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Common Services

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CHIEF EXECUTIVE
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18 MAY 1988

File no.
Refer to CLO 1813
Cleared

Mr D Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
Herts
HP1 1SA

(121)

~~1/25/88~~
~~JCS~~
~~3/18/88~~

Your reference

Our reference: T/APP/A1910/A/88/086497/P5					
Date: 17 MAY 88					
20.	D.F.	D.C.	B.C.	Admin.	File
Received 13 MAY 1988					
AND SCHEDULE 9					
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36
APPEAL BY MR ROBERT WATTS
APPLICATION NO: 4/1536/87

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 a detached starter home on land adjoining 35 Corner Hall Avenue, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on Monday 11 April 1988. *Amenity Space V. Limited*

2. From my inspection of the appeal site and surroundings and from the representations, I am of the opinion that the main issues are whether the proposed dwelling would be detrimental to the appearance and character of the surrounding area or to the amenities of your client's existing house.

3. During my inspection I saw that the back garden of your client's house, No 35 Corner Hall Avenue, originally had a return frontage of about 14 m from the back of the house to the side boundary of No 60 Cedar Walk, and that house is over 2 m above the level of No 35. Almost all the houses in the surrounding area are of the normal semi-detached design, and although most are on plots with limited frontages, they have a fairly spacious setting at the rear because their back gardens are about 15 m or more in depth. Some of the houses on corners in this locality are set at an angle between the 2 adjacent roads on triangular shaped plots but others, more like your client's, are separated from the houses in the adjacent road by their back gardens, but in both cases there is a fairly spacious setting at the side or rear of the corner house.

4. The side and rear garden were large in relation to the original house at No 35, but the recent 2-storey extension has almost doubled its width so that it now occupies almost the whole width of the plot and had reduced the distance between the buildings at Nos 35 and 60. The proposed house would reduce that distance to barely 6 m and, in relation to the character of the surrounding area, that very limited distance would give the proposed starter home the appearance of being cramped between the 2-storey dwellings on each side, particularly as the difference in ground level would make it nearly 8 m in height in comparison with ground level of No 35.

5. The flank wall of the proposed house, which would be about 8 m in length, would be almost directly in front of the rear facing windows of the 2-storey extension of No 35, although I note that your client is prepared to provide new windows in the side wall to replace the existing windows. However, the flank wall of the proposed dwelling would also intrude into the rear outlook from the windows of the

original house to a degree and much of the remaining back garden would be over-shadowed by the close proximity of the flank wall of the proposed starter home. Although I would not regard as the detrimental effect of these matters alone on the present and future occupiers of No 35 as sufficient, I am of the opinion that, together with the detrimental effect of the cramped appearance on the character of the surrounding area, they combine to outweigh the normal presumption in favour of planning permission.

6. I have taken account of all the other matters at the representations but I am of the opinion that they do not outweigh the considerations that led me to 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

D J Tuckett

D J TUCKETT ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R Watts
35 Corner Hall Avenue
Hemel Hempstead

Mr D Clarke
47 Gravel Lane
Hemel Hempstead

Detached one bedroom dwelling

at Adj 35 Corner Hall Avenue, 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 30 September 1987 and received with sufficient particulars on 6 October 1987 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 dwelling by reason of its close proximity and difference in ground levels, will adversely affect the amenities enjoyed by the occupants of the existing house (35 Corner Hall Avenue).
- (2) A house of the size proposed could appear out of scale and character with the remainder of the street scene.

Dated Thirtieth day of November 1987

Signed

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.