

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr J Wragg
36 Melstead Road
Hemel Hempstead
Herts

Mr N. A Johnson
18 Randalls Ride
Hemel Hempstead
Herts

.....Conversion of dwelling to four flats and two.....
.....storey side and rear extension.....
at.....36 Melsted Road, 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 dated18.7.88..... and received with sufficient particulars on22.7.88..... and shown on the plan(s) accompanying such application..

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

- (1) Access to the proposed development is inadequate and unsuitable for the additional traffic which would be generated.
- (2) There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
- (3) The proposed development, which is excessive on this site, would have a seriously detrimental effect on the amenities at present enjoyed by occupants of adjacent dwellings and would, if permitted, prove injurious to the general character and amenity of the area.
- (4) Proposed development would result in harm or loss to trees covered by Tree Preservation Order.

Dated Eighth day of September 19 88

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

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Handwritten initials and signature

29315

Mr N A Johnson
18 Randalls Ride
HEMEL HEMPSTEAD
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HP2 5AQ

CHIEF EXECUTIVE OFFICER 4 MAY 1989 File no. Refer to <i>20 4/5</i> Cleared
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Our Reference:
T/APP/A1910/A/88/105789/P5
Date: **2 MAY 89**

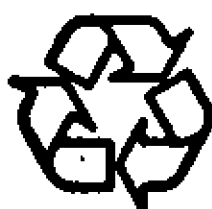
Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G WRAGG
APPLICATION NO: 4/1400/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of a dwelling to 4 flats together with a 2 storey side and rear extension at 36 Melsted Road, Hemel Hempstead. I have considered the written representations made by you and by the council and those made by interested persons including those which were made directly to the council and forwarded to me. I inspected the site on 3 April 1989.

2. Melsted Road is a residential road with predominantly 2 storey houses on the north side and 2 storey purpose-built flats on the south side. The appeal site is a semi-detached 2 storey house on the north side of Melsted Road and at its western end. To the west of the site, and at a lower level, is a row of garages belonging to 86-96 Sunnyhill Road, and these are separated from the appeal site by a rear pedestrian access to these houses. There is a large Hornbeam which is the subject of a Tree Preservation Order growing immediately outside the western boundary fence with part of its canopy extending over the garden of No 36. To the north of the site is a service road which provides rear access to properties in Melsted Road and Warners End Road, including a garage at the end of the garden of No.36. There is a further garage at the side of the house with access onto Melsted Road. The ground level rises to the north and east so that No 36 occupies an elevated position in relation to properties in Sunnyhill Road.

3. The conversion of dwellings into flats can make a valuable contribution to the local housing stock, but the council is concerned to strike a balance between the provision of smaller units of accommodation and maintaining a high standard of residential accommodation and environment. From my inspection of the site and the surrounding area and from the written representations made I consider that there are 3 main issues in deciding this appeal. Firstly, the effect of the development on the residential amenity of the occupiers of the adjoining dwelling by way of loss of light, and increased noise and disturbance, and upon the residential amenities of the area in general; secondly, whether the level of parking demand generated by the proposal would harmfully add to the level of on street parking in Melsted Road; and thirdly, whether the proposal would cause direct harm to the appearance of the area, or indirect harm as a result of any adverse effect on the Hornbeam.



4. At present there is a single storey rear extension approximately 3 m long adjacent to the boundary of the adjoining semi-detached house, No 34. This house has patio doors serving a lounge/dining room and a rear bedroom window on the first floor, both of which are close to the boundary. The proposal involves the removal of the single storey extension, and the erection of a 2 storey extension of the same length but some 3.3 m from the boundary. That part of the proposed extension on the side of the house would have a hipped roof, but the rear extension would have a flat roof. In terms of loss of light to the windows of No 34 I consider that the net effect of replacing the existing extension with a higher one further away would be marginal, and no significant loss of light would result.

5. In my view there would be 2 potential sources of noise and disturbance to No 34. One of the first floor flats would have its lounge adjacent to one of the bedrooms of No 34, and although your client is prepared to carry out sound insulation measures these are of limited effect and I consider this relationship to be unsatisfactory, and a potential source of noise and disturbance to the amenities of the adjoining occupier. A second source of noise and disturbance would in my estimation arise from the use of the proposed car parking area in the rear garden. The plans indicate 4 spaces and a rather restricted turning area and in my opinion vehicles manoeuvring so close to the boundary fence would cause disturbance to the quiet enjoyment of the neighbouring garden. Moreover the additional traffic generated by the 4 flats would increase the general level of noise and disturbance in this quiet residential area.

6. The proposed car parking provision falls short of the council's standards by one space, although I note that you are prepared to provide an additional space in the rear garden to meet this shortfall. Even if it were possible to meet the standard in this way it is unlikely in my view that the car parking area would be fully used because of the inconvenience of the long rear access from Warners End Road. This varies in width between 3 and 4 metres and is not wide enough for 2 cars to pass easily, and in my opinion it is likely that the occupants of the flats may prefer to park in Melsted Road thus adding to the level of on-street parking in this relatively narrow carriageway. I conclude on this issue that the proposed parking arrangements are not adequate to meet the needs of the development and this is likely to lead to an unacceptable increase in parking on Melsted Road to the detriment of highway safety and the free flow of traffic.

7. The side and rear extension would be prominent in the street scene when viewed from the junction of Melsted Road and Sunnyhill Road, which lies at a lower level. Whereas the hipped roof of the side extension would be in keeping with the street scene in my opinion, the flat roofed rear extension would be a discordant feature and would harm the appearance of the area. Whilst I do not consider that the effect would be so serious as to justify refusal of the proposal on these grounds alone this matter adds weight to my decision to dismiss the appeal.

8. The canopy of the Hornbeam has a radius of about 8 m extending over the rear garden of No 36. The tree would not appear to be directly threatened by the proposed extension but the car park would occupy the area under the canopy. The footpath that runs along the rear of the houses in Sunnyhill Road is about 2 m below the level of the fence around the appeal site, and there is a retaining wall around the tree about 1.6 m high. The construction of this path has led to severance of roots which makes it all the more necessary to protect the remainder of the root system of this large mature tree. The Hornbeam makes a considerable contribution to the attractiveness of the area in my opinion and whilst on the evidence before me it is by no means certain that the formation of a parking area would cause additional damage

to the root system the need to avoid the possibility of further damage adds weight to my decision.

9. In reaching my conclusion I have also taken into account all the other matters raised in the representations including the demand in the area for flats, but none of them are sufficient to outweigh those factors that have led me to my decision.

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

I am Sir
Your obedient Servant

David Harrison

DAVID HARRISON BA DipTP MRTPI.
Inspector