



Planning Inspectorate
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1/2/89 (13)
2/2/89

| PLANNING DEPARTMENT | | | | | | | |
|--|----------|------|------|----------------|--------|------|----------------------------|
| DACORUM BOROUGH COUNCIL | | | | | | | |
| D Clarke Esq 47 Gravel Lane Boxmoor HEMEL HEMPSTEAD Herts HP1 1SA | | | | Your reference | | | |
| Ref. | | | | Ack. 8976 | | | |
| C.P.O. | T.C.P.M. | D.P. | D.C. | B.C. | Admin. | File | Out reference |
| | | | | | | | T/APP/A1910/A/90/154594/P8 |
| Received | | | | Date | | | |
| 23 AUG 1990 | | | | 22 AUG 90 | | | |
| Comments | | | | | | | |

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR PATEL
APPLICATION NO: 4/1586/89

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 first floor extension at 137 High Street, Northchurch. I have considered the written representations made by you and by the Council and also those made by the Northchurch Parish Council and other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 23 July 1990.

2. From the written representations and from my inspection of the site and its surroundings I consider the main issue in this case is the effect of the proposal on the residents of neighbouring dwellings in terms of outlook and overshadowing, having regard to local planning policies.

3. The adopted (1984) Dacorum District Plan includes policies which seek to preserve the quality of environment of existing development when new development is proposed. Of particular relevance to this proposal is District Plan Policy 18, which states that when considering applications for new development the council will have regard to the physical characteristics of the site, the location and design of adjacent development, traffic considerations and the creation of a satisfactory environment.

4. Your client's proposal is for a first floor residential extension over part of an existing extension to the ground floor shop. The proposal would result in a built rear projection of about 5 m from the first floor building line of the terrace of which the appeal premises form part. In my opinion the bulk of this extension, with unrelieved brickwork on both side elevations, would visually dominate the immediately adjoining small rear amenity area of 135A, and the rear gardens of nearby 139 and 139A. In my view the effect would be visually overpowering, to the serious detriment of the residents of these properties in the enjoyment of their rear amenity and garden areas. Furthermore a rear extension on the scale proposed would, I consider, result in significant overshadowing and loss of sunlight to these areas at certain times of the day. Additionally the views from the rear windows of the residential accommodation at 131, 133, 135A and 139B would be significantly affected by the introduction of unrelieved brick walls together with a pitched roof, to the detriment of the outlook of the residents of these properties.

5. I have taken account of all other matters raised in the representations, but find none to be of such weight as to alter my conclusions on the main issue.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir

Your obedient Servant

Peter J. Baldwin

PETER J BALDWIN BSc CEng FICE FIHT MBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr Patel
137 High Street
Northchurch
Herts.

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts.

..... First floor rear extension

at 137 High Street, Northchurch, 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 18 September 1989 and received with sufficient particulars on 25 September 1989 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, due to its size and mass, would result in overshadowing of, and would have a seriously detrimental effect on the amenities at present enjoyed by occupants of adjacent dwellings.

Dated 8th day of December 19 89

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.