

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

T., Mr. R. J. Connor  
45 Drummond Ride  
Tring  
Herts

Stimpsons  
14a St. Albans Road  
Watford  
Herts

Detached dwelling (Outline)

at 45 Drummond Ride, Tring, 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 7th September 1984 and received with sufficient particulars on 20th September 1984 and shown on the plan(s) accompanying such application.

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

- (1) Having regard to the limited area of the site, the proposal would be out of keeping with the density of surrounding development.
- (2) The site is inadequate in size and with insufficient amenity space to accommodate satisfactorily the proposed development in keeping with the character and amenities of surrounding properties.

Dated 25th day of October 1984..

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.



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CHIEF EXECUTIVE  
OFFICER

8 AUG 1985

File Ref. ....

Ref. ....

Circ. ....

13511

Messrs Stimpsons  
14a St Albans Road  
WATFORD  
WD1 1RX

*WMBL*  
*JES*  
*3 J. D. G. N. C.*  
*4 J. P. M. 2*

|                                 |      |    |    |            |      |
|---------------------------------|------|----|----|------------|------|
| Your reference                  |      |    |    |            |      |
| RP/LJA PLANNING DEPARTMENT      |      |    |    |            |      |
| Our reference                   |      |    |    |            |      |
| Ref. T/APP/A1910/A/85/027A24/P4 |      |    |    |            |      |
| Date                            |      |    |    |            |      |
| C.P.O.                          | D.P. | C. | E. | Admin.     | File |
|                                 |      |    |    | 7 AUG 1985 |      |
| Received                        |      |    |    |            |      |
| -8 AUG 1985                     |      |    |    |            |      |
| Comments                        |      |    |    |            |      |

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY R J CONNOR  
APPLICATION NO:- 4/1253/84

- As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a new dwelling, the formation of a new road access for 45 Drummond Ride, and a garage on land to the rear of 45 Drummond Ride, Tring. I have considered the written representations made by you and by the council. I inspected the site on 22 May 1985.
- The site is the rear part of the garden of 45 Drummond Ride. On it stand a brick garage and some timber outbuildings. Along the road frontage is a close-boarded fence about 1.8 m high; the other sides of the garden are enclosed by a high hedge and a number of mature trees. To the west is an electricity substation, while to the north, on the opposite side of the road, is an area of woodland. No 45 Drummond Ride itself is a 2-storey semi-detached house with a 2-storey side extension occupying the full depth of the property. Along Drummond Ride are mainly semi-detached houses set back from the road behind short front gardens. Nathaniel Walk, further to the east, is similar, but the houses generally have longer front gardens.
- From my inspection of the site and its surroundings, and my consideration of the written representations, I have concluded that the determining issues in this case are whether the proposed dwelling would have an unacceptable level of privacy, and whether it would, by virtue of the size of the plot and the reduction in the rear garden to 45 Drummond Ride, appear out of character in the area.
- The council's concern on the first issue is that the rear of the dwelling, and its garden, would be overlooked from 45 Drummond Ride, which would be about 14 m from the boundary of the new plot. Although I accept that some overlooking of the garden may be possible from the first floor of 45 Drummond Ride, I am not convinced that there would be particular problems of overlooking between the windows of the 2 houses. Such problems of privacy that may arise are not, in my view, decisive, and could be largely overcome by careful attention to the siting, design and external appearance of the proposed dwelling, which are reserved matters, and by the normal practice of providing a screen fence along the common boundary.

5. On the second issue, I agree that the proposed dwelling would have a smaller plot size than those in the immediate locality, and that 45 Drummond Ride would be left with a shorter rear garden than its neighbours. The garden would nevertheless be 14 m long and this, to my mind, should be adequate, even for a house of its size. I cannot agree that because the house is larger than average, it requires an equivalently larger plot. As far as the general appearance of the area is concerned, there seems to me to be a distinct change in character between the built-up sections of Nathaniel Walk and Drummond Ride, and the stretch of Nathaniel Walk leading from Dundale Road which is flanked by woodland on one side, and by gardens and the electricity substation on the opposite side. The new dwelling would be in this stretch of the road and would, in my opinion, be visually related more to the adjoining substation than to the houses to the east. As a consequence, I do not consider that the size of the plot, although smaller than most of those in Nathaniel Walk and Drummond Ride, would necessarily appear out of character in its surroundings.

6. I have considered all the other matters raised in the representations, but in my opinion none are sufficient 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 this appeal and grant planning permission for the erection of a new dwelling and the construction of a garage and new vehicular access at 45 Drummond Ride, Tring in accordance with the terms of the application (No 4/1253/84) dated 7 September 1984 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 buildings, 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.

8. Attention is drawn to the fact that an applicant 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 Gentlemen  
Your obedient Servant

*Peter Horridge*

P G HORRIDGE BSc DipTP ARICS MRTPI  
Inspector

## TOWN AND COUNTRY PLANNING ACT 1971

APPEAL BY R J CONNOR ESQ AGAINST THE DECISION OF DACORUM BOROUGH COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR ONE DWELLING ON LAND AT 45 DRUMMOND RIDE, TRING

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DEPARTMENT OF THE ENVIRONMENT REFERENCE : APP/A1910/A/85/027124

DACORUM BOROUGH COUNCIL REFERENCE : 4/1253/84

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### WRITTEN STATEMENT OF DACORUM BOROUGH COUNCIL

#### APPEAL SITE

1. The appeal site (see Plan 1) forms part of the rear garden of 45 Drummond Ride, a corner property which has a return frontage to Nathaniel Walk. The appeal site, which has a frontage of 11 m to Nathaniel Walk, is approximately 20 m deep and is rectangular in shape, leaving a rear garden depth for No. 45 of 14 m.
2. Drawing No. 2277/01 which was submitted with the outline planning application indicates a house adjoining the existing brick built garage in the garden of No. 45, situated so as to provide a rear garden for the new property of 10 m. This drawing also indicated a proposed car space within the retained rear garden of No. 45. The access to the existing garage would be used by the new house, and a new access would be formed to Nathaniel Walk to serve the proposed car space.

#### PLANNING POLICY

3. The development plan for the area consists of the Hertfordshire County Structure Plan and the Dacorum District Plan
4. The Structure Plan was approved by the Secretary of State for the Environment in 1979, and modifications were subsequently approved in 1984. In the Council's view, there are no policies contained in the Structure Plan that are relevant to this appeal.
5. The District Plan was adopted by the Council in January 1984, and is a local plan covering the whole of the Borough Council's area. Policy 63 provides that **"as a general principle, housing development will be concentrated in the major urban areas of Hemel Hempstead, Berkhamsted and Tring"**. Policy 64 states that within these areas, **"planning permission will normally be granted for residential development on small sites provided that the proposal also accords with Policies 18, 19 and 66 relating to environmental guidelines"**. Small sites are defined as those which will accommodate less than

ten dwellings. Policy 19 relates to provision of adequate car parking, but it is no part of the Council's case that the appeal proposal is deficient in this respect.

6. The Council's case is based upon a consideration of the matters set out in Policies 18 and 66 of the District Plan. These policies are as follows:-

#### **Policy 18**

**All proposals for new development should pay particular regard to the following matters:**

- |                    |                          |
|--------------------|--------------------------|
| (a) layout;        | (e) external appearance  |
| (b) site coverage; | and materials;           |
| (c) access;        | (f) privacy, amenity and |
| (d) landscaping;   | convenience.             |

The District Council acknowledges the contents of Department of the Environment Circular 22/80\* and whilst not suggesting compulsion recognises the value of design guides.

When considering applications for new development, the District Council will also have regard to the physical characteristics of the site, the location and design of adjacent development, traffic considerations, and the creation of a satisfactory environment.

#### **Policy 66**

**All proposals for residential development should accord with the provisions of Policies 18 and 19 and pay particular regard to the following matters:**

- |                            |                           |
|----------------------------|---------------------------|
| (a) site and surroundings; | (g) privacy;              |
| (b) design and layout;     | (h) amenity space;        |
| (c) roads and footpaths;   | (i) landscape;            |
| (d) dwelling size;         | (j) quiet;                |
| (e) floorspace;            | (k) car parking/garaging; |
| (f) orientation;           | (l) servicing.            |

The District Council acknowledges the contents of Department of the Environment Circular 22/80\* and whilst not suggesting compulsion recognises the value of design guides.

The District Council will, where appropriate, prepare development briefs to guide the form and layout of new development, with particular regard to the matters set out above.

\* For a summary of Circular 22/80 - see Appendix 8.

7. A number of the matters referred to in Policies 18 and 66 would clearly fall to be considered as details reserved by any grant of outline planning permission. The Council does not, therefore, propose to deal further with these matters.

8. So far as access to the site, and for that matter the proposed car space, is concerned, there are no highway objections to the proposal subject to 2.4 m x 2.4 m sight lines being provided as indicated on Plan 2, within which there should be no obstruction more than 600 mm above the carriageway level.
9. The Council's objection to the appeal proposal is made on the basis that insufficient attention has been paid to the character of surrounding residential development, particularly in Drummond Ride and Nathaniel Walk. The plot size generally and the rear garden depth especially are below the standard which prevails in this area, and the appeal proposal would therefore be out of character with the surroundings. Not only does the appeal proposal have insufficient space to accommodate a dwelling and garden of comparable standard, but the existing property is also left with a rear garden depth which is not in keeping with those of similar properties in this area.
10. It should be noted that a substantial two storey extension has been added to 45 Drummond Ride, and it may therefore be expected that a larger than average semi-detached house should occupy a larger than average plot. The fact that this corner plot is larger than average is of itself no justification for its sub-division.
11. Although boundary trees will reduce any overlooking between a house on the appeal site and 43 Drummond Ride, the rear garden area of the new house would have no privacy, being directly overlooked by No. 45. In addition, the rear windows of the new house and No. 45 are likely to be only 16 m apart.
12. The result of the appeal proposal would be to produce a development which is of the order of twice the density of housing in this area, and which would produce plot sizes for the new house and the existing house of a standard out of character with the area.
13. In the Council's view, Drawing No. 2277/02 submitted with the appeal makes no more than marginal changes to the original proposal which do not overcome the fundamental objections to the development.

#### CONCLUSION

14. For the reasons set out above, the Council requests that this appeal be dismissed.
15. However, should the appeal be allowed, the Council would suggest that, in addition to the standard outline conditions, a further condition be imposed covering the requirements of the Highway Authority as set out in paragraph 8 above.



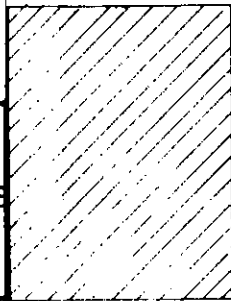
NATHANIEL

WALK

exg. access

proposed  
access

exg.  
garage



proposed  
dwelling

proposed  
car space

14 m

NO. 45

SITE BOUNDARY



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IN THE COUNTY OF HERTFORD

To Mr. R. J. Connor  
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Dated 25th day of October 1984..

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Chief Planning Officer

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