



Planning Inspectorate Department of the Environment

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Mr D Whittaker 18 Millfield BERKHAMSTEAD Herts HP4 2PB		<table border="1"> <tr> <th colspan="7">PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL</th> </tr> <tr> <td>Ref.</td> <td colspan="4"></td> <td colspan="2">Ack.</td> </tr> <tr> <td>C.P.O.</td> <td>T.O.P.M.</td> <td>D.P.</td> <td>D.C.</td> <td>B.C.</td> <td>Admin.</td> <td>File</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Received</td> <td colspan="4">12 JUL 1990</td> </tr> <tr> <td colspan="7">Comments</td> </tr> </table>						PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							Ref.					Ack.		C.P.O.	T.O.P.M.	D.P.	D.C.	B.C.	Admin.	File								Received			12 JUL 1990				Comments							Your reference Our reference T/APP/A1910/A/90/146966/P8 Date 12 JUL 90
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Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1579/89

- I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse full planning permission for a single storey rear extension to No 18 Millfield, Berkhamstead. I have considered the written representations made by you, the Council, Richard Page MP, by Berkhamstead Town Council made at the time the application was considered and by an interested person. I inspected the site on 16 May 1990.
- From my inspection of the site and surroundings, and consideration of the representations made, it seems to me the main issue to be determined is whether the proposed extension would have an adverse effect on the residential amenities of the occupiers of No 16 Millfield.
- The appeal property is a 2-storey, detached house on the south side of Millfield, with its western flank wall close to the boundary shared with No 16. Whilst the rear elevations of the 2 houses are approximately in line, a single storey extension to the kitchen of your house extends a short distance beyond this line. The ground falls quite sharply at the back of the houses so that their ground floors and the patios are elevated above the rear gardens.
- The Council wishes to prevent unneighbourly developments within their urban area by adopting, in the Local Plan, policies to prevent overlooking, over-shadowing etc.
- The proposed single-storey sun lounge would be close to the boundary shared with No 16 and extend some 4.57 m beyond the present single storey kitchen extension. Whilst as a result of the fall in the ground the highest point of the proposed sun lounge is stated to be 4.27 m above ground level, it seems to me that in relation to the level of the lounge, dining room and terrace of No 16 its effect would be that of a single storey flat roofed building.
- The protected mature lime tree in the garden of no 16, to my mind, even when in full leaf, would not have a significant effect on the quality of the daylight reaching the lounge of that house, which has large windows to both front and rear. I am of the opinion also that your proposed extension would not significantly reduce the level of daylight at present available to the lounge of No 16, or other rear facing rooms because they too have large windows.

7. Turning next to consider the question of sunlight reaching both the house and garden of No 16. It seems to me that the amount of afternoon and evening sun would be unchanged, although there would be a small passing shadow cast earlier in the day by the proposed extension on the garden near the common boundary. In my opinion, the effect of this passing shadow would not be so significant that it would warrant the rejection of your project for that reason.

8. Whilst the distant view of a wooded valley that can be seen from the rear of No 16 would be obscured at ground floor level by the proposed extension, the preservation of such a view cannot be ensured under the planning legislation. However to my mind, the outlook over their garden from your neighbours' house would not be dominated by your proposed sun lounge and I have reached the conclusion that your project would not be unneighbourly.

9. There is no indication on the drawings submitted that you propose to use the flat roof for sitting-out purposes. However, it seems to me that the Council's concern to prevent this happening is justified, because it would clearly result in a serious loss of privacy for the occupiers of No 16, and my formal decision reflects this concern. Similarly, the amended drawing omits 2 windows facing towards No 16 and in my view, to preserve privacy for its occupiers, these should be omitted.

10. I have come to the conclusion that the proposed single-storey sun lounge would not give rise to unneighbourly conditions for the occupiers of No 16 and therefore, your appeal should succeed.

11. I have taken into account all the matters raised in the representations, including previous extensions to your house, but do not find them of such strength as to affect my decision.

12. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant full planning permission for a single storey rear extension at 18 Millfield, Berkhamstead in accordance with the application dated 22 September 1989 (Reference No 4/1579/89) and the drawings amended in November 1989 to omit the 2 windows facing towards No 16, subject to the following conditions:-

- i. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
- ii. the materials used for the external face of the extension shall match those of the existing building;
- iii. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order). No openings shall be formed in the north-west flank wall of the extension hereby permitted without the written consent of the Council;
- iv. the roof of the extension hereby permitted shall not be used as a balcony or sitting-out area without the written consent of the Council.

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



T R W ROBERTS RIBA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Mr Whittaker
18 Millfield
Berkhamsted

B Johnson
13 Deans Furlong
Tring

Single storey rear extension

at 18 Millfield, Berkhamsted

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 22.9.89 and received with sufficient particulars on 22.9.89 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposal amounts to unneighbourly development, by reason of its mass and size brought about by the slope of the site, and would be likely to cause overshadowing and have an adverse impact on the visual and general amenities that may reasonably be expected to be enjoyed by residents of the adjoining property.

Dated 30 day of November 1989

Signed *Wm Bama*

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.