

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, 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.
- (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.

Telex 449321

Switchboard 0272-2188

GTN_2074

1) MB
C/O ~~MB~~ AVE
3) ~~MB~~
26 APR 1984
4) ~~MB~~
File Ref. ~~MB~~
Refer to C/O 26/4
Cleared

DISTRICT COUNCIL					Ack.	
C.P.O.	D.S.	S.	B.C.	Admin.	File	

↓
Your reference

Our reference

T/APP/A1910/A/84/11396/P2

Date _____

26 APR 1984 25 APR 1984

Sir

APPLICATION NO:- 4/1424/83

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 District Council to refuse planning permission for an extension to form a first floor at 17 Great Road, Hemel Hempstead, Herts. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 27 March 1984.
2. From my inspection of the site and its surroundings and the written representations made I am of the opinion that the main issue in this appeal is whether or ~~not~~ the proposed extension would harm the amenities of adjoining property to an unacceptable degree.
3. I note that the extension is intended to provide bedroom and bathroom space at first floor level and I have considerable sympathy with your client's wish to improve and enlarge the somewhat restricted living accommodation that this single storey dwelling now has.
4. On behalf of your client you dispute the Council's contention that the extension would give rise to conditions detrimental to the amenities of adjoining properties, especially by reason of loss of privacy. In your opinion the only property that could be overlooked is that owned by Mr Lowe who you understand has raised no objection. You did not accept that other houses would be affected as they are further away and there are trees on the boundaries. Moreover you pointed out that the ridge height of the proposed extension would be below that of a standard house and so avoid its having an overbearing appearance. So far as the front elevation windows are concerned, 3 would be in obscured glass and only the fourth plain glazed, although your client would agree to place it instead on the side to avoid any mutual overlooking between the house and the adjacent houses.
5. I have carefully considered all the points you put forward but my conclusion is that the objection on grounds of loss of amenity which formed the basis of the Council's refusal and of certain representations from interested persons, is a serious one because of the location of your client's bungalow in the backland area behind the dwellings which front directly to Great Road and its close proximity to the rear boundary fence of No. 15 and the side garden boundary of No. 19. I consider that the scale of the extension would make your client's dwelling an unduly dominant feature in the view from the backs of the nearby dwellings on the Great Road frontage and that mutual overlooking to an unacceptable degree would

be unavoidable regardless of whether the bedroom window was positioned in the front or the side elevation of the proposed extension. I do not overlook your statement that the present occupant of 15 Great Road has raised no objection but in my opinion that property's amenities would be adversely affected by the proposal and should be safeguarded not only for the present but also for possible future occupants.

6. I have taken account of all other matters referred to in the written representations but they do not outweigh the considerations that have led to my conclusions.

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

A handwritten signature in dark ink, appearing to be 'E S Foster', written in a cursive style.

E S FOSTER
Inspector