

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr W Read
c/o Messrs Brown & Merry
High Street
Berkhamsted

One dwelling Outline

at Land rear Greenbanks, Hall Park Gate,
Berkhamsted

Brief
description
and location
of proposed
development.

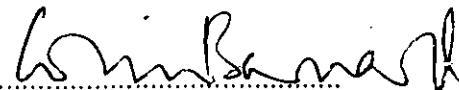
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 15th October 1985 and received with sufficient particulars on 16th October 1985 and shown 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 undesirable sub-division of an existing residential curtilage which would result in a form of housing out of scale and character with adjoining and nearby development, proving detrimental to the general amenity of the area.

Dated 27th day of November 1985

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.



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CHIEF EXECUTIVE
OFFICER

30 JAN 1987

Your reference

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Our reference

T/APP/A1910/A/86/050408/P4

Date

D.P.

29 JAN 87

B.C.

Admin.

File

Received

30 JAN 1987

19225

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR W READ (DECEASED)

APPLICATION NO: 4/1335/85

1. 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 Borough Council to refuse planning permission for the erection of a dwelling on land behind "Greenbanks", Hall Park Gate, Berkhamsted. I have considered the written representations made by you and by the council and also those made by the Berkhamsted Town Council and interested persons. I inspected the site on 4 December 1986.

2. From my inspection of the site and surroundings and from the representations I consider that the main issues in this appeal are, firstly, whether your client's proposal would cause unacceptable harm to the character and appearance of the neighbourhood and, secondly, whether it would adversely affect the amenities of occupiers of nearby houses.

3. The appeal site is approximately half of the back garden of your client's former house, Greenbanks, which fronts onto a spur road running parallel with London Road on the eastern outskirts of Berkhamsted. Greenbanks is a corner plot and the house your client proposes would be at right angles to Greenbanks fronting Hall Park Gate, which road runs southwards from London Road.

4. The locality within which the appeal site is situated presents as a well established residential area on land inclining from London Road. The majority of the houses on the estate are detached and are set in generous plots although most of the plots are only of sufficient width to accommodate the one house, there therefore being little scope for infilling. Most of the estate has clearly been erected for many years and a positive contribution is made by mature trees which are situated both in the gardens of the houses and on the verges.

5. It is proposed to set the new house sufficiently far back from the road as to be on a level with the neighbouring house, No 3 Hall Park Gate, and although small in comparison with other plots on the estate, the appearance of the proposed house from the road would in my view be in keeping with the character of the rest of the estate in that it would have a similar road frontage and be set a similar depth back from the road as nearby houses. It would however have a considerably shorter rear garden but in my view this garden would be of adequate size for a family house and its size in comparison to that of neighbouring houses is not, in my opinion, an

overriding objection to your client's proposal. In my opinion a precedent would not be set for similar development of other rear gardens as most of these rear gardens do not have an independent road frontage.

6. Although the application is for outline consent only with all matters reserved, a plan has been submitted, which plan shows that the windows of the proposed house would be facing mainly east and west, that is towards the rear garden and the road. There would be both ground and first floor windows to the rear of the southern elevation, which elevation faces the side of No 3 Hall Park Gate, but it is proposed that the house be sited in such a way as to leave a small side garden to the south of the house over which garden the southern facing windows would look. There would be no overlooking of No 3 Hall Park Gate as there are no windows on the northern elevation of that house.

7. Although Greenbanks has south facing windows on its rear elevation, it is not proposed that there be any north facing windows on the proposed house and again therefore there would be no likelihood of overlooking or interfering with the privacy of the present occupiers of that house.

8. I have accordingly reached the conclusion that despite the appeal site being somewhat smaller in size than the plots of most of the other houses on the estate, that a house on the appeal site could be sited in such a way as not to appear cramped on the appeal site or detract from the attractive appearance of the estate.

9. I have considered all other matters raised in the representations but these are not sufficient to outweigh those factors which have led me to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a dwelling on land behind "Greenbanks", Hall Park Gate, Berkhamsted in accordance with application No 4/1335/85 dated 16 October 1985 and the plans submitted therewith, subject to the following conditions:-

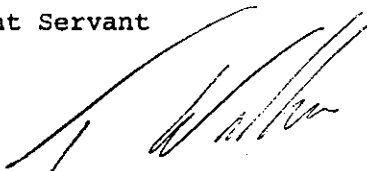
1. a. approval of the details of the siting, design and external appearance of the dwelling, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved 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.

11. 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.

12. 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

A handwritten signature in dark ink, appearing to read 'T H M Walker', written in a cursive style.

T H M WALKER MA(Oxon) Solicitor
Inspector