

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1573/92

Mr and Mrs B Francis & D Bennett
Hazel End
Redbourn Road
Hemel Hempstead
Herts

Raymond P Crosby
109 St. Agnells Lane
Hemel Hempstead
Herts
HP2 7BG

DEVELOPMENT ADDRESS AND DESCRIPTION

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Adj Hazel End Redbourn Road, Hemel Hempstead

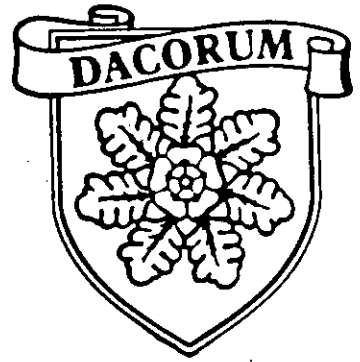
TWO DETACHED DWELLINGS (RESUB)

Your application for *full planning permission* dated 09.12.1992 and received on 11.12.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 28.01.1993

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/1573/92

Date of Decision: 28.01.1993

1. The proposed development would have a cramped appearance on this site and would be unneighbourly to surrounding properties.
2. The location of the proposed dwellings set back behind the general building line at this point in Redbourn Road would result in a development which would be out of character with its surroundings and which would adversely affect the street scene.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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DEPARTMENT OF THE ENVIRONMENT	
DACORUM BOROUGH COUNCIL	
Mr Raymond P Crosby	Your Ref:
109 St Agnells Lane	Ack.
Grove Hill	T.P.M. D.P. D.C. D.C. Admin. T/APP
HEMEL HEMPSTEAD	A1910/A/93/220759/P7
HERTS	
HP2 7BG	
Received	16 JUL 1993
	Date: 12 JUL 1993
Comments	

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS B FRANCIS AND MR AND MRS D BENNETT
APPLICATION NO: 4/1573/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for a proposed pair of detached houses on land adjacent to Hazel End, Redbourn Road, Hemel Hempstead, Herts. I conducted a Hearing into the appeal on 16 June 1993. At the Hearing, an application was made by Mr Francis on behalf of the appellants for an award of costs against the Dacorum Borough Council. This is the subject of a separate letter.

2. From the matters discussed at the Hearing, the written representations and my inspection of the site and its surroundings, I consider that the main issues in this case are the effect of the proposal on the character and appearance of the area, and its impact on neighbours' living conditions.

3. The policy background is contained in the Approved Hertfordshire County Structure Plan Alterations, the adopted Dacorum District Plan and the modified deposit version of the Dacorum Borough Local Plan. The relevant policies seek to guide most new development towards specified towns, including Hemel Hempstead, while protecting and enhancing the essential character of the urban area. Appropriate development is encouraged within the residential areas but all proposals are expected to meet high standards of design and be in keeping with their surroundings. Policy 9 of the emerging Local Plan refers to Environmental Guidelines published by the Council which give detailed advice on design and layout matters.



4. The appeal site is an area of open land which lies amongst a short ribbon of houses and bungalows on the north side of Redbourn Road (B487), in a mainly residential area to the north east of Hemel Hempstead town centre. The properties on this side of the road have lengthy rear gardens with an extensive area of playing fields behind. Development on the opposite side of the road includes a scattering of houses and the outlying parts of a nearby industrial estate. There are broad highway verges on either side of the road lined by hedgerows, with an area of woodland further to the east, and these screen much of the frontage development from general view, giving the area a spacious and open quality of semi-rural character.

5. On the east side of the appeal site is Hazel End, a 2 storey semi-detached house, and on the west side is Catkins, a detached bungalow. The plot has a width of some 16.5 m and a depth of about 61 m, and it forms the only sizeable gap in the otherwise continuous ribbon of frontage development for a considerable distance in either direction. Permission was granted for the erection of a 2 storey detached house on the site in 1992 but the Council considers that the 2 dwellings now proposed would be unacceptably cramped and out of keeping with the prevailing pattern of development in the area.

6. In order to avoid the construction of additional vehicular accesses on to the busy Redbourn Road, it is intended to replace the existing single access drive to Hazel End with a new shared access serving both this property and the proposed development. Communal turning and parking areas are also proposed at the front, in consequence of which the proposed dwellings would be set some 4.5 m behind the existing properties on either side. The submitted plans provide, however, for the retention of a large chestnut tree at the front of the site and the scheme requires only minor alteration to the frontage hedgerow.

7. The proposed siting provides a greater spacing from the western site boundary with Catkins than is required by the Council's Environmental Guidelines and, even allowing for the completion of a permitted extension alongside Hazel End, a 1 m gap would be retained to the east side boundary. Much of the existing development is closely spaced on narrow plots, and I saw several dwellings which are closer to their respective property boundaries. The proposed gable fronted design results in a lower than usual eaves level which facilitates a smooth transition from the bungalow on the west side to the two storey house on the east side. Although they would be the only 2 storey detached houses in the row, they would be in keeping with the varied building styles of neighbouring dwellings. While other houses on this side of the road follow a broadly uniform building line, the proposed dwellings would not in my view be unduly obtrusive because they would be set well back from the road, beyond the verge and hedgerow, and behind the neighbouring dwellings rather than in front of

them. In my judgement, the scheme would not run counter to the objectives of the Council's policies for development in the urban area, and would not harm the character or appearance of the area.

8. Turning now to the second issue, the Council and local residents are concerned about the impact of the proposed dwellings on Catkins in terms of loss of privacy, visual intrusion and overshadowing. There would be a toilet window at ground floor level in the flank wall of the nearest proposed dwelling but there are no facing windows in the flank wall of Catkins and screening is at present provided by a fence and hedge along the common boundary. Two windows are also proposed at roof level, lighting further bathroom and toilet facilities. These however would be flush with the roof slope and, being at high level, would provide a skyward outlook only. Overlooking of neighbouring back gardens, at an oblique angle, would be possible from proposed first floor rear windows. This is not uncommon elsewhere in the vicinity and I saw that part of the rear garden of Catkins is already overlooked from Lonsdale on its west side and from the first floor flats in the nearby St Agnells Court development, albeit at a greater distance. Although the nearest proposed dwelling would extend some 4 m behind Catkins, this would ensure that the part of the neighbours' garden nearest to their bungalow retains its present level of privacy and I do not therefore consider that any serious overlooking would result. Moreover, the 45 degree splay from neighbouring windows referred to in the Council's Environmental Guidelines would remain free from obstruction. The ground level of the site is somewhat lower than that of Catkins and, given the low eaves level proposed and the northerly orientation, I do not consider that there would be any significant visual intrusion or loss of light. I am not therefore convinced that there would be any unacceptable impact on the neighbours' living conditions.

9. While I understand the Council's preference for a single dwelling on the site, it is my conclusion that the appeal scheme would not conflict with the aims of the prevailing planning policies and would cause no demonstrable harm to the local environment.

10. I have considered all other matters raised at the Hearing and in the representations, particularly the lengthy history of earlier planning applications. Many of these schemes, including that dismissed in an earlier appeal, involved development in the rear garden area with consequent damage to the tranquil and secluded environment away from traffic noise on Redbourn Road. Such concerns do not arise in the appeal proposal and I find nothing sufficient to outweigh my conclusions. I therefore propose to allow this appeal.

11. I have considered the conditions suggested by the Council in the light of the guidance contained in Circular 1/85 and, with consequent minor modifications, intend to impose those concerning access and parking arrangements,

approval of materials and landscaping. Given the need to maintain neighbour privacy, a further condition requested by the Council to avoid the future insertion of windows in the flank walls is, I accept, also necessary.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a proposed pair of detached houses on land adjacent to Hazel End, Redbourn Road, Hemel Hempstead, Herts in accordance with the terms of the application (No 4/1573/92) dated 9 December 1992 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. Neither of the dwellings hereby permitted shall be occupied until the means of vehicular access from Redbourn Road to the appeal site as shown in the application plan 192/14 has been constructed to the standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and such access has been made available for use.

3. Neither dwelling shall be occupied until the vehicle garaging, parking, and manoeuvring space shown in the application plan 192/14 has been provided, and thereafter this space shall not be used for any purpose other than the parking and manoeuvring of motor vehicles.

4. 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 details of proposed boundary treatments, and indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.

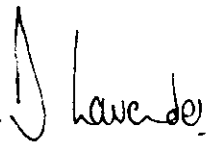
5. All fencing, planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a 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.

6. No windows or other openings shall be formed in the western elevation of the proposed dwelling referred to in the application plans as house 1, or the eastern elevation of house 2, unless first agreed in writing with the Local Planning Authority.

13. 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 planning decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D Lavender', is written over the typed name.

D LAVENDER MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

- | | |
|---------------|---|
| Mr R P Crosby | - Architectural Design
Consultant
109 St Agnells Lane
Grove Hill
Hemel Hempstead
Herts HP2 7BG |
| Mr B Francis | - Appellant |
| Mr D Bennett | - Appellant |

FOR THE LOCAL PLANNING AUTHORITY

- | | |
|----------------------|---|
| Councillor D Samuels | - Ward Councillor
Dacorum District Council |
|----------------------|---|

INTERESTED PERSONS

- | | |
|--------------------|--|
| Mr and Mrs Russell | - Catkins
Redbourn Road
Hemel Hempstead
HP2 7BA |
| Mrs M Parrott | - Lonsdale
Redbourn Road
Hemel Hempstead |
| Mr D Rowe | - Kinsmead
Redbourn Road
Hemel Hempstead |

DOCUMENTS

- | | |
|------------|---|
| Document 1 | - List of persons present at the Hearing |
| Document 2 | - Notification of the appeal to
interested persons and distribution
list. |
| Document 3 | - Mr Crosby's written evidence (bound) |

- Document 4 - Bundle of documents and plans reciting planning history of Hazel End (appellant)
- Document 5 - Cllr Samuels' written evidence (bound)
- Document 6 - Council's environmental guidelines (Council)
- Document 7 - Bundle of representations received when Council originally considered the application

PLANS

- Plan A - Application/appeal site plan as proposed (drawing 192/14)
- Plan B - Application/appeal plans and elevations as proposed (drawing 192/15)
- Plan C - Application/appeal sketch street elevation, scale 1:100
- Plan D - Permitted scheme for one detached dwelling, site plan as proposed (drawing 192/6)
- Plan E - Permitted scheme for one detached dwelling, plan and elevations as proposed (drawing 192/7)
- Plan F - Permitted scheme for one detached dwelling, sketch street elevation, scale 1:100
- Plan G - O.S extract of Redbourn Road, scale 1:1250