

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To M. Haigh, Esq.,
17 Langley Avenue,
Hemel Hempstead,
Herts.

..... First floor rear extension.....
.....
at 17 Langley Avenue, 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 11. October 1986 and received with sufficient particulars on 13. October 1986 and shown on the plan(s) accompanying such application.

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

The proposed first floor rear extension would by reason of its height, mass, rearward projection and proximity to the adjoining property, have an overbearing effect and result in an unacceptable loss of sunlight to that property.

Dated twenty fifth day of November 19. 86..

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.



**Department of the Environment and
Department of Transport**

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

GTN 2074

**CHIEF EXECUTIVE
OFFICER**

31 JUL 1987

File Ref.

Refer to *clo* 31/1

Closed

Mr M Haigh
17 Langley Avenue
HEMEL HEMPSTEAD
Herts

112

Your reference				PLANNING DEPARTMENT	
DACORUM DISTRICT COUNCIL				Our reference	
Ref. T/APP/A1910/A/87/65711/P4				Ack.	
C.P.O.	D.P.	Date	D.C.	30 JUL 87	File
Received				31 JUL 1987	
Comments					

Sir

M. Haigh

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1427/86

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for a first floor rear extension to 17 Langley Avenue, Hemel Hempstead. I have considered the written representations made by you, the Council and an interested person. I inspected the site on 16 June 1987.
2. From my inspection of the site and surroundings and consideration of the representations made it seems to me that there are 2 main issues to be determined:-
 - i. whether or not the proposal would have an overbearing effect on No 19, and
 - ii. whether or not the proposal would be detrimental to the residential amenities of the occupiers of No 19.
3. No 17 Langley Avenue is a 2-storey semi-detached property on the northern side of the road close to the junction with Sunrise Crescent. The house has a single storey, flat roofed, rear extension forming the dining room. The properties in the locality are semi-detached houses of pre-war and post 1945 construction.
4. The proposal is to build over the single storey rear extension to form a new bedroom and WC/shower room. The external wall adjacent to No 19 is just within your boundary. The extension is stated to be 3.8 m in length and 5.7 m in height, extending slightly above the existing eaves level of the house.
5. It may well be that other properties nearby do not receive direct sunlight into their rooms. The rear elevation of your property and that of your neighbour however receive sunlight from about mid-afternoon. No 19 has a glazed door with side windows in this rear wall, and therefore one of the principal rooms of the house currently benefits from the sunlight.
6. The trees in the rear garden of No 19 may have some effect on the level of daylight at the rear of the house, but as the ground level falls away from the house this effect must be quite small. It seems to me the disposition of the trees would not seriously affect the sunlight reaching the ground floor room, whilst the proposal would directly affect it by casting a shadow on the glazed door and side windows, so that the sunlight would be delayed from entering this room for some hours until late in the day.

7. With regard to the other main issue, the garden adjacent to No 19 is at a lower level than the house because the site slopes to the rear. This would accentuate the bulk of the proposal which in my opinion would have an overbearing effect when viewed at ground level from No 19. The outlook from the windows at first floor level it seems to me would be impaired by being in such close proximity to the proposal.

8. I can appreciate your wish to extend the 2 small rear bedrooms and provide toilet facilities at first floor level, however I am concerned with the effect of the proposal on the residential amenities presently enjoyed by the occupiers of No 19. It seems to me that there would be a marked reduction in the amount of sunlight reaching the principal room at the rear of No 19 and this would be unneighbourly, forming a strong and clear-cut planning objection to the proposal. The appearance of the proposal being some 2.5 m higher than the existing extension, in my view would be overbearing, so that these objections combine to overcome the presumption in favour of the proposal and warrant the rejection of this appeal.

9. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect 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



T R W ROBERTS RIBA DipTP MRTPI
Inspector