



**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 1874

A/612/MH/P

*11/01*  
*2/08*

PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL

Mr Brian Branwhite

Barclays Bank Chambers

65 High Street

TRING

Hertfordshire

HP23 4AD

Ack.

Your reference

BB/P/LMM/3450

Admin.

File

Our reference

1/APP/A1910/A/89/144510/P8

P.O. T.C.P.M.

D.P.

D.C.

B.C.

Received

19 JUN 1990

Date

15 JUN 90

Comments

Sir

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

APPEAL BY MR AND MRS R WALDOCK

APPLICATION NO: 4/1405/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 2-storey dwellinghouse and garage at 12 Manor Road, Tring. I have considered the written representations submitted by you and by the Council. I inspected the site on 1 May 1990.

2. When the application was submitted to the Council, representations were received from the occupiers of Nos 11 and 13 Drummond Ride, whose rear gardens have a common boundary with the appeal site. The gardens are exceptionally well screened from the appeal site and only limited overlooking would be possible from the upper windows of the proposed dwelling. The extent to which this would occur would not be unusual as between domestic properties, and, from what I have seen and read about the appeal, the main issue which arises is whether the appeal site is large enough to accommodate the proposed dwelling, having regard to its relationship with No 12 Manor Road.

3. No 12, in common with other houses on this side of Manor Road, has a plot of little depth, and most of its garden space is on the south side of the house with a frontage to Manor Road. It is proposed to divide the total plot roughly into 2 and to erect the new dwelling alongside the old, with a new access to Manor Road. The size of the total plot is approximately 29 m x 15 m.

4. The old and new dwellings would each have a rear garden with a depth of only about 4.5 m. The only other amenity space would be a strip of land alongside each house of about 4 m in width and a shallow front garden. No 12 is a 2-storey 3 bedroom detached house and the submitted plans show that the new dwelling would be of similar proportions. The size of each plot would not in my opinion be sufficiently large to cater for the normal domestic requirements of a household of this size. A precedent would be set for similar developments in the side gardens of other properties in Manor Road.

5. You have pointed out that other infill developments have taken place nearby, having been permitted by the Council or allowed on appeal. The Council have commented upon the circumstances surrounding each of these developments and I inspected them at the time of my site visit. None of the developments displays the same characteristics as the appeal site. With developments of this type, there is often a fine dividing line to be drawn between proposals which are acceptable, in spite of drawbacks, and those where the drawbacks are sufficiently serious to warrant withholding planning approval. I agree with the assessment made by the

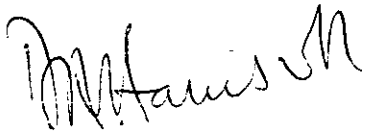
Council of the developments which have taken place and I consider that the development proposed in this appeal would lead to conditions which were too cramped both for the occupiers of the new dwelling and the existing dwelling. In these circumstances planning permission must be withheld.

6. In reaching my conclusions I have taken into account all other matters which have been raised in this appeal.

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

I am Sir

Your obedient Servant



D A HAINSWORTH LLB (Hons) Solicitor  
Inspector

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



## DACORUM BOROUGH COUNCIL

To Mr & Mrs R Waldock  
12 Manor Road  
Tring  
Herts

Brian Branwhite  
Surveyors  
Barclays Bank Chambers  
65 High St  
Tring  
Herts HP23 4AD

One dwelling (OUTLINE)

at Adj 12 Manor Road  
Tring

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 14 August 1989 and received with sufficient particulars on 16 August 1989 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 represents a cramped form of development which would affect adversely the visual and general amenities of the area.
2. The proposed development would set an undesirable precedent for similar forms of cramped development on the east side of Manor Road.

Dated 9th day of November 1989

Signed

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

#### 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.