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TECHNICAL SECTION	
- 9 SEP 1980	
FILE No.	DATE

Your reference

Our reference

T/APP/5252/A/80/930/G2

Date

5 SEP 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MITCHAM BUILDERS LTD
 APPLICATION NO:- 4/1605/79

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 4 terraced houses on land at the rear of "Redsyke", Howard Agne Close, Bovingdon, Hertfordshire. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 30 June 1980.
2. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issue in this case is whether the site can satisfactorily accommodate the proposed development, with particular reference to the vehicular access, garaging and parking arrangements.
3. There is clearly no dispute over the principle of residential development: indeed the council have recently granted detailed planning permission for the erection of 3 terraced houses on this site. However, the council consider that the erection of 4 houses in the form proposed would constitute overdevelopment, adversely affecting the amenities of the area and creating cramped conditions with substandard car parking facilities. The council also state that the local sewerage system is inadequate.
4. You submit that the development would provide more living space than existing houses on similar size plots in the locality, and that, bearing in mind the intention to retain the existing hedgerow, there would be no adverse effect on the visual amenities of the neighbourhood. You also contend that one extra house over the number for which permission already exists would be unlikely to lead to any serious risk of flooding in the sewerage system.
5. I consider that your arguments on the issues of living space and amenity have some force. The amount of living space which would be provided by the proposed development would not be significantly less than that provided by existing neighbouring properties. Nor would the visual impact of 4 houses be noticeably greater than the impact of 3 houses covering the same area.
6. However, the layout proposed has several serious disadvantages related to vehicular access, car parking and garaging. The shape and size of the "additional parking" area is such that manoeuvring a car into and out of the garages would be

difficult, and could become almost impossible if cars were parked there. The means of access to the single garage attached to the end of the terrace would be particularly tortuous and again could be easily obstructed by any parked cars. The basic problem is that the site is too small to accommodate a "garage court" arrangement with sufficient car parking and manoeuvring space for 4 dwellings. To this extent I consider that the proposal would constitute overdevelopment of the site.

7. I have taken into account all the other matters raised, including your comments on the advantages of a single driveway access and on the question of drainage, but I am satisfied that none of these matters are sufficient to outweigh the considerations which have led to my decision.

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

I am Sir

Your obedient Servant



G F SELF MA FSc DIC MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To Mitcham Builders Ltd.,
100 Beechwood Avenue,
St. Albans,
Herts.I. Davies Esq.,
16 Ashley Road,
St. Albans,
Herts.

Four terraced houses

at rear of 'Redsyke', Howard Agne Close, Bovington.

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 21st October 1979 (as amended 26.11.79) ... and received with sufficient particulars on 2nd November 1979 ... 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 development would constitute overdevelopment of this site and affect adversely visual and general amenities in the area.
2. The proposed development is excessive on the site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and car parking facilities to meet standards adopted by the local planning authority.
3. Inadequacy of the sewerage system.

Dated 6th day of December 1979

Signed

Designation Director of Technical Services

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.