

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E J Waterhouse & Sons Ltd
Chipperfield
Kings Langley
Herts WD4 9ER

Lardi Cox & Partners
1 The Old School House
George St
Hemel Hempstead
Herts

..... 20. one bedroom flats, parking and access road
.....
at Rear of 29-41. Cemmaes Court Road and rear of
..... 38-40 Bury Hill Road, Hemel Hempstead

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 21 August 1989 and received with sufficient particulars on 25 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:—

The proposal represents an overdevelopment of the site and would, if permitted, prove severely injurious to the general character and amenity of the area.

Dated 9th day of November 19 89

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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PLANNING DEPARTMENT						Your reference
DACORUM BOROUGH COUNCIL						CL 170
Ref.						Our reference
Q.P.	T.O.P.	D.P.	D.C.	B.C.	Act/APP/19	10/A/90/156336/P8
					Date	
12 SEP 1990						
Comments						

11 SEP 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY E J WATERHOUSE & SONS LTD
 APPLICATION NO: 4/1428/89

1. 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 Borough Council to refuse planning permission for the erection of 20 one-bedroomed flats together with an access road and associated car parking on land at the rear of Nos 29-41 Cemmaes Court Road, Hemel Hempstead. I have considered the written representations made by you, by the Council and by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 21 August 1990.
2. From my consideration of all the representations made and from my inspection of the site, it appears to me that the main issue in this appeal is whether the proposed development would cause unacceptable harm to the character and appearance of this established residential area by reason of its scale and density.
3. The appeal site is an irregularly-shaped piece of land which extends to about 0.25 ha and primarily consists of part of the rear gardens of existing houses. These houses are mainly semi-detached, erected during the inter-war period, and it is clear to me that they would still have gardens of adequate size if this proposal were to proceed. A pair of these houses would be demolished to provide access into the backland area.
4. The appeal proposal is to erect 10 ground floor and 10 first floor flats, each being of one-bedroomed size suitable for single persons or married couples and often described as small starter homes. Under the layout there would be a central car parking area, with a stepped block of 10 flats to the south and a similar block of 6 flats to the north, the remaining 4 being sited alongside the access point off the existing highway. It appears to me that considerable care has been taken in designing the buildings and making use of the sloping nature of the site to ensure that privacy would be protected. Indeed, the only overlooking of any sort would be at the northern boundary, where there would be ample space between buildings to preserve adequate privacy, and at the southern boundary, where the overlooking would be across the bottom of long rear gardens and where it would not affect those neighbouring houses directly or the parts of the gardens nearer the dwellings.
5. However, despite having apparently accepted that overlooking and loss of privacy would not result, the Council have objected that the scale of the development proposed and the activity which would be generated would be excessive and

therefore harmful to the character and appearance of the area. In considering this objection I have to bear in mind that both the Structure Plan and the Local Plan emphasize the importance of utilizing such vacant sites within existing urban areas and acknowledge the need to provide accommodation for one and two person households, including the young. This is all in line with national policies designed to make good and effective use of available house building opportunities within existing built-up areas and to provide an adequate supply of small starter homes.

6. I can see no reason for regarding this proposal as over-development of the site or as otherwise harmful to the character or appearance of this established residential area. The units to be built would blend in with the appearance of the scheme already carried out on the land immediately adjoining to the east, and whilst the style and texture of the buildings would contrast with the 1930's appearance of the frontage semi-detached houses, this would not in itself militate against the scheme. It would clearly be undesirable to attempt to copy that earlier architecture, and the present scheme has the merit of breaking up the number of flats into 3 two-storey blocks, thereby avoiding creating a large building mass which would be out of character and somewhat incongruous in this particular location.

7. Many local people have expressed concern about the amount of traffic which would be generated and about the adequacy of the car parking proposed. In looking at these 2 aspects I have to bear in mind that the Council have not objected on either of these grounds. With regard to traffic I can well understand that local residents would not wish to see any significant increase in the level of traffic along their residential roads, but I am sure that there is no reason why these roads should not be able to cope satisfactorily with the extra traffic and the new access road into the site would be of a proper standard. With regard to car parking, the Council have said that this scheme conformed with their requirements at the time it was submitted, although their more recent guidelines would require a somewhat higher provision. I am however satisfied that the amount of car parking to be provided would be adequate to meet the reasonable requirements of this scheme, taking into account the type of housing proposed and the location of the site in relation to the town centre.

8. Turning to the general effect upon the overall appearance of the area, it has to be remembered that this site slopes markedly from west to east and that therefore most of this development would be tucked down at an appreciably lower level behind the existing frontage housing. Some ornamental trees would be lost, but the Council have acknowledged that none would merit the making of a preservation order. In my opinion with suitable landscaping this development should fit well into the local scene and provide much-needed further housing without damage to the character of the area.

9. I have therefore decided to allow this appeal. I propose to impose conditions on the lines of those suggested by the Council, since it is important that the buildings should blend with the adjoining scheme in the interests of the appearance of the area, that the car parking shown is provided and maintained to avoid congestion in nearby roads, and that fencing around the site is erected to maintain an adequate level of privacy and seclusion for local residents. In addition, I am not satisfied that the landscaping details shown are sufficiently comprehensive, and I am therefore imposing a further specific condition to ensure that an appropriate level of landscaping is implemented in the interests of the appearance of the area.

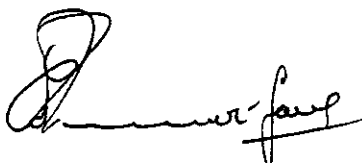
10. I have considered all the other representations made, but in my opinion none is of sufficient weight to affect my conclusions.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 20 one-bedroomed flats together with an access road and associated car parking on land at the rear of

Nos 29-41 Cemmaes Court Road, Hemel Hempstead, in accordance with the terms of the application No 4/1428/89 dated 21 August 1989 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. The materials to be used on the exterior of the buildings shall match both in colour and texture those used on the flats recently erected on the adjoining land to the east.
3. None of the flats hereby permitted shall be occupied until all the car parking shown on the submitted plans shall have been laid out and suitably surfaced in accordance with the approved details, and thereafter that car parking provision shall be kept available at all times for that purpose.
4. Before the development hereby permitted is commenced, 1.8 m high close-boarded fencing shall be erected along all the shared boundaries.
5. Before the development hereby permitted is commenced, a scheme of landscaping which shall include details of any existing trees to be retained and measures for their protection during the course of development shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the first of the flats or the completion of the development, whichever is the sooner, and any trees, shrubs or plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species except to the extent that the Local Planning Authority give consent in writing to any variation.
12. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant



G E EDMONDSON-JONES LLB LMRTPI Solicitor
Inspector