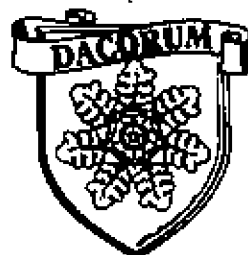


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. A. Whippy
60 Gravel Hill Terrace
Boxmoor
Herts.

Prudential Property Services
47 Sycamore Road
Amersham
Bucks.

Detached dwelling
at Adj. 60 Gravel Hill Terrace, 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 19 July 1988 and received with sufficient particulars on 20 July 1988 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 proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 3rd day of October 1988

Signed.....

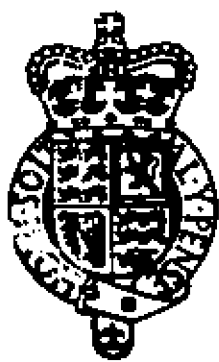
Chief Planning Officer

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.



PLANNING INSPECTORATE
DEPARTMENT OF THE ENVIRONMENT

Room 1404

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 2074

Prudential Property Services
47 Sycamore Road
AMERSHAM
Bucks
HP6 5EQ

29607

CHIEF EXECUTIVE OFFICER
30 MAY 1989
File No.
Refer to ... <i>CPO</i> ...
... <i>30/5</i> ...

Your reference	
RSS	
Our reference	
T/APP/A1910/A/88/107865/P4	
Date	25 MAY 89
Received	- 2 JUN 1989
Comments	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS A F WHIPPY
APPLICATION NO: 4/1397/88

1. 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 outline planning permission for the erection of a detached house on land adjacent to 60 Gravel Hill Terrace, Boxmoor, Hemel Hempstead. I have considered the written representations made by you, the Council and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 18 April 1989.

2. From my inspection of the site and its surroundings and my examination of the written representations I consider that the main issues in this case are: the impact of the proposed house on the character of the area and the street scene, and the impact of the proposed house on the amenities of neighbouring residents in terms of privacy, disturbance and noise.

3. On the first issue the house is situated in an attractive area of Hemel Hempstead which is characterised by its relatively large detached houses set in pleasant landscape. The appeal site is located in part of the garden of 60 Gravel Hill Terrace which is very attractively landscaped. This garden links naturally with a small area of public open space beside it which is sensitively laid out with shrubs and trees. The garden and the public open space combine to make an important natural terminal feature to the roads called Green End Road, Gravel Lane and Gravel Hill Terrace, which appear to converge on to the site. Gravel Hill Terrace curves quite sharply in front of the appeal land which makes the site much more prominent.

4. The approved local plan has policies which relate to this site. These cover new developments paying particular regard to environmental matters, including design, layout, amenity space and landscaping. You consider that the proposal makes the best use of the site and is compatible with the surrounding area. I acknowledge that there is a presumption in favour of development unless it would cause demonstrable harm to interests of acknowledged importance. I also recognise the importance of using urban land in order to protect the Green Belt. I consider that the use of this urban land for the proposed development would cause harm in so far as it would intrude into the significant landscape feature I have described, which is so important to the area. A 2-storey building would be seen over the



single-storey garages which protrude from the front of the buildings along Gravel Hill Terrace. This would itself act as an undesirable terminal feature with varying degrees of prominence to the other roads I have described. This I consider would have a materially detrimental impact on the character of the area and the street scene.

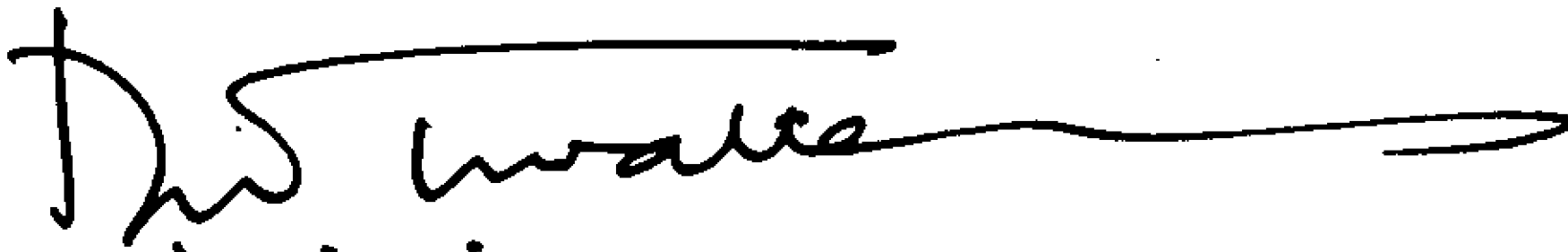
5. On the second issue, I have received several letters from neighbours expressing concern about the impact of the proposal on their properties. I have studied these letters and although I can appreciate their concern about overlooking and their privacy being reduced I do not consider that these are matters which should influence my decision in this case, in view of the complainants distance from the appeal site. However, I have had regard to the shape of the site and its relationship with No 60 and I am concerned about the impact of the proposal on present and future occupants of that property. I conclude that the rear garden proposed is such a confined space and near to the side door of No 60 that its use by the occupants of the proposed house could generate undue noise and disturbance to the occupants of the existing house.

6. I recognise that a further access onto this road may possibly cause some impediment to the free flow of traffic. However, I consider that this factor is not so significant as to affect my decision.

7. I have visited several of the other sites you mentioned. I have taken into account all other matters raised in the representations but nothing I have seen or read is so material as to affect the considerations leading to my decision.

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

I am Gentlemen
Your obedient Servant



DONALD W T WALTERS BA(Hons T&CP) DipLA(Birm) FRTPI FRSA
Inspector