I have concluded that the main issues in this case are whether the sites, of the proposed dwelling and that which would remain attached to your present house, are adequate in size and, whether the proposed development would have a seriously detrimental effect on the amenities and privacy of existing neighbours.
4. In regard to my first issue I note that you intend to divide your existing site roughly into 2 equal portions. Such a division would leave No 21 with a garden which would be comparable in size to those of most of your neighbours and it seems to me that a garden of this size would be adequate to meet most peoples' needs. As I consider that this size of site would, or could, also provide adequate off-street parking facilities I have concluded that the proposal would not jeopardise the reasonably satisfactory use of No 21. Furthermore as this 'new' garden or site would, for all practical purposes, be similar to that which would exist attached to the proposed house and, as it is intended to provide this house with 2 off-street car spaces, I do not consider that there is adequate justification for suggesting that the proposed development was excessive - in that it would not allow for the adequate provision of amenity space and vehicle parking facilities.
5. In regard to my second main issue I would accept that the proposed dwelling would be quite close to No 21 and its existing southern neighbours. However it seems to me that the proposed dwelling would not dominate its surroundings and that existing buildings need not be overlooked from the ground floor rooms of any new building providing the site, towards east and south, was to be bounded by a 6 ft high screen fence or wall. Similarly if windows on the upper floor, which faced towards the south and east

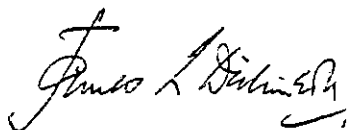
were also to be positioned in such a way so as to ensure that their eills were not lower than 4 ft 6 ins from finished floor level then it seems to me that reasonable privacy to neighbouring properties could also be maintained from here as well. Consequently as such design features can be ensured by the granting of conditioned approval I do not consider that the proposal need have a seriously detrimental effect on the privacy or amenities at present enjoyed by existing neighbours.

6. I have considered all the other matters raised in the written representations but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow your appeal and grant outline planning permission for the erection of a bungalow and garage in the rear garden of No 21 Church Street, Hemel Hempstead in accordance with the terms of the application (No: 4/1219/82) dated 8 October 1982 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
 2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;
 3. the site is to be enclosed on its southern and eastern boundaries by a 6 ft high screen wall or fence;
 4. no windows on any upper floor which face in a southerly or easterly direction to have a eill height lower than 4 ft 6 ins from the relevant finished floor level.
8. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



J L DICKINSON MA DiplArch
Inspector