

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To J Eeles
33 Chiltern Way
Tring
Herts

Mr B Johnson
13 Deans Furlong
Tring
Herts

First Floor Rear Extension
.....
at 33 Chiltern Way, Tring
.....
.....

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 29 September 1987 and received with sufficient particulars on 29 September 1987 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 extension, by reason of its height, mass and proximity to the south-eastern flank boundary would result in loss of light to No 31 Chiltern Way and consequential reduction in general amenity.

Dated 12 day of November 1987.

Signed *W. B. B. B. B.*

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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
Department of Transport

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927
Switchboard 272-218811

C/879/LVH/P

~~12/88~~
~~2/88~~
3/RB

Mr I F Eeles
33 Chiltern Way
TRING
Herts
HP23 5LD

CHIEF EXECUTIVE
OFFICER

11 JUL 1988

File Ref.
Refer to CPO
Cleared 115

Your reference

Our reference

T/APP/A1910/A/88/86943/P5

Date -7 JUL '88

25742

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1489/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for first floor rear extension to No 33 Chiltern Way, Tring. I have considered the written representations made by you and by the borough council, and also those made by the town council and on behalf of an interested person. I inspected the site on Tuesday, 14 June 1988.
2. From my inspection of the appeal site and the surrounding area, and having in mind the representations made, I consider that the main issue concerns the effect of the proposed development on the residential amenities of those living next door at No 31 Chiltern Way.
3. The gap between the flank walls of Nos 31 and 33 is small and interrupted by a close-boarded fence. And at present the overlap of 2-storey building is limited; but the proposed extension would mean the appeal premises coming more into line with the back of No 31.
4. The window to the proposed new bedroom is at the back and in effect replaces that of the present back bedroom, the latter room is to have a high level flank wall window. The effect of these changes is not to my mind of significance. Also I do not think, other than the effect on the kitchen window, there can be reasonable concern over the extension by those living at No 31 - windows to a toilet, shower room and to an extent the landing are not usually as significant as normal rooms of a house and are often in flank walls.
5. The kitchen window to No 31 is not large and with its opening lights appears to be mainly functional: the view from it at present is on to a fence about a metre away with the single-storey (dining/utility) of your house a similar distance further away. The proposed addition over the single-storey does not extend beyond the kitchen window of No 31 and though the northern aspect and light (the best for a kitchen) would be affected, I consider that such impairment would not be so serious as to warrant refusal of permission for a development which would fit on to, and give a completion to the back of the house. I note that matching bricks and tiles are to be used in the construction.



RECYCLED PAPER

6. I have also considered the other matters raised in the representations however the considerations that have led to my decision are not outweighed by these other matters.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for first floor rear extension to No 33 Chiltern Way, Tring in accordance with the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



C C EYRES FRTPI FLand Inst
Inspector