

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To

Jarvis (Harpenden) Homes Ltd.,
Jarvis House,
212 Station Road,
Harpenden,
Herts.

Messrs. Fuller Hall & Foulsham,
53 Marlowes,
Hemel Hempstead,
Herts.

15 One-bedroom flats

at 'Rosehill', St. John's Road, 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 8th November 1983

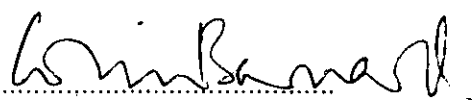
and received with sufficient particulars on 8th November 1983, amended 23rd December 1983, and shown on the plan(s) accompanying such application. 27th January 1984 and 1st February 1984

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

1. The density of housing proposed is excessive and unwarranted in this location, and would if permitted result in a form of development out of character with its surroundings and detrimental to the general amenity of the area.
2. Having regard to the nature and function of adjoining roads, the local planning authority considers that the proposals for off street car parking are inadequate, and would if permitted result in vehicles being parked on the highway to the detriment of road safety.

Dated8th..... day of February.....1984.....

Signed.....


Chief Planning Officer

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.



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

Common Services

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Telex 449321

**CHIEF EXECUTIVE
OFFICER**

16 AUG 1984

Direct line 0272-218 913

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GTN 2074

He Ref.
Refer to *C/O 16/8*
Cleared

**PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL**

Messrs Fuller, Hall & Foulsham

Architects

53 Marlowes

HEMEL HEMPSTEAD

HP1 1LL

Ref.

C.P.O.

Ack.

Adm

Receiv.

16 1984

Your reference

NT/CD/4031

Our reference

T/APP/A1910/A/84/013268/P5

Date

10282

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY JARVIS (HARPENDEN) HOMES LIMITED
APPLICATION NO:- 4/1429/83

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 District Council to refuse planning permission for 15 flats and associated parking, after demolition of existing house, at "Rosehill", St Johns Road, Hemel Hempstead.

2. From my inspection of the site and surroundings on 25 June 1984, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the proposed development would be out of keeping with its surroundings and harmful to the residential amenities of persons living nearby.

3. The appeal site, which extends to about $\frac{1}{2}$ acre, is situated in a prominent position on the corner of St Johns Road and Green End Road within a prominently residential part of Boxmoor. At present there is a fairly large old house close to the road junction, but there are considerable gaps in the road frontages between it and the adjoining properties, 6 Green End Road and 284 St Johns Road. The site slopes up slightly from south to north and with trees on the St Johns Road frontage, and near the boundary with 6 Green End Road, provides a rural ambience, especially as the land on the north-west corner of the road junction, which is part of the grounds of a convent and also contains a number of trees, is open near the junction. ^{predominant}

4. You contend that the existing house is now in such poor structural condition and state of repair that it requires replacing. You have apparently had considerable discussion with the council's planning staff as to how the site might best be redeveloped and eventually decided on a scheme for 15 flats, of which 10 would be for elderly persons. This proposal was put to the council with a recommendation for approval by the planning staff, subject to an agreement being made that 10 of the units would always be reserved for elderly persons. However the council do not consider the scheme is appropriate in this location, either in terms of density or design.

5. In my view any attempt to measure the acceptability of a small development such as this in terms of density, ie bed spaces per acre as used in this instance, is not really meaningful, and the scheme must be assessed primarily on its relationship with, and impact on, the surroundings.

6. I am of the opinion that the front of the proposed 2 blocks of flats next to 284 St Johns Road would be undesirably close to the back of the footway, albeit by only some 5 ft or so, and the same applies to the block on the southern side of the new access from the Green End Road frontage. In particular I would regard it as highly desirable to retain the 'softening effect' of all the trees on the St Johns Road frontage and near the northern boundary of the site, and I am not convinced that this could be done without some slight repositioning of 3 of the proposed blocks. I am also of the opinion that the 2 blocks which have 3 storeys under conventional pitched and hipped roofs would produce a 'massing' effect, which coupled with the proximity to the road, would not be conducive to preserving the present sylvan 'country town' character at the road junction. I appreciate that there are modern 3-storey town houses on the south-east side of the road junction fronting on to Fishery Road, but that site is not nearly as prominent as Rosehill when viewed from the south coming up the rise from the river to the roundabout, or even when coming down Green End Road. I also appreciate that the proposed new building may not be any higher than the ridge line of the existing house, which has lofty rooms on 2 floors, and attic rooms above with dormer windows in a fairly steep pitched roof, but the 'massing' effect of the much larger buildings overall stretching along the road frontages from the road junction to the flank boundaries with 6 Green End Road and 284 St Johns Road would be very much greater than the present building with good gaps on either side.

7. I note the council's views on the amount of parking to be provided, and its location adjacent to the rear gardens of 6 Green End Road and 284 St Johns Road. I find it difficult to understand the council's statement that 15.5 spaces should be provided. I appreciate that no actual agreement regarding 10 of the flats being allocated solely for use by elderly persons had been signed, and of course an agreement under Section 52 of the Town and Country Planning Act 1971 is not a matter over which I could exercise any control by imposing a condition if I were to grant permission. However if such an agreement were concluded - as seems possible in view of the willingness of both parties - the parking requirement would be 14 spaces on the basis of the scales shown in Appendix B of the council's statement (5 for elderly persons, ie $10 \times .5$, 5 for 5 single persons flats, and 4 for visitors, ie 4 per 4 flats, total 14). If all 15 flats were for normal use a total of 19 parking spaces would be required and obviously that would not be practicable in the space at present allocated. Indeed it seems to me that providing 14 spaces would require very considerable coverage of the site leaving only a minimal area near the boundaries to provide good screening to preserve the residential amenities of the persons living in the adjacent houses. I appreciate that Circular 22/80 stresses the need to make the best use of available land within residential areas for new housing, but I am of the opinion that the present scheme has shortcomings which make it unsatisfactory, although I would not see any objection in principle to the type of development being proposed, notwithstanding that the character of the area is primarily of detached, semi-detached and terraced houses.

8. Bearing in mind that the application is for full planning permission, and that a Section 52 agreement would have to be reached on the number of flats to be allocated for use by the elderly before the development would be acceptable if only to comply with the council's parking criteria - quite apart from conforming with Policy 65A of the Local Plan as modified - I am of the view that the objections to the present proposal necessitate refusing permission as all the various problems could not be overcome by the imposition of conditions. However if changes were made to those aspects to which I have referred to above, it might be

possible to overcome my objections. Whether or not a modified scheme would in fact be acceptable would of course be a matter for the council as the decision on any new application would rest with them in the first place.

9. I have examined all the other matters raised in the written representations, but there is nothing of sufficient substance to outweigh those considerations that have led me to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



J M DANIEL DFC FBIM
Inspector