

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mrs. O. Bailey,
'Nonsuch',
Graemesdyke Road,
Berkhamsted,
Herts.

K. G. Stanley Esq.,
24 Otlands Close,
Weybridge,
Surrey.

..... One dwelling, garage and drive,

.....

at 'Nonsuch',

..... Graemesdyke Road, 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 22nd September 1980 and received with sufficient particulars on 22nd September 1980 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 as submitted does not provide for a satisfactory means of access within the control of the applicant for private and service vehicles from a made up public highway.
2. The erection of a dwelling as proposed would be an undesirable form of sporadic development taking no account of the layout of surrounding residential properties.

Dated 26th day of November 19 80...

Signed

Designation Director of Technical
Services.

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, Whitehall, London, S.W.1.) 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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File

Cleared

Mr K G Stanley
24 Oatlands Close
WEYBRIDGE
Surrey
KT13 9EE

Received

15 MAY 1981

Comments

Your reference

Our reference

T/APP/5252/A/81/00994/G8

Date

14 MAY 1981

Sir

002028

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS O BAILEY
APPLICATION NO:- 4/1424/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of one dwelling and garage with drive at 'Nonsuch', Graemsdyke Road, Berkhamsted. I have considered the written representations made by you and by the Council. I inspected the site on 7 April 1981.
2. From my inspection of the site and its surroundings and the representations made I consider that the main issue is whether the proposal represents satisfactory additional development having regard to the Council's planning policies for the area.
3. The Council regard the proposal as an undesirable form of backland development because it involves building a single house immediately behind your client's present house with an extended private driveway at the side which would be difficult to negotiate by service vehicles. Their policy, having regard to the general disadvantages of backland development on the basis of "one house, one plot" is to encourage a more comprehensive approach and to resist single plot proposals which result in the unsatisfactory proliferation of separate accesses.
4. You claim on your client's behalf that the reasons for refusal are unrealistic having regard to the outline nature of the application that similar development has been allowed on adjacent backland, that the appeal site is suitable in itself for one additional house which would be adequately screened from neighbouring property and that the proposed driveway a mere extension of the existing access, would be satisfactory for refuse collection as well as for emergency service vehicles in case of need. You suggest the Council's approach to this application is accordingly unnecessarily restrictive.
5. I found this to be an attractive residential area in which there are many large older houses with substantial individual plots but also a number of new houses and groups of houses interspersed with earlier development. In view of the possibilities for further intensification of building in this locality I think the Council's policy of encouraging schemes based on residential roads serving several dwellings and providing easy access for all vehicles and of resisting tandem development with one house immediately behind the one in front with which it shares the same access, is generally sound and deserves support.
6. Your client's house is of more recent construction, is smaller and has a narrower plot than the older houses on either side. The proposed new private driveway would

pass along the east side of your client's garden and in front of the living room extension whose east-facing window would look onto it. The available width at this point is only about 6 m and despite the fall in ground level from west to east I consider that the driveway to the proposed new house would lead to unacceptable disturbance and loss of privacy for the occupants of the present dwelling and an undesirable reduction of the area available as its private rear garden.

7. Access to the new house via a fairly narrow private drive some 40 m long would in my view create a burden for the provision of public services including refuse collection and postal deliveries while the provision of a drive of sufficient width for easy access by service vehicles would involve greater encroachment into the private garden of the present house and more serious impact in terms of disturbance and loss of privacy.

8. I have taken into account all other matters referred to in the written representations but they do not outweigh the considerations which have led to my decision.

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

I am Sir

Your obedient Servant



F S FOSTER
Inspector