

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mrs S A Ahye & Miss J E Scott
c/o 83 Marlowes
Hemel Hempstead

Mr G V Bunyan
83 Marlowes
Hemel Hempstead

Bungalow

at Land rear 35/37 Ritcroft Close 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 15.11.85 and received with sufficient particulars on 18.11.85 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 proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
2. The proposed development would lead to further vehicles using the access courtyard with resultant congestion and loss of amenity to the occupants of adjacent dwellings.

Dated 6th day of February 19 85

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.



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CHIEF EXECUTIVE
OFFICE

15 SEP 1986

C.P.O.

Your reference

Our reference PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL
T/APP/A1910/A/86/49202/P4

Ref.		Date		11 SEP 86		Ack.	
C.P.O.		D.P.	D.C.	B.C.	Admin.	File	

Received 15 SEP 1986

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS S A AHYE AND MISS J E SCOTT
APPLICATION NO: 4/1442/85

- I have been appointed by the Secretary of State for the Environment to determine your clients' appeal against the decision of Dacorum Borough Council to refuse planning permission for the erection of a bungalow on land off Ritcroft Close, Hemel Hempstead. I have considered the written representations made by you, by the council and by interested persons. I inspected the site on 27 August 1986.
- From considerations of the representations and my inspection of the site and its surroundings, I believe that this appeal turns on whether or not occupants of the proposed bungalow and those in nearby existing dwellings would suffer a mutual lack of privacy, and whether or not the means of access would be satisfactory.
- The appeal site is an unkempt parcel of land, some 22 m by some 12 m, within a residential locality. This land was required amenity space when planning permission was granted for nearby development; the council do not, however, raise this as an issue against the appeal development. The site's 4 sides adjoin respectively: part of one side boundary to the back garden of 10 Ritcroft Drive; parts of the rear boundaries to 50 and 50A Leverstock Green Road; a block of 4 garages and an associated parking court reached underneath 37 Ritcroft Close; one side of the front garden to 11 Ritcroft Drive and the end of a footpath running in front of this and neighbouring houses. The appeal scheme is for a detached bungalow with pedestrian access from the footpath and also via the parking court. The bungalow would have one car parking space alongside the existing garages and also an integral garage opening directly onto the court.
- In my opinion the site features severe difficulties in the way of achieving satisfactory residential development upon it, both as regards the relationship with nearby dwellings and as regards the accesses. I believe that the appeal scheme is to be commended to the extent that it seeks to minimise these difficulties; however I have no doubt that even so there remain clear cut objections. Firstly, I consider that residents of 10 Ritcroft Drive and those in the bungalow would be subject to overclose mutual overlooking between the former's rear upper windows and the latter's living room window. This could be ameliorated by the planting you suggest, but not, in my opinion, satisfactorily overcome. Although overlooking between the bungalow and other dwellings would be avoided by a combination of your design, by physical separation and by existing trees, in my opinion the bungalow would nonetheless look distinctly out of place behind the dwellings which enclose the site.

5. Residents of the proposed bungalow would, I believe, find the access arrangement adequate from their own point of view. However, it seems to me probable that the garage court would be used for much more than, as now, simply a place to park. It would be one of two principal accesses to the dwelling itself, and in many ways the more convenient of the 2. Accordingly I believe that the amount of coming and going across the garage court would be much greater than at present, and that this would lead both to congestion there and to an unreasonable degree of disturbance to nearby residents, particularly those in 35, 37 and 39 Ritcroft Close.

6. You refer to the difficulties of maintaining the site and to problems of dumping. However I believe that a satisfactory use of this land could be found, which would overcome the problems, without giving rise to the adverse impact which I conclude would follow the appeal development. Although I have considered this appeal scheme afresh, and on its own merits, I find nothing to disagree with in the broad conclusions reached by a previous Inspector who in 1981 dismissed an appeal with respect to a previous scheme for a bungalow on the site (APP/5252/A/81/006521). I have taken all the other matters raised into account, but found them insufficient to cause me to alter my decision.

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 J LANGTON CEng MICE MIHT
Inspector