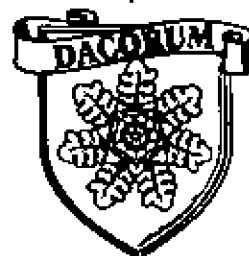


## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Provincial and Capital Estates Ltd  
Aston Bury Manor  
Aston  
Stevenage

Ketley Goold Assoc  
47 Marylebone Lane  
London  
W1M 5FN

One dwelling
at 30 Castle Hill Avenue Berkhamsted 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 5.8.88 and received with sufficient particulars on 10.8.88 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 juxta position and appearance of the proposal on this relatively prominent irregular and isolated plot would seriously detract from the character of the street scene and bear no compatibility with the siting of 30 Castle Hill Avenue and the alignment of dwellinghouses to the north west.
2. The position of the proposed terrace and windows on the north western side of the flat roofed projection would result in a loss of privacy at present enjoyed by the occupants of no. 30 Castle Hill Avenue.

Dated 21st day of October 1988

Signed *Wm Barnard*

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.



## Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 44982  
PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL

Direct Line 0272-218927  
Switchboard 0272-218811  
GTN 1374

Ref.					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
R T Sheppard Esq Messrs Ketley Gould Associates 47 Marylebone Lane LONDON Comments W1M 5FN						

Your reference  
1779

Our reference  
T/APP/A1910/A/88/111621/P4

Date  
25 AUG 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 and SCHEDULE 9  
APPEAL BY PROVINCIAL AND CAPITAL ESTATES LTD  
APPLICATION NO: 4/1518/88

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 a single dwelling house with integral garage and surrounding garden at 30 Castle Hill Avenue, Berkhamsted. I have considered the written representations made by you, the Council, Berkhamsted Town Council and interested persons. I inspected the site on 6 June 1989.
2. From my inspection of the site and its surroundings and my examination of the written representations I consider that the main issue in this case is the compatibility of the proposed house with the existing residential development in terms of its effect on the character of the street scene and the privacy of neighbouring residents.
3. The site is located in an attractive residential area in Berkhamsted. The area is characterised by its modern, relatively large, detached houses set in spacious gardens. The quality of the landscape in the area is enhanced by many mature trees and well developed hedgerows and shrubs.
4. The relevant policy in the approved Hertfordshire County Structure Plan indicates a presumption in favour of residential development in this area subject to there being no major environmental impact. It indicates the importance of the balance between higher densities and the maintenance of existing landscape features of a site. The adopted Dacorum District Plan incorporates these policies and states that particular regard should be paid to the site, surroundings, design, layout, orientation, privacy, amenity space and landscape.
5. An additional factor on this site, including the adjacent site of No 30, is the outline planning permission already given by the Council for the erection of 3 dwelling houses in 1987, which would involve the



demolition of the existing house. I appreciate that the 1987 permission was an outline permission and that siting details were purely illustrative. The application which is the subject of this appeal would retain that house on the adjacent site. That site would have accommodated 2 houses on the earlier permission. The present proposal is to develop a house on the remainder of the site. The appeal site, which is marginally larger than the remainder of the original site with outline permission, would be triangular in shape and have a house with a similar ground plan to that indicated on the approved outline plan.

6. The Council, having established the pattern of development by the outline permission, are concerned by the environmental consequences of the present proposal which would appear isolated in the street scene. I consider that the proposed house would complement the existing house at No 30. The blank end wall to the upper part of the house, facing onto the angled facade of No 30, would help to define the space between the houses and be an interesting feature in the street scene. The heavy landscaping surrounding the appeal site would considerably diminish any views of the new house. These factors together with the proximity of the house to No 30, mean that the proposed new house would not be seen as isolated. The submitted plans retain the dense, existing landscaping at the corner of the site, which is the important terminal feature viewed from the lower part of Castle Hill Avenue. It is my opinion that this proposal is an interesting design which is consistent with the structure and district plan policies and would enhance the environmental quality of the area.

7. I have also considered the effect of the proposal on the privacy of neighbouring residents. The only house where the residents would be near enough to be affected by overlooking would be the existing house at No 30. Only one window is on the side which faces No 30. This is a secondary window to the living room which is at a sufficiently lower level than the windows in No 30 so as not to cause undue problems. I also noted that the landscaping on the site would significantly reduce overlooking. With regard to the balcony I again consider that the surrounding landscape, the 1m high perimeter wall, the bulk of the proposed house and the limiting effect of the English climate, would add together to prevent the quality of life of the residents at No 30 being adversely affected. I therefore consider that the privacy of neighbouring residents would not be unduly affected.

8. I have received a number of letters, from the Deputy Mayor and residents of Castle Hill, relating to points which I have considered above. I looked at the appeal site from the front of the majority of these properties and observed that from most it was significantly obscured by the existing landscaping most of which is shown to be retained on the submitted plans. Although I note the concern of some about the access I do not consider on this relatively quiet residential road that it is material to this case.

9. In my opinion there are no cogent reasons to withhold permission in this case. I have imposed conditions relating to materials,

external finishes and landscaping in order to ensure that these relate to the established character of the area. I consider that to restrict permitted development rights in this instance would be too restrictive and not accord with guidance in Circular 1/85.

10. I have taken into account all other matters raised in the representations but none are so material as to affect the considerations leading to my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a single dwelling house with integral garage and surrounding garden at 30 Castle hill Avenue, Berkhamsted, in accordance with the terms of the application No 4/1518/88 dated 5 August 1988 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. details of all external facing and roofing materials shall be submitted to, and approved by, the Local Planning Authority, and that materials used should conform with those approved,

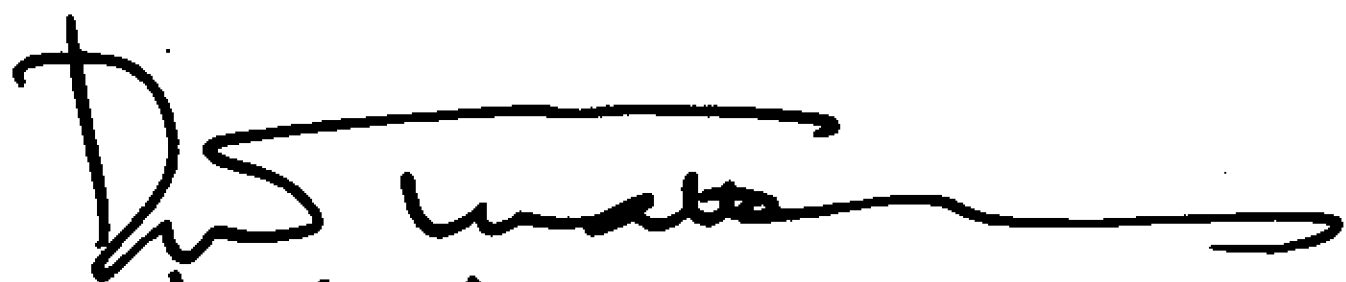
3. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development,

4. all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent 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 23 of the Town and Country Planning Act 1971.

I am Sir  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'D. Walters', with a long, sweeping horizontal stroke extending to the right.

DONALD W. T. WALTERS BA(HonsT&CP) DipLA(Birm) FRTPI FRSA  
Inspector